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AND

E. S. MONTAGU—

GREAT ENGLISHMEN WHO WERE ALSO GREAT LOVERS OF FREEDOM

AS THE MOST SPIRITUAL FORCE IN THE UPLIFT OF

HUMANITY IN EVERY RACE AND CLIME.

INDIAN ADMINISTRATION

TO THE DAWN OF

RESPONSIBLE GOVERNMENT

BY

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PREFACE.

FIRST EDITION.

With the introduction of responsible government the creation of a living school of constitutional history and political philosophy trying to understand and appraise laws and institutions, events and movements historically, by going backward to their causes and forward to their actual effects, becomes one of the prime though minor necessities of our intellectual and corporate life. This little book is a very humble contribution to that end. Though attempting no more than a sketch, I have tried to develop the subject matter historically, to present each great change along with the principal influences by which it was moulded, and to indicate to some extent how far it actually came up to the aims its authors had in view. I have worked back to the original authorities as far as a student with limited resources can do so, in a country where the public libraries are so few and so miserably poor. And while giving full references, I have always named by preference such books as are likely to be accessible to Indian readers. Controversial matter has not been sought after. It has not been avoided either. Constitutional administrative and financial history is 'past politics,' even past party politics, to a greater extent than any other variety of history, and to rigidly exclude all but a mere recital of the facts is, with such a subject matter, altogether impossible. For it is by no means uncommon to find that one party's facts are just what their opponents reject with the greatest vehemence. What claims, moreover, to be a mere recital of facts, can never amount to anything more scientific and impartial than a selection of some of the facts; so that every recital of facts, however colourless, is necessarily also an expression of opinion and an indication of the author's standpoint, even when he does not himself

regard or intend it as such. In the following pages, I hope there is not a single place where the reader can charge me with avoiding the responsibility of expressing my own opinion, or indicating my own standpoint. But wherever I have had to deal with "politics," I have also tried to give both sides, laid stress on the grounds for a conclusion rather than on the conclusion itself, and sought, above all, to reduce the area of controversy and to let the logic of facts, the trend of the historical development, speak for itself. What these pages venture to offer is an independent account, on a method and a scale which have not been easy to determine or to adhere to, of an historical subject many-sided in its complexity and necessarily demanding a rare ripeness and impartiality of judgment for which mere silence can never be a substitute. If competent judges find my attempt not altogether unsuccessful, the result must be attributed, it seems to me, to my class work with my students of the Deccan College, where I have had to deal with most of these topics, though only in outline, and continuously for a period now amounting to over seven years. M. Chailley spent over his well-known work on the administrative problems of our country "twenty years of thought and ten of actual labour;" I am unable to put forth so high a claim. But College professors know the value for their own study and intellectual operations of a fresh batch of keen young minds year after year, bringing up a strange mess of ignorance, confusion, enthusiasm, vague ideas and ideals, "half-truths which are really whole errors," and political discontent of all shades, picked up from partisan writings, out of which they have to mould patiently, sympathetically and by persuasive argument, the beginnings of scientific thought, some regard for the relevant evidence, some sense of duty to see the other side of the shield as it is, an appreciation however rudimentary of the historical method, a realisation however evanescent of the complexities of social, economic and political phenomena, and a consciousness however dim that no educated man can really claim to judge for himself, except on matters with regard to which, his own equipment insight and outlook are fairly adequate.

* * * *

REVISED EDITION

My humble venture has met with a welcome beyond my expectations. I thought I was writing mainly for College students but my booksellers assure me that the book is bought mainly by the general public. When it appeared some prominent public men, and some pandits of recognised eminence in the fields of Indian History, Indian Politics and Indian constitutional development, from (the late) Sir Courtenay Ilbert and Sir Valentine Chirol downwards, were so very generous as to commend it; and the newspaper reviewer scanning it through the spectacles of prejudice was a rare exception.*

It seems I happened to hit the psychological moment at which people wished for some such non-partisan and comprehensive account bearing evidence of care and study to be placed into their hands. The size and arrangement of the book seem to have been minor points in its favour. Whatever the causes, I am duly grateful for the market thus opened at once and I trust that readers will find the revised edition less inaccurate and a little less inadequate to the vast and complex subject-matter. Later events of outstanding importance have been noted in their proper places, and I have drawn upon recent literature much more than might appear from the references, which my space has not allowed me to add freely. Some discussions and comments have been omitted, parts have been recast, many passages have been pruned, a full account has been added of the dyarchy as now in force. But while making these and other changes or—I hope—improvements, I have adhered in tone and treatment to the ideal outlined in the preface to the first edition. The use of a smaller type is due to a desire to place the enlarged book within the reach of all classes of readers. And if the demand continues, I hope to issue it next both in a cheaper form and in a "library edition" at a reasonable price.

In the concluding pages some might hold that I am exceeding my proper function. But after the emotional storm

* Extracts from some of these opinions and reviews are given at the end of this edition.

of the non-cooperation movement through which the country has passed, parties are in a flux, the firmest principles appear to be tottering, and I submit it is no heinous offence at such a moment for an evolutionary nationalist enjoying the perfect freedom of an armchair spectator (without such entanglements to embarrass him as his party, his following, or even the next elections), to offer a few suggestions to educated Indian politicians at large, for whatever they are worth.

B. K. T.

Narayan Peth, Poona City,

September 11th, 1928.

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NOTE.

A RUPEE = 180 grains Troy (165 silver + 15 alloy).
 = 11.3 grains of gold = $2s - 1/10$ th of a £. This was the value of the Rupee upto about 1873.
 = 7.54 grains of gold = $1s 4d = 1/15$ th of a £. This was the value of the Rupee from about 1898 to about 1916.

For about twenty years, say 1875-1895, a third unit intermediate between £ and R was also used in official publications, viz. Rx = 10 Rupees. This unit I have not used at all.

As the Great War proceeded, silver rose, and the £ fell in terms of gold. The Indian Exchange and Currency Committee, 1919, advised that the Rupee be again declared = $2s = 1/10$ th of a £, as it had been upto 1873. And this was done. But this could not be maintained. The Rupee has for some years now been

= 8.48 grains of gold = $1s 6d = 3/40$ th of a £.

The latest Committee on Indian Exchange and Currency have just advised that this should be adhered to.

SEE Section 55—n 7 (p. 277) for some other variations in the value of a Rupee and the consequences of such variations.

AN ANNA = $1/16$ th of a Rupee = 1d when R = 16d;
 = $1\frac{1}{2}$ d when R = 18d.

The ratio of annas to the Rupee is frequently used in India to indicate subdivisions of other units also; thus $\frac{1}{2}$ th of any quantity is said to be two annas in the rupee; $\frac{3}{4}$ ths, twelve annas in the rupee; &c.

A LAKH = 100,000 = .1 million. Pronounce the a as in car

A CRORE = 100 lakhs = 10 millions.

Thus £ 1 million = Rs. 1 crore upto 1873.

= Rs. $1\frac{1}{2}$ crores from 1898 to 1916.

= Rs. $1\frac{1}{2}$ crores now.

A MAUND = 40 seers = 82.28 lbs.

For the spelling of Indian proper names in this book

see Section 22—n 3 (p. 96).

INDIAN ADMINISTRATION
TO THE
DAWN OF RESPONSIBLE GOVERNMENT.
CHAPTER I.

THE EAST INDIA COMPANY : TO THE DIWANI, 1765.

Section 1. Foundation. On the 31st December 1600 Queen Elizabeth granted a charter to the Earl of Cumberland and over two hundred London merchants to trade by sea with all countries from the Cape of Good Hope to the Straits of Magellan for fifteen years. The grant was for "the honour of the nation, the wealth of the people, the increase of navigation, and the advancement of lawful traffic to the benefit of the common-wealth." The Earl and his associates were incorporated in the name of the "Governour and Company of merchants of London, trading into the East Indies." They were to hold a Court or general assembly, which was empowered to make such laws and regulations for the better advancement of their affairs and for the discipline and government of their own factors, masters, mariners, and other officers, apprentices and servants, as were reasonable and not contrary to English law and custom. The power of punishing by fine or imprisonment was specially included. The "general court"¹ was to elect a Governor, a Deputy Governor, and twenty-four "committees," to form their standing executive, and this body was to wield the whole power of the Company. English subjects who did not join the Company and yet tried to trade by sea in these regions, were declared to be guilty of contempt of the crown, and were punishable by confiscation of all their goods, ships, etc., half the value of which was to go to the Company, and further by such imprisonment and other punishment as might be necessary. If any places in these regions of Asia, Africa and America were in the "lawful and actual"² possession of a Christian prince or State in "league and amity" with England, the Company was not to trade there unless allowed by that power to do so. The Charter also granted the necessary concessions and facilities about ships, munitions and mariners, customs duties, re-export of goods, and the export of coin

and bullion. And it was finally provided that the Charter would be cancelled if not found profitable to the country on a notice to the Company of two years, but that, on the other hand, if the adventure answered expectations, it might be renewed on a petition from the Company, for another period of fifteen years, with such alterations and qualifications in its terms as experience might suggest to be required.

P. MUKERJI: Indian Constitutional Documents:
I pp. 1—20; the Text of the Charter.

SIR W. W. HUNTER: History; I Ch. 6.

SIR C. ILBERT: Government of India, Brief Historical Survey (1922) pp. 3-13.

Section 2. In Western India: The East India Company began as a Regulated Company. For the first eleven years, the members clubbed together at will for a voyage, each voyage being treated as an independent venture. This is known as the period of 'separate' voyages.¹ Some community of policy and unity of direction were soon found to be indispensable, and from 1611 all the members contributed to the joint stock or treasury of the Company, out of which voyages and other undertakings came to be provided. But in this new system, each joint stock was still for several years only. Each was treated as a separate account, and profits were divided when the ships of the last voyage furnished out of it had returned and the goods they brought in had all been disposed of. And "separate" voyages were also undertaken during this period at various times.² It is only after Cromwell's Charter of 1657 that these confusing practices finally disappeared, and the Company became a Joint Stock Corporation in the modern sense of the term.

Factories, docks and landing-places, and other property began to accumulate in India almost from the beginning. The Company first obtained what land it needed for such purposes by lease from the petty local authorities. They also approached the Grand Mogul by agents and by means of embassies from the King of England. John Mildenhall, who had started from England in 1599 and travelling overland from the Levant had reached Agra in 1603 remained there till late in 1605, and claimed to have been successful in obtaining from Akbar a firman granting to the English trade facilities on terms similar to

those which the Sultan of Turkey had granted.³ But Hawkins and his immediate successors at Agra,⁴ did not know anything about this firman. In the meanwhile events happened which predisposed the Mughal rulers in favour of the newcomers. The great Mughal Empire even at its zenith was very weak at sea, and it was a matter of high policy with its rulers to have skilled mariners and naval fighters belonging to some other nation, if possible, to play off against the Portuguese. In November and December 1612 the Company's ships under Captain Best defeated a superior Portuguese squadron off Swally Roads at the mouth of the Tapti. Thereupon the Governor of Surat readily granted the Company permission to have factories at Surat and three other places on the Gulf of Cambay, a permission ratified by the Governor of the Province of Gujerat.⁵ The Portuguese tried to regain the ground thus lost and put forth the whole of their strength in the Arabian Sea against the Company in 1615. But the narrow and tortuous channels between the shoals and silt banks at the mouth of the river handicapped their galleons, their far greater gun power and man power could not be brought to bear, and Downton, against heavy odds, won victories no less impressive than those of 1612. Sir Thomas Roe, the ambassador from King James I, reached Jehangir's Court at Ajmer at the end of 1615, and his courtly ways secured a favourable consideration for the Company's petitions and grievances for some years thereafter.⁶ Moreover, the Portuguese power and influence in the Arabian Sea declined rapidly after 1615, and the East-India Company was very convenient to the Grand Mogul as his sea police suppressing piracy and keeping the route to Mecca open. Surat rose rapidly as the emporium of world trade with Northern India, and became their principal factory in India. The coasting trade from the Indus to Goa also came more and more into their hands. And in 1635, five years after the treaty of Madrid nominally establishing peace between England and Portugal throughout the world, the President of the factory at Surat made an arrangement with the Viceroy at Goa, which secured to the Company four shiploads *per annum* of the richer spices from Goa and other Portuguese ports to the south.

HUNTER I, Chs. 7, 8; II Ch. 2.

A. YUSUF ALI: Making of India, Chs. 11, 12, 13; the best brief account of the general causes.

Section 3. Bay of Bengal: On the eastern coast of India the Company succeeded in establishing a factory at Masulipatam (1611), the chief port of the kingdom of Golconda. Eventually, the Sultan gave them a *swarna-patta* firman; "Under the shadow of Me, the King, they shall sit down at rest and in safety" (1632). But he had little effective power to enforce his authority at the extremities of his dominions. And he, too, like the Mughals, would not allow a fort to be erected. Francis Day went south, therefore, and about thirty miles beyond the Dutch stronghold of Pulikat, obtained (1639) a piece of land with the right to build a fort from the Raja of Chandragiri, Sri Ranga Rayal, a petty chieftain claiming descent from the great Vijayanagar dynasty. The Raja's motives for the grant are highly instructive to the student of history. First, merchants and trade, he believes, will bring wealth to his country. "Secondly, he desires (for his money), good horses from Persia. Thirdly that yearly he may send servants into the Bay Bengalla to buy him hawks, apes, parrots, and similar baubles.... And, lastly, the fort, being made substantial and strong, may be able to defend his person on occasion against insulting neighbours."* Day christened his fort after the patron saint of England, and Fort St. George became the principal factory on this coast from 1642. The Company raised it to the position of an independent presidency in 1653, and placed the Bengal and Coromandal coast settlements under it from 1658.

Meanwhile, one of the Company's vessels had entered Haripur at the southern mouth of the Mahanadi and obtained permission from the Governor of Orissa to trade, erect factories and build ships throughout the province (1633). A similar license was obtained from the Governor of Bengal seventeen years later. Here Hugli, the Imperial port, became the principal factory. The advance in the Company's trade and position in this part of India was much slower. They began fairly well while Prince Shuja was governor, with whom Boughton the surgeon had some influence.¹ But Boughton died, the factors in charge at such distance from all supervision and control did not do well, and Shuja himself was routed by Aurangzeb and driven out of the province (1660). Shaista Khan, the new viceroy, confirmed their earlier grants only in name; there was little chance for profitable trade under his viceroyalty.

* Foster, *Eng. Factories*, 1637-41, p. 131.

The Company obtained a firman from the Emperor in 1680 but it made little change in Shaista Khan's dealings with them. Only two alternatives remained: either to abandon Bengal altogether, or to see if they could not win better treatment by force of arms. After repeated supplications which the Viceroy ignored, the Company increased the garrison at Hugli (1686). But the Mughal commandant of the place immediately surrounded the English factory and established a strict blockade. A little hesitation and delay, and the tragedy of 1756 might have been enacted seventy years earlier. Job Charnock, however, abandoned the factory in time and sailed away, taking with him all he could in his crowded boats. Twentyseven miles lower down, the river deepens and broadens out into a splendid anchorage, the western bank is low, and the eastern is so protected all round by fens and swamps, and the older channel of the Adiganga, that a naval power could defend both banks against all enemies from the land. This is Calcutta, and here mainly through the persistence of Charnock and at the end of Sir Josiah Child's war against Aurangzeb, the Company started a factory, August 1690. Over and above the excellence of the situation for defence, the district was under the direct jurisdiction not of the Nawab but of one of his feudatories, the Raja of Baridwan.* And a still greater advantage was that it was closer to the sea than the French and Dutch factories, which were higher up the river and thus at the mercy of the English, who could "bottle them up" whenever necessary.

HUNTER II, Chs. 3, 4 and 7.

Section 4. In England. The Company obtained a new Charter from James I in 1609 with ampler powers granted to them in perpetuity, and the support of many courtiers and men of rank enabled them to collect larger sums for their voyages and build their own ships. On the other hand, the Dutch grew more and more hostile to them in the East Indies, and the King granted licenses to adventurers who behaved in Eastern seas like pirates, and the native rulers held the Company responsible for the injuries these 'interlopers' inflicted upon their subjects. During these early years the Company experienced many ups

* Orme, *Indoan Bk. VI* (Vol II, p. 10).

and downs of fortune, and but for the footing they had more or less accidentally won at Surat and Madras, they might have been overwhelmed even before they had made a fair start. Another important factor that enabled them to weather the storms and squalls of these early years was the long period for which they entrusted the helm to one and the same individual as chairman. Sir Thomas Smythe the first Governor of the Company, was re-elected every year upto 1621; Sir Morris Abbot, another of the founders, was Deputy Governor from 1615 and Governor from 1624 to 1637, and William Cockayne the Governor from 1639, was a Committee from 1629 and Deputy Governor again from 1643 to 1658.

In 1635, Charles I granted a license to Sir William Courten and others to trade with the East, and this rival association involved the East India Company in losses and troubles for years, for which no redress could be had either from King or Parliament. Again, as soon as the Civil War began, the Round-head section of the Parliament, sitting at Westminster, seized the Company's cannon, and took from them a forced loan of £5,000. By 1647, even the Governor and 'committees' lost heart and seriously thought of winding up their affairs. But better days soon dawned. When the Commonwealth declared war against Holland, the Company's wrongs at Amboyna and elsewhere figured amongst the causes. And the treaty of 1654 awarded the Company £85,000 damages from the Dutch. The treaty with Portugal, a little later, also threw open the Portuguese East Indies to English ships. Earlier still, the Commonwealth Council of State had compelled the Company and Courten's Association, or the Assada Merchants (as they had come to be called), to arrange a compromise themselves, and the Parliament had resolved "that the trade to the East Indies should be carried on by one Company and with one Joint Stock under such regulation as Parliament shall think fit, and that the Company should proceed upon the agreement made between them and the Assada Merchants until further orders" (1650). Outside merchants also continued to clamour for permission to share in the Eastern trade, both individually and in associations. Licenses were granted to some of these petitioners also, but eventually the Commonwealth authorities examined the whole subject and were convinced that unless England was prepared to protect by diplomacy and by force of arms every English adventurer into the East, and also to

keep a curb upon his actions as well as accept full responsibility for them as a State, the only alternative to "open trade" was a system of monopoly.* This was therefore the basis upon which Cromwell granted a fresh Charter on the 19th October 1657, which insisted upon the Company having "one continuous Joint Stock." Under this Charter the Company themselves made regulations by which any one could join them on payment of an entrance fee of £5, the minimum subscription for a shareholder was fixed at £100, each holder of £500 stock was to have a vote in the "general court," any holder of £100 stock was eligible for election as a "committee" and eight of the twenty-four "committees" were to retire every year, and no one was to be Governor or Deputy Governor for more than two consecutive years. Thus was the East India Company born again: "transformed," says Hunter, "from a feeble relic of the mediæval trade-guild into a vigorous forerunner of the modern Joint Stock Company."

HUNTER I Ch. 7: II Chs. 1, 5 and 6.

Section 5. To 1707. Charles II gave the Company several Charters. The first (1661) conceded to them wide powers over their subjects in the East, servants and others; allowed them to have ships of war, munitions and forts; and permitted them to make war and peace with non-Christian States. The same year he obtained Bombay as a wedding gift from Portugal and sent a small fleet to take possession, but the Portuguese Governor raised the objection that the gift did not include Thana and Salsette. The dispute lasted over three years and over three hundred out of the four hundred soldiers and sailors died in the meanwhile of scurvy and the climate. The royal officer in command waived the claim in order to save the remnant of his little band and obtained possession. The King found, however, the new acquisition to be a white elephant, and transferred it to the Company: and with it he granted a Charter (1669) creating the first European regiment of the Company's army out of the officers and soldiers who were there. The Company induced merchants and artisans to migrate from Surat, adopted a liberal policy towards cultivators who were drawn within their narrow area from the surrounding districts, and Bombay grew rapidly almost from the first. Charles's third

* Cambridge Modern History. IV Ch. 25 p. 730.

Charter was similarly occasioned by his transfer of St. Helena to the Company and was equally liberal in its concession of powers. Moreover, both at Bombay and at Madras there were rebellions and factious squabbles leading to bloodshed and disorder, and the Directors, finding their powers under these Charters inadequate, had to send out Commissioners with exceptional powers to restore order. Hence the Charter of 1633 gave to the Company very nearly all the powers of a State, subject only to a reservation of the "sovereign" right power and dominion of the Crown, "when we shall be pleased to interpose our Royal Authority thereon." And the power to coin money at Madras and Bombay had been already granted earlier. James II further empowered the Company to raise naval forces (1686) and authorised them to establish a Municipality² at Madras (1687) who were to provide, among other things, "a schoolhouse for the teaching of the native children to speak, read and write the English tongue and to understand arithmetic and merchants' accounts." The Company's factories during all these years were under Surat, and the continuity of government and policy that is secured by long rule under one head, we discover at this stage of the Company's history in the long tenures of office of the Surat Presidency. Sir George Oxenden filled the post from 1662 to 1669. Gerald Aungier succeeded him on his death and died at his post in turn in 1677. He is the real founder of Bombay. Under his firm tolerant and sympathetic regime the revenue of the place increased three-fold and the population six-fold. Sir John Child was President from 1682 and he too died at his post in 1693. The transfer of the Company's headquarters from Surat to Bombay took place in his time in 1687 as an incident of the war with Aurangzeb and about the same time as Charnock's retirement from Hugli, so that he may be looked upon as, in a sense, the first of the long line of the Governors of Bombay.

For about a generation after the amalgamation with the Asada merchants, the Company followed a fairly liberal policy towards outsiders. Any Englishman was free to settle at any of its factories, its own servants were allowed to trade privately within reasonable limits and to continue in India after leaving service, and it also conceded licenses to adventurers and their ships to visit and trade at its settlement pretty freely. Nevertheless, the outside public were not satisfied. They wanted a perfectly open trade. And there were

sympathisers with this view in the Company itself. A proposal was brought forward in 1681 to wind up the Joint Stock of 1657 and invite subscriptions for a new one from the public at large. This was defeated, however, and from this point onwards the Company became stricter in asserting and maintaining its privileges and keeping 'interlopers' at arm's length. The charter of 1683 authorised it to set up admiralty Courts which could confiscate the ships and goods of all interlopers. The matter was fought out first in the law Courts.* But defeat of open trade there served only to excite public opinion the more. And English Swadeshi opinion was also hardening fast against the calicoes, muslins, shawls and art fabrics of India. The struggle was transferred to parliament and in January 1690 a Committee of the Commons heard both sides and reported that there should be 'a new Company and a new Joint Stock established by Parliament'; but in the meanwhile the East India Company was to continue, all its privileges unimpaired. The next House of Commons was Tory, but it also decided against a Company with a monopoly and asked the King 'to dissolve the E.I. Company and issue a charter to a new one on such terms as His Majesty might see fit' (1692). The next year the Commons repeated this resolution emphatically, asking the King to give the Company the necessary notice. Instead, however, what the Company obtained from the King's ministers was a new Charter for twenty-one years;³ the only concession in it to outsiders was that the Company's capital was to be increased by 744,000 l new subscriptions. The Commons were naturally angry and took advantage of the detention of an interloper's ship by the Privy Council at the instance of the Company, to declare 'that all Englishmen have equal right to trade to the East Indies unless prohibited by Act of Parliament' (1694). The King, too, thereupon, revoked all the articles in his recent Charter against interlopers. And as soon as the war against France was over, Parliament passed an Act for raising a loan of two millions sterling at eight per cent, and for settling the trade to the East Indies by founding a new Company, each subscriber to the loan to have the right of contributing a share in the Company's stock proportional to his subscription (1698). To this loan the East India Company promptly subscribed 315,000 l the largest single subscription. The most prominent of the other subscribers, however, combined together into a joint stock company

* E. I. Co. V. Sandys (1683-5).

as the Act allowed, and on a petition the King granted them an ample charter in the name of the "English Company trading to the East Indies." Perhaps the most noteworthy novelty in this charter, which owing to subsequent events came to be the foundation-stone of the United East India Company's Privileges, is the following: "All ministers (of religion) shall be obliged to learn within one year after their arrival the Portuguese language and shall apply themselves to learn the native language of the country where they shall reside, the better to enable them to instruct the Gentoos that shall be the servants or slaves of the Company, or of their agents, in the Protestant Religion."

Both Companies were soon convinced that they must come to an understanding and amalgamate. In India the efforts of the new Company to establish the same three Presidencies as the old had created, and in the same places, too, brought no gain to themselves and involved the old Company in great difficulties. In England the doubled imports glutted the market and raised the swadeshi opposition to a height. Parliament penalised the wearing of Indian silks and imposed heavy duties upon their importation (1700). And a Union appeared more and more imperative as the War of the Spanish Succession drew near. It was effected at last, exactly a week before the outbreak of the hostilities, in the form of an Indenture Tripartite between the Crown and the two Companies (1702). The new Company had subscribed 1,662,000 l. of the loan, the E. I. Company had subscribed 315,000 l. The first condition of the Union therefore was that the old Company was to take over 673,500 l. of the loan from the new, so as to equalize the shares of both. On the other hand the deadstock, houses, factories and forts of both the Companies together were valued at 400,000 l. of which the senior Company's share was worth 330,000 l., and so the new Company was to pay 130,000 l. to it, to equalize matters. Secondly, on the new board of directors each Company was to elect twelve, and this joint board was to be supreme from the date of Union. And thirdly, seven years were to be allowed to each Company to wind up its separate affairs. The Act of Parliament constituting this "United Company of merchants of England Trading to the East Indies" took from it a further loan of 1,200,000 l. in return for the privileges, and also provided

that they were thereafter to receive interest for the whole amount of 3,200,000 l. at the rate of five per cent only (1707).

ROBERTS, Chs. 3 to 7.

ILBERT, pp. 13-30.

HUNTER, II Chs. 7, 8 and 9.

MACAULAY History, Chs. 18, 19, 20, 23.—the relevant sections.

Section 6. Farrukh-Siyar's Firman. From the constitution of the United Company to the War of the Austrian Succession in Europe, the East India Company enjoyed nearly forty years of steady growth in resources, experience, influence and power. This period of peaceful penetration and local consolidation enabled the three Presidencies¹ to train up a body of men who knew their work and surroundings thoroughly and were quite prepared to face the greater problems and difficulties of the troubled times that followed. The great Mughal Emperors had administered their major provinces by a system of triple or quadruple establishments which served as checks upon one another. The Nawab was titular head of the Province, but was far from being sole master in his domain. The Diwan of the Province was an independent officer with his own establishments in city and zilla, which exacted a strict account of all the revenue and expenditure and rendered it direct to the imperial treasury. The customs revenue of the province was within the Diwan's direct control and when the larger jagirs of the greater functionaries and feudatories (to none of whom the Emperors allowed more than a life interest) fell vacant on the death of an incumbent, it was the function of the Diwan rather than the Nawab to take possession. The judicial administration again, such as it was, was in civil cases in the hands of kazis, whose dependence upon the Nawab was slight. And even in military matters, the strong fortresses and the imperial ports of the province were entrusted each to a Governor who was not necessarily a subordinate of the Nawab. This system, however, had been breaking down during the last decades of Aurangzeb's reign, and soon after his death one and the same officer, styled the Subahdar, everywhere combined in his own person the duties of Nawab and Diwan, and succeeded in becoming the absolute ruler of his province in everything but the name. If he forwarded to

Delhi more or less regularly a sum in commutation of the annual revenues of the province and knew how to keep the influential ministers and courtiers surrounding the Emperor well-disposed towards him, "he had nothing to fear but an army from Delhi, which was always coming but never came."² All persons and powers throughout the empire from village communities, trading castes, industrial gilds and even temples right up to the great hereditary Rajas in Rajputana, felt the change that had come over the spirit of the Empire and reacted towards it in one and the same way, for the preservation of their rights from the growing exactions and tyrannies of the local magnate, and the increasing insecurity of their surroundings. They strengthened themselves as best they could, and also sought by all means in their power a clearer definition of their rights from the highest authority. The Company too had no other option. The Zamindari rights over the district³ surrounding Calcutta were purchased (1698) and the fortifications of Fort William were strengthened (1707-14). And they sent an embassy to the emperor Farrukhsiyar. The President of Fort William in his petition for redress, called the Emperor "absolute monarch and prop of the universe," and compared himself to "the smallest particle of sand with his forehead at command rubbed on the ground." The grievances complained of related to all the three presidencies. And they were lucky in getting full redress on paper on all the main points within the short space of two years. This was the result of the Mughal fear of the Company's strength at sea. Bombay, unable to stand any longer the excessive exactions of the Governor of Surat, withdrew the factory from that port in 1717, which instantly excited serious alarm. For it was remembered that the last withdrawal of the kind had been followed by the Company's fleet preying upon Mughal shipping wherever found throughout the Indian seas.⁴ Farrukhsiyar's firman allowed the Madras Presidency to take possession for an annual quit-rent of some villages round Madras, which the Subahdar of the Karnatak had granted but resumed. Bombay obtained the valuable right of exemption of their imports and exports at Surat from inspection and delay; they had only to pay a fixed annual sum in commutation of customs. The cargoes of English ships wrecked anywhere along the Mughal coasts were to be protected from plunder. And Calcutta obtained exemption from stoppage and examination of all goods and ships certified by the

President's *dastak* (signature i.e. signed certificate) as belonging to the Company. This was a most valuable privilege which the Company tried to stretch to the uttermost. The Subahdar of Bengal refused to recognise the validity of the President's *dastak* in the internal trade of the province or in goods passing up or down by land. On water, however, the Company were strong, and the effects of the firman were far-reaching. The President granted his *dastak* not only to the Company's goods, but also to the goods of the Company's servants, who traded largely on their own account, and were allowed by their masters to do so in many articles, since the salaries paid to them were miserably low. And Company's servants began to earn large commissions besides from the native merchants, merely by extending to them also the protection of the *dastak*. The volume of the goods thus entrusted to them for transport increased very rapidly, and the Company further improved their gains by increasing their own shipping. The Indian merchants obtaining the protection of the *dastak* would have to pay the Company for transportation and ware-housing services also, and the Company's shipping and their network of ware-houses along the rivers went on multiplying. The Emperor his ministers and his courtiers could not possibly have realised that their firman would thus enable a foreign Company to engross so high a proportion of the trade and shipping of the richest province of the Empire. When the firman reached Calcutta, Madras Bombay the Presidents and Council received it with regal honours: 151 guns from the fort and the broadsides of every vessel in the port roared forth their jubilant welcome. Orme called it the Magna Charta of the Company and it certainly gave them an assured legal status and constitutional rights derived from the highest authority in India. The very fact that the Company habitually exaggerated the worth and significance of such grants and concessions as they had hitherto obtained, shows the high value rightly attached to a firman of the Emperor under the Mughal system.

ROBERTS I Ch. 8.

MILL Bk. IV Ch. 1.

Section 7. *New Era*. Thus a hundred and fifty years after their foundation the East India Company were rulers at Bombay but only Zamindars at Madras and Calcutta, and

mere traders at their factories inland. But a new era began in their fortunes with the war of the Austrian Succession and in the short space of twenty years (1745-65) transformed them into a powerful State ruling over extensive provinces. And when once they began to mount up the ladder of power they ascended the steps easily and rapidly, until before long they were firmly established on the summit. Many causes contributed to this result, which was as unexpected by the Company themselves as by any one else.

The main internal cause was that the Mughal Empire had broken down, political conditions in India had become chaotic, and the country was in the throes of an "internal revolution," "a state of chronic war and mutual plunder" during which "authority had fallen on the ground and lay there waiting to be picked up by somebody."* Wars, it must be noted, can only be carried on for many years at a stretch when the theatre of warfare can itself be made to supply in abundance the men and resources so essential to prolonged operations; but a state of internal revolution is also a state of chronic warfare just because it fulfils these conditions.

The main external cause was that England had already won a position of maritime supremacy in the world, and every effort made by her European rivals singly and in combination to challenge and weaken this, enabled her on the contrary to strengthen it more and more throughout the eighteenth century.† The principal rival of the English in India was the French East India Company which was by far the weaker of the two in every respect. Even if the two Companies had been left to fight it out by themselves, the English Company was certain to win. And it so happened that France was also the principal rival of England in Europe and America. Thus, although the E. I. Company was in fact only a few hundred traders not all of them Englishmen, its cause nevertheless assumed a national aspect, and England as a State gave it a fairly consistent support at this critical stage of its fortunes in war and in diplomacy.

* Seeley Expansion, II Series esp. Lec. III.

† Mahan Influence of Sea Power, esp. Ch. 7, pp. 273-9; Ch. 8, pp. 305-10 and Ch. 12.

Nor should some remarkable traits of the English character be forgotten. The history of no other people shows such uniform good luck; perhaps because (1) the English have extraordinary staying-power, (2) they discern and seize opportunities, and (3) in the moment of success they restrain themselves, they keep cool and are content with appropriating less of the legitimate fruits and spoils of victory than almost any other people. The history of no other nation shows such uniform good luck; perhaps also because while few very few English statesmen soldiers or admirals have been men of genius, (4) the proportion amongst their empire-builders has been surprisingly large of administrators;¹ who, as even Mill was constrained to admit in the case of Warren Hastings, "excelled in applying temporary expedients to temporary difficulties; in putting off the evil day; in giving a fair complexion to the present one."* At any rate, it is a historical fact that the Indians of that century soon discovered something subtle behind the Company, which they called her "star"² and came to repose more and more faith in it.

To pass on to causes and influences not so difficult to appraise. The Indian States pitted against the Company were under a system of personal rule. A particular ruler might be able and trusted by his people and army and might have a clear far-seeing policy to which he resolutely clung; but on his death there might be a war of succession a minority or a successor who was incompetent or distrusted or hampered by palace intrigues, or one who, though free from such difficulties and able himself, might have other aims or methods.³ A corporate authority might also be distracted by personal jealousies and differences: the ill-success of the French in India was to some extent at least due to this cause. But even prejudiced students of the history of the East India Company must admit that it showed less of this defect than might have been expected. A united front was maintained on the whole, a fairly continuous policy was evolved, although the field of operations must have appeared to the foreign eyes of these pioneers bewilderingly various and tropically prolific of surprises.

The French have more practical originality and they have less colour prejudice than any other "white" people; and it was in the fitness of things that they should have been the

* Mill Bk. V Ch. 8, last paragraph.

first to try and test the experiment of imparting the weapons and discipline of the European art of war to Indian soldiers. It was also quite as natural that the English should reap the full harvest of what others had sown merely in an experimental farm as it were. For, supposing for the sake of argument that the French had not been knocked out of the ring at so early a stage:—there would have been a French zone in India defended by an army mainly Indian; the organisation of that force would have been very different from that of the Indian army created by the English East India Company; that part of India would in all probability have been annexed to the mother country at an early stage of its history, and would have become as integral a part of France as is Algiers. There would thus have been a forced super-imposition of the French culture upon Indian, and this might have developed one knows not what disorders, tumults and horrors; and, lastly, even supposing them all successfully surmounted, that zone would have remained un-Indian for one knows not how many centuries.

Again, with Chanda Sahab began a long line of Indian rulers and adventurers who saw the European Art of War exemplified by armies composed mainly of Indian soldiery, and grasped its supreme importance for success as soon as they saw it. The greatest in this line of succession were Sadashivrao Bhau, Mahadji Shinde (Sindhia), and Ranjitsing each of whom acquired more of it than his predecessor. But none, not even the last, could master it fully. And no wonder, Generalship, strategy, tactics; the provision of the necessary forts, ordnance, munitions; the training of the unit, the company, the army corps; the proportion of the various arms; their proper use at the right moment and in the right manner; the keeping of an army and in being in peace and in war, in victory as well as in defeat; not to mention inventions or improvements:—it is too complex a matter to be mastered without several generations of a continuous tradition. The army at the front needs to be fed continuously, and not with food only; and that means factories and military colleges, and behind and supporting it all, a highly developed stable political, social and economic system. In one word the army scientifically trained and equipped, is, to use an Indian figure, the mace of Bhima; but Bhima the Pandawa alone can wield it

and smash his foes with it. In a lesser hand it invariably smashes up both him and itself to pieces.

And lastly soon after Pitt's India Act, the Company's efficiency as a civil administrator came to be on a par with its superiority as a military power. In every district as it came to be annexed to the Company "lands abandoned for a century were taken again into cultivation, cities were re-populated or new emporia founded, commerce revived, temples and mosques were built anew."* Thus it was that the miracle of an all-red India came about quite unmiraculously in the course of the sanguinary century between the petty and chance encounter at St. Thome (1746) and the great artillery battle at Gujrat (1849).

SIR A. LYALL: Rise and Expansion of British dominion in India.

SIR V. CHITROL: India (Modern World series 1926) Ch. 4.

Section 8. *The Diwani*. Within twenty years of the deposition and murder of Farrukh-siyar, Nadir Shah's invasion reduced the Mughal Empire to a mere name, and Subahdars in the out-lying provinces became independent. The founders of these new kingdoms were self-made men trained to arms and administration in the hard school of personal ups and downs, and while they lived their sway over the provinces they had seized and were holding together was a reality. But the moment their eyes were closed chaos began. Dupleix and Bussy tried to turn the situation to the profit of the French Company at Arkat and Hyderabad and failed (1748-61). Clive at Murshidabad and Patna succeeded (1757-65). Sirajud-doula was deposed. Mir Jaffar was placed on the *masnad*,² but soon discovered that he could neither control his foreign allies nor satisfy their greed, nor maintain himself without their support. All North India went in daily dread of Ahmad Shah Abdali's movements. Prince Ali Gaurar, moreover, appeared with an army on the borders of Bihar, appointed Subahdar of Bengal, Bihar and Orissa by his father the Emperor. Mill is of opinion that the English might now have transferred their support from Mir Jaffar to him. "On what side justice lay," he remarks, "is evident enough. On

* 'Al Carthini': Lost Dominion.

what side policy, is a more subtle inquiry." ³ The people concerned, however, from Shuja-ud-doula of Oudh and Ramnarayan of Bihar downwards, ⁴ no longer considered it obligatory to pay any respect whatever to the rights and firmans of the Emperor (who was a mere tool in the hands of Vazir Gazi-uddin), or to the claims of a Prince, who had constantly plotting against him that unscrupulous Vazir as his mortal enemy. In the course of his second invasion, however, he had himself, on his father's death in November 1759, become Emperor as Shah Alam, and after the decisive battle of Panipat (1761), Ahmad Shah Abdalli had acknowledged his title and recommended his restoration to Delhi to Shuja-ud-doula, Najib-ud-doula and the other Muslim princes of Hindustan. The Company, therefore, thought it prudent to regularise the position in the Lower Provinces. Although they had defeated him in battle, they invited him over to Patna, where Mir Kasim (who had replaced Mir Jaffer) rendered him homage, and it was agreed that an annual tribute of Rs. twenty-four lakhs was to be paid to him. The Emperor at the same time offered the Diwani of the provinces to the Company and requested their aid for his advance upon Delhi. But the general instructions of the Court of Directors were "to act with the utmost caution," and both the adventure and the offer were declined.*

This offer of the Diwani had indeed come as early as 1758. The Delhi treasury had been receiving from Bengal an annual revenue of Rs. fifty lakhs before the breakdown of their administration, and it was only natural that the Emperor and his ministers should still cast longing eyes at such an income, and be always ready to pass the deeds in favour of any one at all likely to fulfil the responsibility of a more or less regular remittance. But power has its duties no less than its spoils and the spoils of power must sooner or later drop out of the hands no longer able to discharge the duties. Clive had referred to this offer in his letter to Pitt (1759), and added that it would be a magnificent acquisition for the kingdom of England, whereas "so large a sovereignty may possibly be an object too extensive for a mercantile Company." Pitt however, was not to be tempted, although Clive's Agent told him that "if the State neglected it, the Company in process of time

* *Selr*, Section X (II 404-409); *Anber* I, 79-84.

would secure it, that they would even find themselves under a necessity to do it for their greater quiet and safety, exclusive of gain."* If Mir Jaffer had shown greater capacity, or if the Company's servants had proved less rapacious, if the Company's arms had been less irresistible, or even if Clive had not with the audacity of genius completely extinguished the political influence of the French and the Dutch in this part of India, the fulfilment of this forecast might have been delayed. As it was Mir Jaffer was deposed, Mir Kasim was driven into a war, the first was re-installed, and on his death, not his grandson and heir, but his second son was elevated, and on the understanding that all his power was to be exercised by a Naib (deputy) chosen by the Company. Thus the Nawab, whose jealousy of the Company acquiring an independent status was one reason for their hesitation in the past, sank into a mere puppet and ceased to count. And the Company too were now prepared by eight years of close contact and crowded experience to judge and act for themselves. The Emperor, the Nawab Vazir, the Rohilla and other Muslim Chiefs, their actual power and their mutual relations, their designs and their methods, the Company were now able to estimate and utilise for their own ends, and so as to suit their own peculiar constitution. While the Indian princes with whom they had to deal were thinking only of the situation in India, the Company had to consider no less their own position in European law and polity, and England's relations with other European powers. Hence, they wanted a legalised status within the Indian political system, the status not of a sovereign but of a subordinate under the Chhatra (umbrella) of the Emperor and the Nawab, however nominal in fact, but still of indubitable value in law and diplomacy; and yet they also wanted an absolutely free hand within the territory they occupied, and lastly, a land frontier or barrier not imposing upon them too great a strain to defend. After the decisive battle of Baksar, and especially after the skirmish near Kora (May 1765) when Shuja-ud-doula's last ally, Mulharji Holkar "galloped up and down like one desirous to do something, but confounded and appalled by the English fire, put spurs to his Horse and galloped away altogether,"† the Company could have seized the whole of their enemies' territories; or they could have

* *Firminger*, pp. civ-cv. See for this letter of January 1759, *Keith*, I pp. 13-18.
† *Selr*, II 580.

accepted the Emperor's proposal to take Gazipur and Benares for themselves, and let him have the rest. There must have been other proposals also from Shuj-ud-doula of Oudh, Balwant Sing of Benares, Sitab Rai and others. But the Company were bent upon securing—not as large a territory as they could seize, nor the position of a sovereign,—but something far more modest and serviceable: a stable frontier, an unimpeachable title, and behind these, years of peaceful and profitable trade. This is the meaning of the Diwani treaties between the Company, the Emperor, the Nawab Vazir, and the Raja of Benares, though the whole proceedings had to outward appearance an unreality, which historians, from the author of the *Seir Mutakherin* downwards, have not scrupled to ridicule. If a definite date be desired from which to mark the beginning of the British power in India, it is far more accurate to fix it at the 16th January 1761, when Pondicheri changed hands, or at the 10th February 1763, when the Treaty of Paris was signed, or at the 23rd October 1764, the date of the decisive battle of Baksar, or finally and most appropriately at the 12th August 1765, the date of the Diwani Firman, rather than at the third battle of Panipat with which the English had nothing to do, or at the flight of the betrayed Siraj-ud-daula from Plassey Grove,* which even military enthusiasts cannot magnify into a battle.

A. B. KEITH, *Speeches & Documents*, I 20-30.
MILL, IV Chs. 3, 5 and 7.

FIRMINER, Ch. 8.

A. YUSUF ALI, Chs. 14, 15, 16.

* Grove of Palasha trees.

CHAPTER I: NOTES.

SECTION. 1.

1. The 'General Court' is, in modern language, the ordinary annual meeting of the shareholders of the company; which the Charter required to be held on the first of July or within six days after that date. The board of 'committees' corresponds to our Board of Directors. The First Governor and Directors are named in the Charter. 'Committees' says Mill 'meant persons to whom something is committed or entrusted.' *History* Bk. IV, Ch. 1.

2. I.e. "effective occupation."—Hunter, I 220, 246-7; P. E. Roberts, *Historical Geography—India*, I 23; *Cambridge Modern History*, IV Ch. 25. The Elizabethan petitioners themselves asked only for leave to trade. "where Spaniards or Portuguese have not any castle, fort, blockhouse, or commandant" They thus recognised such occupation as effective, but ignored the rights founded upon the Papal Bull of 1493.

SECTION 2.

1. The profits of these 'separate' voyages were very high—A. Yusuf Ali, *Making of India*, p. 142.

2. Hunter, II pp. 177-9, n. 2 gives a summary survey of the voyages and joint stocks from 1600 to 1660.

3. Vincent Smith, *Akbar the Great Mogul* (1917), pp. 292-5. For the distinction between parwana, nishan, firman, sanad and treaty see Hunter, II p. 51 text and note.

4. Hawkins, at Agra, 1607-11: Canning 1613; Kerridge 1613-4 Ed wards 1615. Strictly speaking 'ambassador' is too high a title for these four: more than one of them, moreover made himself and his nation ridiculous at the Moghal Court. For Mildenhall and Hawkins see Sir W. Foster *Early Travels in India*. The first was merely a private trader (p. 48). Nevertheless, the probabilities about the Mildenhall firman story are (1) that he did obtain some concessions, (2) that the Company could not get them from him as they would not pay him his price for them or objected to have him as permanent head of their trade in the Moghal Empire, (3) that the papers were either lost on his death at Ajmer in June 1614 or they fell into the hands of the Moghal Officer there, and that (4) they ceased to be of any use to the Company because of the fresh concessions obtained 1613-14.

5. For a graphic account of Best's and Downton's actions see H. G. Rawlinson *British Beginnings*, Ch. 4.

To show their displeasure at the action of the Governor of Surat in granting the concessions to the English, the Portuguese seized Imperial ships in the course of 1613 some of which carried large amounts of treasure. Thus the Mughals and the E. I. Co. were really at war with the Portuguese, 1613-15. See Beni Prasad *History of Jahangir*, 205.

6. Roe's great service to the Co. lay in the sound advice he gave which the Co. adhered to as the cardinal principle of their policy for many years. "The Portugal" he said "never profited by the Indies, since he defended them. Observe this well. It has been also the error of the Dutch, who seek plantation here by the sword. They turn a wonderful stock, they prowl in all places, they possess some of the best. Yet their dead payes consume all their gain. Let this be received as a rule, that if you will profit, seek it at sea, and in quiet Trade; for without controversy, it is an error to affect garrisons and land wars in India."

SECTION 3.

1. For Boughton—Foster, *Factories*, the vols. for 1642-5, 1646-50, 1651-54; also his articles in *Indian Antiquary*, September 1911 and May 1912. For Shalasta Khan's dealings see Firminger, Introduction, Ch. 3, in *Fifth Report*. Hugi was assigned to him as his jagir, and he invested the annual proceeds with the traders of the place at high interest, who would naturally enough be supported by him in trying to engross the entire trade of the place. Hence the Co.'s complaints against him and the Hugi traders are only one side of the shield.

SECTION 5.

1. The Portuguese thought Bombay Harbour too valuable to part with: "the best port," wrote the Viceroy (to his King), "Your Majesty possesses in India, with which that of Lisbon is not to be compared"—*Malabar Bombay in the Making*, p. 94. Also when the final orders were received "I foresee the great troubles that from this neighbourhood will result to the Portuguese and that India will be lost on the same day on which the English nation is settled in Bombay"—*Gazetteer of Bombay City and Island* II, 45-49; A. A. Khan, *Anglo-Portuguese Negotiations re. Bombay*.

2. The Mayor and two of the Aldermen were to be English, but of the other ten, three were to be Portuguese and seven Muslims or Hindus. For further details see Hunter, II, 235-7.

3. While his opponents labelled the Company unscrupulously, Sir Josiah Child bribed heavily. The Secret Service money account of the Co. placed before the Commons Committee in 1695 showed that 28,467 l. were expended thus between 1688 and 1692, and 80,468 l. in 1693.

SECTION 6.

1. Calcutta became finally independent of Madras 1707.

2. Orme, *Dissertation* (Vol. 1, p. 28)—ext. cts in Ramsay Muir, *Making of British India*, pp. 25-31. Also see on the subject J. Sarkar, *Mughal Administration*; W. H. Moreland, *India at Death Akbar*, Ch. 2; N. J. Shah *History of Indian Tariffs*, Ch. 1.

Diwan means Collector-General as J. Ramsay Macdonald happily call him (*Government of India* p. 1249).

3. Sutanati, Govindpur and Calcutta. Fort William was built at Govindpur as soon as the Zamindari was acquired. Prince Azim-ush Shah, Farrukh-siyar's father, was Nawab at the time, and granted the Co. all they asked for, "having bent his chief attention to the amassing of a treasure against the contest for the succession, certain to break out on the death of Aurangzeb"—Mill, IV Ch. 1.

4. In 1686-9, when the loss inflicted was over £ 1 m. and the trade from Sur was dislocated for some years. For this war between the Mughal Empire and the Co. see Hunter, II Ch. 7. Peace was made by Aurangzeb's firman, Feb. 1690, a little after Sir John Child's death at Bombay.

Orme (Bk. VI), Mill (Bk. IV Ch. 9), and other writers attribute the success of this embassy to Hamilton, a physician who happened to cure the Emperor of a painful disease. But he treated Farrukh-siyar, October and November 1715, while the firman was not granted till July 1717. Orme's own account shows that at the most the physician's influence saved the embassy from being dismissed soon after their arrival, although they fully deserved this for their stupid disregard of the Vazir, the only proper channel through whom to approach the Emperor. Again, Mill's language about Hamilton's generous public spirit is hardly justified. The Emperor held a darbar to celebrate his recovery and at this Hamilton received an ample reward, for the details of which see Auber, I 20. The firman of July 1717 was clearly due to the grave fears indicated above, although some of the polite courtiers might have allowed the "foreigners" to fancy whatever they pleased about it. See also W. Irvine, *Later Mughals*, I 306, II 99.

SECTION 7.

1. Cf. what a competent German writer puts somewhat differently as follows:—"The use of English power always sees its limits; for this reason it has never worked merely destructively but has always created new centres of power. Never in English history do we meet the great supermen who fail in the attempt to make the impossible possible—"Von Wilhelm Dibelius, *England* 2 vols. (1923).

2. More properly *Maqibah* (an Arabic word meaning) a combination of good luck, efficiency, resourcefulness and fortitude or staying power.

3. A very good instance of this last is the remarkable change that came over the War of the Karnatak immediately on the death of Haidar Ali. Tipu was also a strong and able ruler, but of a type altogether different from his veteran father, who sensitively shifted his sails to every breeze that blew.

SECTION 8.

1. Murshid Kuli Khan, the first Subahdar of Bengal, owed his rise to the same Emperor who granted the *dastak* firman—Farrukh-siyar.

2. "The revolution of 1756-7 was...the overthrow of a Muhammadan Government by the trading and financial classes, Hindu and British: both the latter gained commercially, though the British took the predominant part in the actual events, and alone succeeded to the political sovereignty."—Roberts, 130. The parties to the conspiracy against Siraj-ud-doula were three: Mir Jaffar or rather I should say his son Miran and the Muslim leaders in the army; the Sheths; and the English. The statement that the Hindu trading and financial classes also gained by the revolution requires proof.

3. Also—"To oppose him was undisguised rebellion." Bk. IV Ch. 6.

4. *Sair Mutakharin*, Section IX. The author also notes the reluctance of the English at first to appear in arms against the Shahzade; and observes that it was because they were "uninformed of the real state of affairs in Hindustan."—Vol. II, p. 326. For a different view of Ali Gauhar's two raids see Roberts I pp. 146 and 158.

CHAPTER II.

THE EAST INDIA COMPANY:—TO THE TRANSFER TO THE CROWN, 1858.

Section 9. The Regulating Act. We have seen how immensely the East India Company prospered under the *dastak* concessions in the Lower Provinces. These arrangements, however, had left the internal trade and all the land trade in the hands of the inhabitants and subject to such duties and regulations as the Nawab might impose. And disputes and differences between the Company or its servants on the one hand and his subjects on the other, went to the Nawab and his Courts for settlement. But as soon as the revolution of 1757 was accomplished, the logic of events placed the Company and their servants and agents, English and Indian, above the government of the country. "Neither the Nawab nor his officers dared to exert any authority against the English. The *gumastas* or Indian agents employed by the Company's servants not only practised unbounded tyranny, but overawing the Nawab and his highest officers, converted the tribunals of justice themselves into instruments of cruelty, making them inflict punishment upon the very wretches whom they oppressed and whose only crime was their not submitting with sufficient willingness to the insolent rapacity of these subordinate tyrants. The crimes of the English and their agents went unpunished, "and the unhappy natives lay prostrate at their feet."¹ Did not the Company's trade prosper all the more? It is quite impossible for trade to prosper, if industry and labour languish, as they must, where there is no justice to be had, nor any security that the worker will himself reap the legitimate fruits of his own labour and skill. Besides, the Company's servants of every grade were only too eager to imitate the unworthy example set by Clive and his associates, and all and each plunged into the exciting sport of accumulating princely fortunes as rapidly as possible. And these India-retained 'Nabobs'² bought country seats and rotten boroughs, speculated in the Company's shares and on the exchange and thrust themselves into society and parliament. They even aspired to stand well with royalty by means of their lavish presents of valuable rarities. The evil was of a cumulative nature, the entire tone of life, public, social and private, was threatened, and no defence or remedy was

possible, unless the rank growth could be cut at its economic roots, and the roots themselves dug up and destroyed. Some of the most clear-sighted men in Parliament applied themselves resolutely to the task. "If sovereignty and law," said Colonel Burgoyne, "are not separated from trade, India and Great Britain will be sunk and over-whelmed, never to rise again."* And they honestly believed it to be an essential part of their patriotic task to make an example of Clive himself, the most eminent of the 'Nabobs'. The Court of Directors, too, tried every means in their power to forbid, to penalise and to end finally and for ever all private trade by their servants. But the only instruments through whom they could work were these very servants in India, and the magnitude of the temptations and opportunities, so suddenly unfolded to view, tainted the whole class. It is sometimes said that the Company were not liberal enough to raise their salaries to a pitch demanded by the altered circumstances. But the change brought about had been so sudden and revolutionary in character, that it was not easy to readjust salaries all at once. Nor would a mere increase in the salaries, however great, have answered the purpose; what was really wanted was a new class of servants, drawn from a higher stratum of society and with a higher out-look and sense of duty; and this it was not in the power of a body of traders to supply. And besides, for one and the same corporation to be both a trading body and a ruling power responsible for the welfare of millions of subjects, was in itself a combination radically unsound, and certain to give rise to incurable anomalies and iniquities. Such were the deeper ideas and motives seeking to guide the action of parliament—and of the British ministry—on Indian questions, from the moment that the Company ceased to be mere traders; ideas and motives which continue to gather force until they achieve their triumphs in the great Charter Acts of the next century.

In the beginning, however, it is hardly surprising that even the best advocates of these ideas did not see very clearly all that was implied, or how to apply their own notions of what was right and fitting to the complex concrete and urgent problems presented by the Company. As the value of their stock

* Roberts, p. 163. Cf. Chatham's speech in parliament 22-1-1770. Grenville's speech over forty years later in the debates on the Charter Act of 1813.

rose in the market the proprietors had insisted upon better dividends.³ The Government, too, had as a temporary measure imposed upon the Company an annual tribute of £400,000, in return for a permission to keep the territorial revenues to themselves.⁴ Lastly, 1769-70 was in the Lower Provinces a year of famine so severe that the starvation and the pestilence which followed carried off over a crore of people, at least a third of the usual area ceased to be cultivated, and the after effects continued for years, until at last the country made a fresh start from the date of the permanent settlement of Lord Cornwallis. Neither were the Presidencies of Madras and Bombay free from embarrassments, and the Company's finances in England could no longer stand the strain. Even their tribute for 1772 could not be paid in full, and, at the end of their resources, they were forced to petition the ministry for a loan of one million pounds (August 1772). The Parliament and the general public had been taking increased interest in the affairs of the Company since 1757, and the many personal enemies Lord Clive had made wanted to punish a dishonour him. The parliament had already appointed a select committee for a thorough investigation into the affairs of the Company, and now appointed a secret committee. The evils revealed by the reports of these committees were (1) vast sums had been obtained by the Company from the native powers as compensation for losses and military operations, (2) and by the Company's servants as presents,⁵ (3) revolutions and wars had been frequent, with the result that the country was unsettled and the expenditure exceeded the revenues, (4) the plunder and oppression of the people were alarming to contemplate, (5) the servants of the Company were devoid of all sense of subordination, discipline, or public spirit, and pursued their own selfish interests and private quarrels in such a manner as often to risk the total loss of the Company's possessions in India, (6) the three Presidencies went each its own way without any unity of aim or policy or mutual co-operation, and, in England itself, (7) the proprietorship of the shares changed hands frequently, without any genuine sale or purchase, merely to influence the voting, and finally, (8) the board of directors, too were a changing miscellaneous body inherently incapable of any steady influence or continuity of policy.

As a consequence two Acts were passed. The first granted the Company a loan of £ 1,400,000 at 4 per cent., dropped the annual tribute until this loan was repaid, restricted the Company's dividends, and obliged them to regularly submit their half-yearly accounts to the Treasury. The second is the well-known Regulating Act, which came into force in England from the 1st October 1773 and in India from the 20th October 1774, the three new councillors named in and appointed by the Act not reaching Calcutta till the preceding afternoon.*

The most successful of its provisions were those which related to the organisation of the Company in England. The Act raised the qualification for a vote at the meetings of the shareholders from £ 500 to £ 1,000, and provided that in future each director was to hold office for four years, six of the number retiring each year. These changes increased the authority of the Court of Directors, made them less dependent upon the shareholders, and more amenable to the influence of the Ministers. These latter were also to be furnished with copies of all important communications from India, so that they could keep continuously in touch with Indian affairs, if only they chose to do so. Thus was taken the first step, a tentative one, from which as we shall see, the ministry advanced within a few years to direct guidance of the policy of the company.

The three presidencies in India were independent of one another. This Act made the presidency of Bengal supreme. The other two were not to make war or peace (except in a case of absolute urgency) without the previous sanction of Bengal or of the Directors in England. They were to keep Bengal and England regularly and fully informed, and to attend to and carry out the orders from Bengal as promptly and dutifully as those from England. And Bengal was given the power to suspend in case of need the President and Council of either of these presidencies, so that it would no longer be necessary, as in the past, to send out special commissioners with extraordinary powers from England.

This unification of authority in India was a great step in advance, and it did not come a moment too soon, although its full effects could only be realized as communications by

* Auber, I p. 446.

land between the three presidencies came to be developed. It so happened, moreover, that the new order had to be given effect to in the midst of a war (the First Maratha War), as to which the Bombay Presidency were fully determined to carry out their own policy; and historians of India have, as a rule, been so taken up by the varying incidents of this war, and by the conflict of view about it between Bombay, and Hastings' councillors, and Hastings, and the directors in England, that they have failed to appreciate the fundamental importance and soundness of these common-sense provisions.

The three presidencies had hitherto been ruled by a Governor or President, assisted by a Council of twelve to sixteen senior servants of the Company. But the most experienced of these were often absent from the capital, being also chiefs of the principal factories in the province. All questions were decided by the President and Council jointly, and by a majority of the votes of those present. As the affairs of the Company in each presidency increased in importance and complexity this system appeared more and more defective and unsatisfactory.

For Bengal the Regulating Act substituted for it a Governor General and four Councillors, armed with supreme authority in India, to decide all affairs by a majority. The Governor General had only one vote out of five, and a casting vote only in case of a tie, but this could not occur unless one of the four councillors was absent or there was a vacancy in the council. All five were to hold office for five years, and none of them could be removed in the meanwhile, except by the King on a representation from the Court of Directors. The Act appointed the first Governor General and Councillors by name: two of these, Hastings, appointed the Governor General, and Barwell, appointed councillor, were then in India, and had risen to the highest posts in the Company's service from the bottom, but the other three were not only innocent of all Indian experience, they came to India strongly prejudiced against the Company and its servants, and were resolved to act together and to be themselves the supreme executive of the Company in India. They also behaved in a reckless and unscrupulous manner in order to achieve this object. Thus until one of them died, they created muddle and mischief, which Hastings and Barwell were impotent to check or remedy.

The salary of the Governor General was to be 25,000 l. and that of a member of Council 10,000 a year⁶. No servant of the king or of the company was to receive any presents, and all private trade was forbidden to the Governor General, the members of his Council, and the Judges of the supreme Court to be presently mentioned.

Far more radical than any of the above changes, was the power which the Act conferred upon the Crown to charter a Supreme Court of Judicature at Calcutta, consisting of a Chief Justice and three other Judges to be appointed by the Crown, with full power to exercise civil, criminal, admiralty, and ecclesiastical jurisdiction. This Court was given jurisdiction over all British subjects and all servants whether of the Company or of British subjects in the Company's territories. The Governor General and the Councillors were also subjected to this Court for treason or for felony but for these offences only. And the Court was to entertain cases arising out of contracts between British subjects and natives of India, if the latter had agreed in the contract to accept its jurisdiction.

Now since 1726 Mayors' Courts had existed at the presidency towns and the President in Council had heard appeals from these and had also exercised criminal jurisdiction.⁷ Final appeals went up from both to the Privy Council in England. In Bengal moreover, Diwani (civil) and Faujdari (criminal) courts had been established in each district and the superior Sadr Diwani Adalat and Sadr Nizamat Adalat at the capital.⁸ What was to be the relation of these Courts and their jurisdiction to this new creation?

Lastly the Governor General in Council was empowered to make rules, ordinances and regulations for the better Government of the Company's territories, which were to be registered and approved by the Supreme Court; and if so approved, they were to go into effect at once. But power was reserved to the King in Council, who, on appeal, could disapprove any of them within two years.

These parts of the Regulating Act have been justly censured for their vagueness. What law was the Supreme Court to administer? As between the Governor General in Council

and the Supreme Court what were the limits of the powers and jurisdiction of each? And what about the Civil and Criminal Courts mentioned above? The Regulating Act was silent on these and similar matters of grave importance. And Hastings and the first Chief Justice Sir Elijah Impey had to evolve such practical compromises as were possible until decisions of the Privy Council and further legislation by parliament⁹ gradually created a more satisfactory system.

MUKHARJI, I pp. 20-28, the text.

ILBERT, pp. 41-60.

FIRMINGER, Ch. 13, a learned and discriminating defence of the Act.

ROBERTS, Ch. 16.

LECKY in Ch. 12, *AFFAIRS OF THE E. I. CO.*:—shows that although the Regulating Act passed by large majorities, there were important sections of opinion which viewed even such a "half-measure" and indeed the entire proceedings of the Ministry with reference to the Company from 1766, as a highhanded invasion of its rights and property as a Chartered Company.

A. YUSUF ALI, Ch. 17.

Section 10. Pitt's India Act. The elder Pitt rejected Clive's suggestion that the lower provinces be annexed to England, mainly because he thought that it must increase enormously the influence of the Crown in the English constitution, and this influence the Whigs of the day held to be already a danger to the liberties of the country. But this influence had been considerably reduced by the course of events which ended in the failure of England in the war against the revolted colonies; and the second Rockingham Ministry, which came into power in spite of the King, reduced it still further by several great measures securing the purity of elections and the independence of parliament. Then followed the Coalition, in spite of every effort on the part of the king to entrust the helm to some other combination of parliamentarians. The company's affairs, meanwhile, had shown no improvement. Madras and Bombay had been on the brink of destruction and had been reduced to a pitiful condition by wars which it was difficult

to believe were either unavoidable or properly conducted; and in Bengal the Regulating Act itself had created grave problems and difficulties. After the peace of Paris was signed and a strong administration came into office, the subject of a better regulation of the affairs of the Company could no longer be postponed. Fox's bill, however, had the unpardonable defect of going too far. It proposed to set aside the Company, its directors and its proprietors altogether, and hand over all their powers for four years to two new bodies: one, charged with the political business of the Company, was to be of seven men; and the other to look after the Company's trade was to be of nine, and all sixteen were to be named in the Act. None of the first was removable except by the Crown on an address from either house of parliament, none of the second, except in the same way or by the concurrence of five out of the first body. Such a measure naturally excited intense opposition. It was iniquitous both as a wholesale confiscation of the Company's chartered rights, and as a manoeuvre on the part of the ministry to prolong their own lease of power by grasping and contenting for their own ends in that lax and corrupt age, the entire wealth and influence of the Company. Both the objections were doubtless considerably exaggerated in the heated debates which followed, but they were sound in the main, and it was the second that appealed particularly to people at large. If corrupt influence wielded by the Crown for defending and strengthening its prerogatives was a danger to be guarded against and attacked by all constitutional means, how much more dangerous and how utterly unjustifiable would be an influence, far greater than George III ever had, in the hands of a knot of politicians, whose past record was there to show how corrupt and unscrupulous they themselves were! But public opinion in those days was slow to move nor did parliament respond to it easily. The Commons passed the measure by majorities of two to one. In the Lords, however, the King used his personal influence for all it was worth, and obtained a majority to put an end both to the bill, which he so loved, and to its authors, the Coalition Ministry, whom he so hated. After months of stormy debates, memorable chiefly for the mistakes of conceited veterans on the one hand and the consummate skill of young Pitt on the other to profit by them to the full, parliament was dissolved, and at the new election he came into power at the head of an overwhelming majority.

This episode is of more than historical interest. It illustrates for all time, and in a dramatic fashion, how fundamentally the logic of what may be called practical politics differs from the abstract logic of the Schools. The armchair politician in the seclusion of his library might not have thought much of the objections urged against Fox's Bill. The question is further complicated by the fact that no measure of this magnitude can spring from any one set of motives as its sole inspiration.¹ But it encountered passionate opposition from several quarters. The East India Company and the other chartered companies cried out that their sacred property rights were being assailed. The King and the Tories denounced it as a characteristically Whig fraud to claim the highest patriotism and philanthropy as if these noble virtues were their exclusive property, and to help themselves the while to money, patronage and power to the exclusion of the other rightful partners under the constitution. And both Fox and North had created many personal enemies by their careers,² while their unexpected and unscrupulous coalition only aided to the numbers and the virulence of their opponents. The Bill failed not because of its inherent merits or defects, nor because the motives of its authors were altogether base, but because of a combination of all these hostile elements. And its failure entailed a further consequence, no less inevitable. In practical politics urgent matters cannot wait until a solution perfect from every point of view and universally acceptable is ripened. The East India Company were saved from Fox's Bill, but only to find that they had to proclaim their willing acceptance of whatever terms the enemy of their enemy chose to impose upon them.³ Thus the question how far the State was justified in interfering with the Company in the exercise of their power over territories they had won, was decided not by logic, or the philosophy of jurisprudence, or by the forced interpretation of vague, hoary and inapplicable texts, customs or precedents—but by the Company themselves surrendering at discretion. The State, on the other hand, willingly waived for the moment all interference in their trade or in the appointment of their servants, and showed a truer appreciation of their financial position than hitherto by dropping all reference to a tribute. This is the more remarkable as the claim of England to the Company's territories was now for the first time unequivocally asserted. They were called "the British possessions in India" in the title of the Act, and "the territorial

possessions of this Kingdom in the East Indies" in the preamble, and the same style is adhered to throughout.

On account of the acute and prolonged differences between Hastings and his Council the Act reduced the number of the Governor General's council by one,⁴ and gave Madras and Bombay also the same form of Government by a Governor and Council. The attempt to appoint councillors direct from England was given up. All appointments except those of Governors-General, Governors and Commanders-in-Chief were to be made from the Company's servants, and all, including these highest also, by the Company. The King only reserved under the Act, a concurrent power of recalling or removing any servant of the Company or of declaring any appointment void or any office or place vacant. The demanding or receiving by a servant of the Company (or by a servant of the King in India) of any gift or present, whether for his own use or for the use of the Company or of any other person,⁵ was declared to be extortion, to be proceeded against and punished as such. The power of the Governor General and Council to "superintend, control and direct" the other presidencies, and the duty of the other presidencies to obey the orders from Fort William, were defined more clearly. In particular, no Governor was to make war or peace or negotiate any treaty without express orders from England or from Calcutta, except in cases of sudden emergency, when it would imperil safety to postpone action; and every treaty entered into by him was "to contain a clause for subjecting the same to the ratification or rejection of the Governor General and Council." And this supreme organ of Government in India was also to exercise similar self-control; in these matters of high policy, unless forced to act by sudden emergency or imminent danger, it was to do nothing without express orders from England; for says the Act emphatically "to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour and policy of the nation."

All these changes are well-judged improvements in details. Pitt's cardinal innovation is a revolution in the character and constitution of the supreme authority in England. He kept unaltered with scrupulous care the outward form and appearance of this authority. All orders and despatches issued

as before from and in the name of the Directors. But in matters relating to the revenues, the civil and military administration, and the foreign and diplomatic relations of the Company with Indian States, Pitt's Act handed over the supreme authority to a new body which came to be known as the Board of Control. It was an annexe of the Ministry, changing in personnel as the ministry changed, and was to consist of the Chancellor of the Exchequer, a Secretary of State and four privy councillors.⁶ The Secretary of State, or the Chancellor of the Exchequer or the senior of the other "Commissioners for the affairs of India," with two of the others were to exercise the entire powers of the Board. By earlier enactments the Directors had already to communicate to the ministers both all the correspondence and proceedings bearing on the above topics, which they received from India, and the orders, instructions and despatches which they themselves sent out.⁷ These were now to be communicated to this new Board. And if the Board wanted alterations made in the orders or communications to India, which the Court did not approve of, they were to take the grounds of objection into consideration, but finally the decision of the Board was to prevail. The Board could also of their own initiative frame any communications which the Directors were to forward as their own. And finally there was to be a secret committee of three Directors, and all matters of high policy, such as war and peace and the relations with Indian States, were to be dealt with by the Board and this secret committee only; all secret communications from India were to go before these only, and the other Directors were not even to know anything about it.

The Board of Control was very lucky in the moment of its inauguration. If weak ministries with a short lease of power had continued in England at this juncture, the policy of the Board would also have shown weakness and vacillation. But Pitt turned out to be one of the strongest prime ministers known to English history, remaining in power for an unusually long period, and he himself attended the meetings of the Board of Control regularly for several years.* The Board had thus everything in its favour and began to exercise its full powers from the first. Chesney's view, therefore, must be rejected that the Act made only a "nominal" change and

* J. Holland Rose, *W. Pitt and the National Revival*, Ch. 10.

that "the amount of power which the Court of Directors continued to exercise was sufficient to justify in great measure the popular opinion, which always continued to identify them with the Home Government of India.* Mill's view is clearly the more correct, that of "bodies, when one has the right of unlimited command, and the other is constrained to unlimited obedience, the latter has no power whatsoever, but just as much, or as little, as the former is pleased to allow.† Moreover, it was no part of the business of the Board to interfere in the details of the administration, and it was an essential element in Pitt's scheme that the position and prestige of the Court of Directors should continue just the same as before to all outward appearance.

Nor is this all. The rapid extension of the Company's territories in India after 1784, and the ease with which it sprang into the position of the paramount power, were no doubt due to some extent to the personal character of Governors General like Lord Wellesley,⁸ and to the subordinates whom such Governors General trained up in their own ideas and left behind. And the chaotic condition of India after the downfall of the Mughal Empire is without doubt the principal explanation of all that subsequently happened. Moreover, the Napoleonic whirlwind in Europe itself offered an opportunity which a *chhoti* Napoleon like Wellesley was just the person to make the most of. Still, in so far as suitable political machinery for direction and control has influence over the course of events, Pitt deserves no little credit for evolving the Board of Control out of the seed originally planted by the Regulating Act. The rhetorical descriptions of Macaulay and other historians asking us to observe with wonder the extraordinary spectacle of a merely trading company winning an empire more extensive than any known to history and with such marvellous speed, do not take sufficient account of the secrecy the unity and the efficiency of this small central supreme body that Pitt created for the guidance and control of the East India Company, in matters of policy and administration.

* Indian Polity, pp. 42-3.

† Book V. Ch. 9 Cf. also Sir W. Holderness *Papies and Problems of India* pp. 161-2. Roberts, pp. 215-6, etc.

And, finally, to us in India this Act should be memorable above all because of its "drastic provisions for the prevention and punishment of the corruption and oppression which had become rampant amongst the Company's servants."* That no occasion arose to apply them in any case whatever, ought not to mislead the historian as to their great value at the time they were enacted. They were the balanced expression in solemn legal clauses of the same temper in parliament and in the nation, which had manifested itself earlier in the attack upon Clive, and was to reappear presently in that extravagant gesture, the impeachment of Warren Hastings. English historians incline to the view that these provisions remained a dead letter and so might well have been spared, and that the impeachment was a *tamasha* futile and impolitic, and not to be wholly condemned only because it ended in the honourable acquittal of the accused, who was after all a great pro-consul, contending successfully against heavy odds. The Indian student, however, with a keener sense of his country's sufferings for thirty years from the unrestrained greed and license of men armed with irresistible power, looks upon these —Pitt's deliberate acts both—as just the steps England could possibly have taken to strike a wholesome terror into the minds of her agents thousands of miles away, and so teach them the cardinal duty of recognising that power has obligations as well as privileges. If it is the distinction of Edmund Burke to have been the most eminent parliamentarian to insist that the Company and its agents must be held responsible for their acts; if it is the distinction of Lord Cornwallis to have been the first Governor-General to purify successfully the administration of India; it is no less the distinction of Pitt to have been the first minister to provide for the same high principle such sanctions in an Act of Parliament that the evils ceased altogether and became mere matters of history. 1784 begins a series that goes on without a break to the proclamation of 1858. All that we value in the growth and progress of British India to the present day, was rendered possible only because of the radical reformation in aim and in temper, in personnel and in morals, which conscientious and determined critics of the East India Company forced upon it between 1770 and 1790.

* Sir V. Chitral, *India Old and New*, p. 73.. Also the *Occident and the Orient*, p. 118.

THE E. I. CO. ACT, 1784 (24 Geo. III Sess. 2, C 25).

MUKHARJI I, pp. 28-58: the text (incomplete) and extracts from Pitt's speech at the first reading.

ILBERT, pp. 61-67.

LECKY in Ch. 15, *Coalition Ministry*.

Section 11. To the end of the century. For a real improvement in the Company's administration of India, statesmen and soldiers and a better qualified class of public servants drawn from higher social strata and animated by higher aims were at least as essential as improvements in the constitutional and administrative machinery. English public men in parliament and in touch with the select and secret committees which overhauled the affairs of the Company so thoroughly during these years recognised this need also, and England soon began to send out some of her best sons to India in various capacities. Thus began a long roll of worthy empire builders, administrators, missionaries, scholars, lawyers, educationalists, industrialists, engineers, merchants and medical men, who in various positions and separated from one another in far distant stations, willingly devoted themselves to years of patient toil and high endeavour in our tropical country, and to whom we owe not a little of the astonishing transformation that has been brought about in the short space of less than a hundred and fifty years in this vast and ancient land of deep-seated wounds difficult to probe, and elemental agonies hard to heal. One of the first of this new type to be chosen for England's civilising mission in India was Lord Cornwallis. It was Henry Dundas who remarked in naming him to parliament "as the fittest person in the world for the Government of India:—Here there was no broken fortune to be mended! Here was no avarice to be gratified! Here was no beggarly mushroom kindred to be provided for! No crew of hungry followers gaping to be gorged!"* This was in 1783. Three years later the offer was actually made and Cornwallis asked for power to act on his judgment even though the whole of his Council were of a different opinion.¹ And this discretionary power was conceded to him for special cases by an amending Act. This autocratic power was afterwards continued to all Governors-General and Governors by the Charter

* *M.H.* V Ch. 9.

Act of 1793, and limited by that enactment in two ways: it was available only for such exceptional "cases of high importance as essentially affected the public interest and welfare," and under it the head of the Presidency could only take such action as was within the legal powers of his Government.

The last Charter Act (1781) had extended the term of the Company's privileges to three years' notice after March, 1, 1791. As Pitt's Act had solved the problem of political control, there was little opposition to the Charter Act of 1793 mentioned above, which continued them for another term of twenty years. The constitutional administrative and financial provisions of the Act merely consolidated the existing law and practice with a few minor alterations such as the one specified above. Finally, an Act of 1797 reduced from three to two the number of puisne judges of the supreme court at Calcutta.

MUKHARJI, I, pp. 58-78, the Text of the Charter Act of 1793.

Section 12. The Charter Act of 1813. The first thorough investigation by the legislature into the position and affairs of the East India Company appears to have been the one held under the Commonwealth Government. The inquiries preceding the Act of Union, the Regulating Act and Fox's Bill have also been mentioned. These took the form of select and secret committees of parliament which published voluminous reports full of carefully tested and valuable information. The impeachment of Hastings—10th May 1787 to 23rd April 1795—added to this pile.¹ Wellesley's extensive conquests won by armies operating simultaneously in several theatres of war raised the Company at one bound to the lofty position of the paramount power in India, but at the same time accumulated a debt almost too heavy to bear, and the Company had again to approach parliament for relief. A committee was thereupon appointed which again made a searching investigation into the Company's affairs, laboured at its task for five years, and submitted several reports. As the end of the term for which the last Charter had been granted approached, parliament also received many petitions from the merchants and manufacturers of a number of towns and ports praying for the abolition of the Company's monopoly of trade. On the one hand, the growing manufactures of England were

in need of new markets. On the other hand, Napoleon's Berlin decrees closing European ports to English trade and shipping, compelled these powerful interests to seek other outlets, and India and the East Indies were a field, which now that the sea routes were rendered perfectly safe by the recent capture of the Cape of Good Hope, Macao and Goa, the Isles of France and Bourbon, Java and the Spice Islands,—the monopoly of the Company alone prevented them from turning to their own profit; a field too which the general ignorance of the time enabled them to paint in the brightest hues of hope, as certain to yield untold wealth the moment it was thrown open to their enterprise.² The doctrine of free trade, as presented by Adam Smith, was growing in popularity, and these petitioners as well as an increasing number in both houses of parliament assailed the Company's privileges as injurious to the country and indefensible in principle if not altogether unnatural. In the course of the debate one of the leaders of the opposition did not fail to expose the hollowness of this plea.

"Their general principle was (he said) that England was to force all her manufactures upon India and not to take a single Indian manufacture in return. It was true they would allow cotton to be brought; but they having found out that they could weave by means of machinery cheaper than the people of India, they would say, 'leave off weaving; supply us with the raw material, and we will weave for you.' And these merchants and manufacturers called themselves the friends of India! If they professed themselves as enemies instead, what more could they do than advise the destruction of all Indian manufactures?"³

But the ministers had a large majority and they were quite willing to take the popular line in this matter only providing such precautionary safeguards as the evidence of their experienced administrators, a number of whom were examined, showed to be indispensable. Lastly, men like Wilberforce in the House of Commons seriously and conscientiously thought that they would be guilty of a neglect of duty, unless they made an attempt to bring the benefits of education, civilisation and Christianity within the reach of the Indian population, whom they sincerely pitied as savages given over to dark heathen rites and practices. These various influences

were reflected in the famous thirteen resolutions which Parliament adopted preliminary to legislation; and the principles so laid down were embodied in the Charter Act of 1813.

The necessary relief to the Company's finances was provided by arrangements for a reduction of the debt, and by restraints in respect of dividends, salaries and pensions, as also of the number of His Majesty's regiments to be employed in India.

The Company had tried to show that the expenses of administration were greater than their revenues, and that their only source of profit was the trade monopoly. Their accounts, however, were confused, and it was impossible to discover from them what profits were made, except from the trade in tea and the trade with China. And these two elements in the Company's monopoly, were seen to be on an exceptional footing altogether. Tea had become a necessary of life in Great Britain, the duties upon it yielded a regular annual income of four millions sterling, and it was not at all desirable to attempt changes in the standing regulations about such an article, when England was straining every nerve in her desperate struggle against a mighty foe. The China trade again was still in such a condition that it could only be carried on profitably under a system of monopoly. China hated foreigners, allowed only a certain number of her subjects incorporated into a single body called the Hong to trade with them, and that too only at a single port, Canton. Besides, as if not satisfied with these restrictions, the Chinese Government often placed an embargo for indefinite periods upon all shipments whatever. It required experience, tact and influence to keep the trade open.* Free trade in these two matters was thus out of the question, and this Charter continued the Company's monopoly to that extent, but to that extent only. The trade with India was thrown open, but it was strongly urged even about this that grave dangers and difficulties might result if Englishmen were allowed to flock to India and visit any part unrestrained, it was provided that Englishmen going to India were to obtain a license from the Company."⁴

* Wilson.

The power reserved to the Crown under Pitt's Act to recall any servant of the Company was first exercised when Lord Grenville's ministry recalled Sir George Barlow in 1806. And it has been stated above that amongst the leaders in parliament and in the country there was a section who were convinced that over and above amendments in the constitution of the Company, it was no less vital to go on improving the entire class of servants in every grade who were wanted for India in increasing numbers. In the course of the debate on the resolutions Lord Grenville, for instance, urged that all the civil and military appointments under the Company should be thrown open to competition, so that men educated in the public schools, sons of deceased officers, and other candidates from similar classes of society could be selected by merit.* Earlier still, Wellesley had attempted to introduce a similar improvement but in quite a different way, by starting a College at Calcutta where the young men sent out by the Directors could improve their education and acquire a proper training before being appointed to any responsible post. His scheme was too ambitious,† but it led eventually to small and practical institutions or other arrangements at Calcutta, Madras, and Bombay, enabling young civil servants entering upon their careers to acquire a knowledge of oriental languages. And in England the Haileybury College was started in 1805 and the Addiscombe Seminary in 1809. The Charter Act of 1813 provided that all such institutions were to be under the Board of Control and that no one was to be appointed a writer who had not studied for four terms at the Haileybury College to the satisfaction of the College Authorities.‡ And the patronage of the Directors was also curtailed at the upper end: Governors General, Governors, and Commanders-in-chief were to be appointed by the Court, "subject to the approbation of His Majesty, to be signified in writing under his Royal sign-manual, counter-signed by the President of the Board" of Control.

Even more serious was the departure, involved in the creation of a Church establishment of which the expenses were to be paid out of the Company's revenues, and in the

* Thornton, IV 233.

† S. J. Owen, *Selections from W's despatches*, pp. xxxvi-xxxvii and 718-755. Also J. C. Sen, *History of Bengali Language and Literature*, pp. 883-897.

‡ Auber, *Analysis*, pp. 165-171.

permission granted to "persons going to and remaining in India to introduce amongst the natives useful knowledge and religious and moral improvement." This was the starting point in India of Christian missionary enterprise as licensed by the State, with its triple fruits of western education Christian propaganda and the gradual elevation of the 'depressed' millions at the bottom of Hindu Society. The sections dealing with this subject emphatically affirm that the Company's policy of 'perfect freedom to the natives in the exercise of their religion be inviolably maintained.' Moreover, an annual grant of one lakh of rupees was to be "applied to the revival and improvement of literature and the encouragement of the learned natives of India and for the introduction and promotion of a knowledge of the sciences."

With these radical changes and innovations the Company was continued in the possession of its territories revenues and powers for another twenty years.

THE EAST INDIA CO. ACT 1813, (55 Geo. III, C. 155.)
WILSON (CONTINUATION OF MILL) Bk. 1 Ch. 8 and
Appendix X, which gives the 13 resolutions.

ILBERT pp. 73-90.

Section 13. *The Charter Act, 1833.* Although the Act of 1793 consolidated preceding legislation, the feeling persisted in some minds up to 1813,* that the measures England was adopting on the subject of India were all more or less tentative and temporary experiments. By 1833, however, such lingering doubts had disappeared, and the leading statesmen Whig as well as Tory, were prepared to fashion out of the existing arrangements a suitable instrument for the Government of the people of India. The Company too were quite willing to fall in with the ideas of parliament, but pointed out in the defence of their property, rights and privileges that their territorial revenues had generally proved insufficient, and they had been obliged to make good the deficit out of their commercial profits, which had all been devoted, beyond a regular dividend on their capital, to the general purposes of the administration.¹ The difficulties of the China trade,

* E. J. Lord Grenville—see Summary of his speech, Thornton IV 231.

they also pointed out, continued just the same as they had been in 1813. But English public opinion in favour of free trade had grown so strong during the interval that these arguments had no effect.² The Company's plea that the administration of India could not be carried on without some outside contribution was brushed aside. A territory so extensive and potentially so rich, it was universally felt, ought to be able, by suitable economy and management, to yield a revenue sufficient for its own needs.* The Company were thus driven to limit their demands to an adequate guarantee for their own capital and interest. And this was granted.³

From the date of the first administration of Lord Cornwallis the company had made fair progress in the performance of their duties towards the people of India as their rulers. Mistakes had been made, there were still defects, some of them grave,—the police were indescribably corrupt and oppressive, the decisions of the law courts depended mostly upon the vagaries and idiosyncracies of the individual judge,—but the country had settled down, agriculture was spreading, population was increasing, trade was reviving, beneficial public works were being undertaken, efforts were being organised for the extirpation of evils like thagi (1830), and signs of a renaissance being near at hand—signs like the Hindu College (1816) and the *Samachar Darpan* newspaper (1821) were coming to light. Lord William Bentinck's record as a Governor General from 1828 was at this juncture of incalculable benefit to the reputation of the Company. Peel remarked that "their administration redounded greatly to their honour, and contrasted favourably with that of any other colonial establishment that had ever existed."† Macaulay contrasted "the doubtful splendour which surrounded the memory of Hastings and of Clive, with the spotless glory of Elphinstone and Munro." He admitted that "if the question were what was the best mode of securing good Government in Europe, the merest smatterer in politics would answer, representative institutions." But he reminded parliament that even an extreme advocate of that form of polity like James Mill, who was besides a thoroughly competent witness in Indian matters, when asked by the committee was obliged to admit that any form of representative Government in India was "utterly out of the

* *Ambler*, II 684. † *Thornes*, V 253.

question".* It followed that to dispossess the Company would be to leave all the powers and patronage of a despotic government over a territory more extensive than Western Europe with a population of ten crores, a standing army of two lakhs and an annual revenue of £22 millions in the hands of the Board of Control or some other Board of Commissioners, who would be the creatures of the ministers of England. It was perfectly true that the ministers were responsible to parliament. But "a broken head in Cold Bath Fields produced a greater sensation among us than three pitched battles in India. Even when the President of the Board of Control gave his able and interesting explanation of the plan which he intended to propose for the government of a hundred million of human beings the attendance was not so large as I have often seen it on a turnpike bill or a railroad bill". A check was required upon the authority of the Crown over India, and parliament "could not be that efficient check.... What we wanted was a body independent of the Government, and no more than independent; not a tool of the Treasury, not a tool of the opposition. No new plan which had been proposed would give us such a body. The Company, strange as its constitution might be, was such a body. It was as a corporation neither Whig nor Tory, neither high-church nor low-church". Even during the recent period of unprecedented and stormy agitation, the Company had held on its course unruffled, acting "with a view not to English politics but to Indian politics, and preserving strict and unexpected neutrality."†

The Board and the company were thus continued for a fresh term of twenty years as the supreme government for India. The Governor General was now to be styled the Governor General of India, and he was given full power and authority to superintend direct and control the presidency governments in all points relating to the civil and military administration, but the local governments were also to continue to correspond with the Court of Directors as before. Questions of peace and war were to be decided upon by the supreme government alone; and even the diplomatic relations with the Native States and the conduct of particular negotiations were to be concentrated in the hands of the Governor General as far as possible.⁴

* Also Sir John Malcolm, *Government of India* (1833), p. 275.
† Speech in the Commons, 10-7-1833.

The relations between the Governor General and his Council were more clearly defined. The power of the Governor General to act at his discretion against the view of the majority of his council was continued, but he was henceforth to exercise it only when he thought that the safety tranquillity or interests of British India were essentially affected, and in every such case both the Governor General and his Councillors were directed to put on record in their secret consultations, the grounds and reasons of their respective opinions. The exercise of this ultimate power was to be resorted to by the Governor General in extreme cases only, and as the only refuge from the possible evil of distracted counsels and infirm resolutions. On the other hand, for dealing with the ordinary business of the Governor General in Council the presence, besides the Governor General, of more than one member of council was not required, and both for such ordinary business and for the legislative business to be mentioned presently, the Court were to frame rules of procedure which were to be approved by the Board of Control, and then to be laid before both houses of parliament, and such rules were to have the same force as if they had been enacted by parliament. Thus was started by this Act that practice of skeleton legislation for India, which has grown until it has become so marked a feature of our legislative activities at the present day.

As the Court of Directors ceased, under the Act, to have any further commercial business to transact, the Board of Control were now authorised to control and direct all their acts: the entire property of the Company was also to be treated as held in trust for the Government of India. The patronage or right of appointment to various offices which the Court of Directors had possessed independently of the Board, was continued to them unabated, but they were, with the approval of the Board, free to delegate it to the Governments in India, and through them to heads of departments and similar responsible persons. Lord Cornwallis had excluded Indians from employment under the Company except in the meanest posts. And he had done so for two reasons: to raise the level of the services in integrity, capacity, and sense of public duty; and in order that the young Englishmen appointed might really learn their work and do it themselves. For Hastings' experiment of duplicate appointments, an experienced Indian without any power along with an ignorant Englishman with all the

power attached to the post, although intended to achieve the same result, had in many cases failed altogether; the indolent Englishman had remained ignorant, and the unscrupulous Indian had under his powerful protection fleeced and oppressed the people all the more. Nay there was worse than indolence to be guarded against; in spite of the covenants, and although the emoluments of the service had been considerably increased Lord Cornwallis on reaching India must have found many of the civilians using their Indian colleagues and subordinates as "tools and readymade instruments of extortion"* for the purpose of filling their own pockets. How could it be otherwise, indeed, when Clive and Hastings had themselves behaved in ways not very dissimilar, and when many prominent Directors and Proprietors were themselves more or less interested in the gains piled up by hook or by crook by their nominees in India?

Lord Cornwallis cut the pestilential weed of a corrupt tradition and cleared the ground. Lord Wellesley and his circle sowed the seeds of worthy aims, high ambitions and noble ideals. The parasitic filaments of jobbery extending across the seas from Leadenhall Street, Cannon Row, Windsor Castle and Westminster, shrivelled up at the source. Decades passed, decades crowded with the careers of exemplary civilians. And by 1828 a pure and highminded civil service had become an established institution in the Government of India. It was however, an extremely costly institution.⁵ And a progressive administration necessarily means a progressive increase in the number of posts. Bentinck, therefore, decided to give up Cornwallis' policy of exclusion as no longer necessary or practicable, and began to appoint qualified Indians to grades higher than had been hitherto open to them. On this departure from past practice the Charter Act set the seal of its approval by the well-known clause—

"No Native of the said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the Company."

* Kaye, p. 420; Roberts, 222-227; Cornwallis (Rulers of India Series) 74-84; etc.

In their covering despatch the Directors lay as much stress upon the employment by the Government of "natural born subjects of His Majesty resident in" India, as upon that of Indians. The trade monopoly and the prohibition against Englishmen about going to India without a license⁶ or about acquiring landed property being at an end, it was anticipated that they would go to India and settle there in increasing numbers, and that amongst them Government might find persons seeking Government posts who might be better qualified than the Indian candidates. Hence arose, the despatch observed "a powerful argument for the promotion of every design tending to the improvement of the natives, whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge, and moral culture." And the despatch said, in more general terms, "that the object of this important enactment is not to ascertain qualification, but to remove disqualification. Its meaning we take to be that there shall be no governing caste in British India. Fitness, wholly irrespective of the distinction of races, is henceforth to be the criterion of eligibility. To this altered rule it will be necessary that you should, both in your acts and your language, conform; practically perhaps, no very marked difference of results will be occasioned."

It should be noted, however, that the concluding portion of the last sentence in the above quotation was quite contrary to the explicit recommendation of the parliamentary committee, which had admitted that "Indians were alive to the grievance of being excluded from a larger share in the executive Government" and had concluded from the evidence before it that such exclusion was not warranted on the score of their own incapacity for business, or the want of application or trustworthiness.* And as a matter of fact the Government in India followed the recommendation of the Committee rather than the despatch of the Directors in interpreting the above clause of this Act.

Another step forward in the civilising mission of England in India was taken by this Act in the duty it laid upon the Governor General in Council to legislate for the purpose of

* Sir V. Chirol, *India Old and New* p. 78. For misinterpretations of this clause by Lord Lytton, Strachey, James Stephen and others see the next chapter.

ameliorating the condition of slaves and of abolishing the status of slavery throughout British India as soon as possible, but by such practical measures as offered no undue violence to the customs and sentiments of the people. The Indian Slavery Act (Act V of 1843) and later measures were the result of this injunction.

The presidency of Bengal had become too large for efficient administration from one centre. It was also obvious that the Government of India had to be relieved of the direct responsibility for any one presidency, if they were properly to discharge their duties towards British India as a whole. The Act provided for the appointment of a Deputy Governor for Bengal and for the creation of a new Presidency of Agra, under a Governor or a Governor in Council. But these provisions were not acted upon and the matter was dealt with again by subsequent legislation.

Lastly, the Board of Control and the Ministry were fully alive to the highly unsatisfactory if not chaotic condition of the law and the law-Courts in the company's territories. First, there were several distinct bodies of statute law in force. The Charter of George I. had applied to British India the whole body of English statute law; all subsequent Acts of Parliament also applied in so far as expressly extended to any part of India.⁷ The Governor General in Council had been issuing Regulations from 1793 which were applicable to Bengal, and the other Presidencies had issued similar Regulations for their own territories, Madras from 1802, Bombay from 1827. A uniform codification, preserving local peculiarities, was desirable. Secondly, the various law-courts and their jurisdictions needed reform. The Zamindari and Adalat Courts mentioned above were merely a heritage of the past, and as the country settled down a civilised administration was bound to provide better law, more qualified judges, a systematic procedure and above all equality before the law. The Supreme Court had taken the place of the Mayor's and the sessions courts at Calcutta, and similar Supreme Courts had been established at Madras (1801) and at Bombay (1824) for these presidencies, but what was wanted was a properly graded system of courts covering British India and administering the same laws on a uniform system. Thirdly, the Hindus, the Muslims and smaller sections of the population had their own laws and customs govern-

ing important spheres of life, and the legislature had ordered the courts to respect these and protect the rights of defendants in accordance with their own laws and customs. There were law books and commentaries and collections of customs and the opinions expressed by the Kazis and Pandits of the Courts. But in spite of these and to some extent, perhaps, also because of these, the first generation of the Company's judges and law officers found it very difficult indeed to ascertain what precisely was the law on the particular point they had to decide. "The consequence was" as Macaulay said, "that in practice the decision of the tribunals were altogether arbitrary... And judge-made law, where there was an absolute Government and lax morality, where there was no bar nor any effective public opinion, was a curse and a scandal not to be endured."

Better qualified lawyers and law officers and a uniform procedure are a product of time. Legislative fiat cannot create them in a day. But a better system of lawmaking and a properly graded system of courts, their jurisdictions covering the entire field without clashing with one another at any point, could be so constructed. Moreover, as India was now thrown open to Europeans it was anticipated that Englishmen would go and settle there in numbers, and it was necessary to protect them and their rights, as also Indians from their high handedness, "through the medium of laws carefully made and promptly and impartially administered" not only at the presidency towns but also in the interior.

The power of the presidencies to make Regulations was taken away; greater power, to legislate, was given to and concentrated in the hands of the Government of India. The President of the Board of Control had proposed a Legislative Council at the Government of India. The Act provided, however, only an additional Member of Council whose function was to help the Council and vote at it when it was legislating, and a Law Commission with this member as its chairman. The quorum for the legislative business of the Council was fixed at the Governor General and three members. The Directors in their covering despatch laid stress upon the need for full inquiry, publication both in English and in the necessary vernaculars, and due deliberation in the framing and passage of all legislative measures. These laws were to have the same force and effect as parliamentary statutes. The supreme power of

parliament to legislate for India also was reserved; and the Court (acting as usual under the control of the Board) were granted the power of disallowing any laws now to be made by the Government of India or any parts of them at discretion. Of course, the Government of India were told expressly that in the new capacity thus conferred upon them they were only a subordinate legislature, and could not repeal any Act of Parliament or make any law going against any such Act or touch any law court established by the King, or indeed legislate at all on any of certain specified subjects. Still, this was the most important of the innovations introduced by this Charter Act, as not only making the right beginning towards providing a remedy for the evils and a solution of the difficulties indicated above, but as also sowing the seed of the Legislative Councils of the future. We may also say of this Charter Act that the despotic Government of British India became by virtue of it a modern Government proceeding from this point onwards by legislation and publicity and thus necessarily diverging more and more from Oriental despotisms.

MUKHARJI, I 84-112, the text and the covering despatch of the Court of Directors.

ILBERT, pp. 81-89; the same author's GOVERNMENT OF INDIA, 3^o, pp. 353-362.

WILSON, Bk. III Ch. 9.

RAMSAY MUIR, Making of British India, Ch. 8.

Section 14. To The Mutiny. An Act of 1835 gave power to separate the North West Provinces from Bengal and place them under a Lieutenant-Governor. The Charter Act of 1853 gave power for the appointment of a Lieutenant-Governor for Bengal itself, unless and until a Governor was appointed for the presidency. It also authorised the creation of one more presidency, either under a Governor in Council, or under a Lieutenant-Governor. And in 1854 another Act enabled the Government of India to take any territories of the Company under their immediate authority and management and provide for their administration. Under this Act Chief Commissioners were appointed for Oudh, Ajmer-Merwara, Assam, the Central Provinces, Barma, Berar, Baluchistan, Coorg and the Andamans; the Governor General in Council being relieved of the necessity for detailed supervision over the administration of

these minor or outlying provinces also; which came to be known as the Non-Regulation provinces.

The Charter Act of 1833 also introduced several other changes, some of them of capital importance. The number of the Directors of the Company was reduced to eighteen, of whom six were to be nominated by the Ministry. The object of this reform was to strengthen the Court by adding to it distinguished servants of the Company with first hand Indian experience.* The Law member was made a full member of the Governor-General's executive council, and all four councillors, as well as the councillors at the presidency Governments, were to be appointed under the Royal sign manual. The E.I. Company had themselves proposed in 1833, that the Haileybury College should be closed and that the necessary number of young men required for service in India should be selected annually by "a system of public examination sufficiently high to secure adequately qualified parties."† Their reasons were the great expense of the College and "the disadvantage which resulted from confining the associations of youth destined for foreign service to companions all having the like destination." This proposal was now adopted, and the first regulations for the Indian Civil Service examination were drawn up by a committee with Lord Macaulay as Chairman in 1854. The Charter Act continued the existence and authority of the Company, not for another term of twenty years, but "only until Parliament shall otherwise provide."

The President of the Board of Control had proposed in 1833 that each of the presidencies should send a member to the Council of the Governor General, one or two specially selected lawyers should be added from England, and that this enlarged Council should legislate for British India as a whole.‡ This had been negatived because of the extra expense and reduced to the addition of a single law member, while the Executive Councils at the presidencies, which he had proposed to abolish were allowed to continue, on the ground that the Governors coming fresh from England needed the advice of administrators who had long experience of India. In 1853, Charles Grant's original proposal was adopted with two improvements: the Chief Justice and another judge were also to be added

* Robert, p. 383. † Auber, II, pp. 703-4, ‡ Wilson, III, pp. 523, 535.

along with a member appointed for the purpose by each of the four provinces, and the Governor-General's Council thus enlarged to twelve members was to be the Legislative Council for India; no law or regulation made by the Council was to have force or was to be promulgated until it had been assented to by the Governor-General; the power of the Court to disallow a law even after it had been so assented to, continued unaltered. The Legislative Council thus developed out of the single law member of 1833 was a purely official body; its meetings were to be open to the public and its proceedings were to be officially published.

MUKHARJI, I 122-134.

ILBERT, pp. 90-94.

Section 15. The End of The Company. It has been stated above that the constitution of the Company was, so to speak, standardised in 1833. By 1853, however, new points of view had arisen. In the debate on the Charter Act of that year, John Bright, for instance, quoted with approval the criticisms of George Campbell, and J. W. Kaye,* and condemned the "double government" by the Board of Control and the Court of Directors as "a system of hocus-pocus" which "deluded public opinion, obscured responsibility and evaded parliamentary control." He thought that whereas there was no chance of the important subject—how India had best be governed?—receiving full and proper consideration in parliament in 1784, because of "the fight of faction," nor in 1813 because it was "a time when the country was involved in desperate hostilities with France," nor in 1833, because the subject came up "immediately after the hurricane which carried the Reform Bill": in 1853 there was no such complication or difficulty, and parliament could and was, therefore, bound to deal with such a grave and solemn matter quietly calmly and with due deliberation, making all necessary inquiries, even if the decision was thereby delayed by a year or two. He spoke, however, to listless members and to empty benches. So did all others who had anything to do with the subject on that occasion, either in the Commons or in the Lords. A quiet time might be ideally the best for elaborating a great measure. But in actual practice a repre-

* Campbell's *Modern India, A Sketch of the system of Civil Government* was published in 1852; Kaye's *Administration of the E. I. Co.* in 1853.

sentative assembly rarely puts forth on any subject the earnest will and the driving power necessary to carry a great measure through, unless public opinion is keenly exercised upon it at that particular moment.

Then came the cataclysm of the Mutiny, and suddenly all was changed. It was not only the dynasty of the Grand Mogul that was destroyed. The prime minister of England informed the Court of Directors as early as the 19th December 1857 that the East India Company was also to be destroyed, that a bill was to be brought before parliament at an early date, to take over the administration of British India under the direct authority of the Crown. Legislation on the subject was actually introduced on the 12th February 1858, and it had, a little earlier, thrown bombs in Paris at Napoleon III, who escaped unhurt, but the incident had in a few days this surprising result, that the prime minister of England was driven from office, dragging his party down with himself. The cardinal principle of his Government of India Bill, however, survived. As Bright remarked, "the conscience of the nation had been touched on the question, and it came by a leap,—as it were by an irrepressible instinct,—to the conclusion that the East India Company must be abolished." The weak Ministry that succeeded Palmerston had no alternative but to legislate on the subject in the same sense. Their Bill, drawn up by their President of the Board of Control, Lord Ellenborough, contained clauses which excited universal derision. No third Ministry was possible; for England is not, like France, accustomed to ministries succeeding one another with bewildering rapidity. It is not at all an easy matter of course to keep a weak ministry in office in spite of its manifest ineptitude on a measure of capital importance. But where there is a will there is a way. It so happened that Lord Ellenborough committed another blunder also and this served the turn. He alone resigned; the rest of the ministry remained. They tried to strengthen themselves by offering the vacancy to Gladstone.* If he had accepted, he would have had his own way, and one feels morally certain that in arranging the transfer to the Crown he would have introduced some effective checks upon the autocracy of the supreme Government of India, to safeguard the interests of the people of India. But it was not to be. Lord John

* Morley's Life, I 583-591.

Russel had meanwhile come to the rescue of the ministry by suggesting that it would be better to begin afresh by first deciding all the main principles to be embodied in the new constitution. This course was adopted, resolutions were proposed and discussed, and a third bill was placed before parliament by the new President of the Board of Control, Lord Stanley, in June; and this at length passed both the houses, with some important amendments, and received the royal assent on the 2nd August.

This Government of India Act 1858 substituted for the Board of Control and the Court of Directors and the Court of Proprietors, a Secretary of State for India and a Council, who were to wield all the powers of those bodies, stand towards the Governor General and Governors in Council in the same relation, and rule over India on behalf of and in the name of the Crown. Eight members of the Council, which was styled the Council of India, were to be nominated by the Crown, seven were to be elected, in the first instance by the Court of Directors, and later by the Council themselves, and the nominations and elections were at all times to be so managed as to secure as councillors at least nine persons who had served or resided in India for ten years and moreover, had not left India more than ten years before their appointment. They were to hold office during good behaviour, but were removable upon an address of both Houses of Parliament. They were not to sit or vote in parliament. The object of these provisions was to give advisers to the Secretary of State, who would have expert knowledge and might be enabled to be independent of him and of party influences in the performance of their duties. A Council so numerous was thought necessary to secure expert knowledge connected with all the presidencies, and the various civil and military branches of the administration in India as also the mercantile and other interests independent of the services; and it was also hoped that a large Council, with a permanent personnel changing only very gradually, would soon develop an *esprit de corps*.* The Powers conferred upon the Council were, however, not at all adequate to bring about these results. It is possible that the great position which the Court of Directors filled in outward appearance misled Parliament, and their complete sub-

* Lord Derby's Speech, 16th July 1858.

CHAPTER II: NOTES.

SECTION 9.

1. Mill, IV Ch. 7. Compare Locky, *History of England in the Eighteenth Century*, Ch. 12—"Never before had the Natives experienced a tyranny which was at once so skilful so searching and so strong. Every Sepoy in the service of the Co. felt himself invested with the power of his masters; whole districts which had once been populous and flourishing were at last utterly depopulated, and it was noticed that on the appearance of a party of English merchants the villages were at once deserted, and the shops shut, and the roads thronged with panic-stricken fugitives." Also Adam Smith, *Wealth of Nations*, IV Ch. 7.

2. Sir Josiah Child might be termed the first of these *Nabobs* although he had never been to India. See about him Macaulay, *History*, Ch. 18. But for us in India the most memorable of his instructions to the Co's servants is perhaps the following:—"We (the Court of Directors) would have you (our servants) to be always most kind and indulgent to the inhabitants that observe our laws and protect them in the same un interrupted liberty of the several religions in which they were born and bred, as you do to those of our own Church and Nation." Sir V. Chitrol, *India* (1926) p. 58.

3. 1755 to 1766—6%; 1767 to 69 10%; 1770—11%; 1771—12%; 1772 and first half of 1773—12½%.

4. By an Act of 1767. An Act of April 1769 prohibited any higher increase of dividends than at one per cent per annum, or any increase beyond 12½%. The Co. had also been paying customs duties upon their trade annually amounting to not less than 1½ millions.

5. A great part of these gifts, "going to minor servants for procuring minor promotions, have never been traced"—Locky, Ch. 12.

6. Col. Clavering received another 6000 as Commander-in-chief. The Chief Justice was to receive 8000 l. and each of the other Judges 6000 l.

7. The president and five of the senior members of council, as justices of peace, were empowered to hold petty and quarter sessions, to try criminal offences. The Company had also established Zamindari Courts wherever they were Zamindars. And when they decided to "stand forth as Diwan" and deprived the Nawab and his Naib of their nizamat jurisdiction also, Hastings established the adalats.

8. These District and Sadr Courts were the creation of Hastings. In the Civil District Courts the Collector presided and was assisted by the diwan or native revenue officer for the district. In the criminal district courts the Collector was assisted by the Kazi and Mufti of the district; two

Moulvis also attended. The appellate civil court at the capital was presided over by the President; and he was helped by two members of council, the diwan of the Khalsa lands, the head Kanungos, and other kacheri officers. The appellate criminal court was presided over by the Daroga Adalat (the deputy of the Nizam), and he was helped by the chief kazi, the chief mufti, and three Moulvis. Hastings had thus continued 'with scrupulous exactness the constitutional forms of judicature' familiar to the people. The Mufti was the expounder of the law; but the Kazi and the Moulvis were also learned in the law; and if they disagreed with the mufti's fatwa, the matter went to the court of appeal, and, if necessary, to the whole body of the learned in the law.—Auber, I pp. 425-8. Pandits were also attached to the civil courts to advise on points of Hindu Law. See Hastings' letter to Lord Mansfield, 1774 (*Kelth*, I 59-66.)

9. The Amending Act of 1781 removed a few of the most glaring defects and difficulties, but a really satisfactory system was not established till after 1833.

SECTION 10.

1. Fox wrote—"If I had considered nothing but keeping my power, it was the safest way to leave things as they were or to propose some trifling alteration, and I am not at all ignorant of the political danger which I run by this bold measure; but whether I succeed or not, I shall always be glad that I attempted, because I know I have done no more than I was bound to do, in risking my power and that of my friends, when the happiness of so many millions"—i.e. Indians—"is at stake." Quoted in Locky, Ch. 15. See also for the whole episode Hunt, *Political History of England*, pp. 244-254.

2. English politics in the Georgian age was still to a large extent a matter of personal ties. Personal loyalty was the one universally and instinctively recognised bond of political co-operation; disloyalty, infidelity, ingratitude, the grossest of political sins. That Fox and North should join together to seize power was an offence that stank in the nostrils of their contemporaries. This worst and most infamous 'deal' in an age of deals proved the last, just because it so shocked the conscience of the time. Young Pitt in routing this old gang also annexed to himself the entire credit of being the creator of a purer type of politician animated by a higher sense of public duty. And this is how contemporary political reputations are made or are blasted more or less in every age and clime—a lesson, this too, which the young student ambitious to cultivate independence of judgment ought to learn from such classical examples at a pretty early stage in the course of his own career.

as the Act allowed, and on a petition the King granted them an ample charter in the name of the "English Company trading to the East Indies." Perhaps the most noteworthy novelty in this charter, which owing to subsequent events came to be the foundation-stone of the United East India Company's Privileges, is the following: "All ministers (of religion) shall be obliged to learn within one year after their arrival the Portuguese language and shall apply themselves to learn the native language of the country where they shall reside, the better to enable them to instruct the Gentoos that shall be the servants or slaves of the Company, or of their agents, in the Protestant Religion."

Both Companies were soon convinced that they must come to an understanding and amalgamate. In India the efforts of the new Company to establish the same three Presidencies as the old had created, and in the same places, too, brought no gain to themselves and involved the old Company in great difficulties. In England the doubled imports glutted the market and raised the swadeshi opposition to a height. Parliament penalised the wearing of Indian silks and imposed heavy duties upon their importation (1700). And a Union appeared more and more imperative as the War of the Spanish Succession drew near. It was effected at last, exactly a week before the outbreak of the hostilities, in the form of an Indenture Tripartite between the Crown and the two Companies (1702). The new Company had subscribed 1,662,000 l. of the loan, the E. I. Company had subscribed 315,000 l. The first condition of the Union therefore was that the old Company was to take over 673,500 l. of the loan from the new, so as to equalize the shares of both. On the other hand the deadstock, houses, factories and forts of both the Companies together were valued at 400,000 l. of which the senior Company's share was worth 330,000 l., and so the new Company was to pay 130,000 l. to it, to equalize matters. Secondly, on the new board of directors each Company was to elect twelve, and this joint board was to be supreme from the date of Union. And thirdly, seven years were to be allowed to each Company to wind up its separate affairs. The Act of Parliament constituting this "United Company of merchants of England Trading to the East Indies" took from it a further loan of 1,200,000 l. in return for the privileges, and also provided

that they were thereafter to receive interest for the whole amount of 3,200,000 l. at the rate of five per cent only (1707).

ROBERTS, Chs. 3 to 7.

ILBERT, pp. 13-30.

HUNTER, II Chs. 7, 8 and 9.

MACAULAY History, Chs. 18, 19, 20, 23.—the relevant sections.

Section 6. Farrukh-Siyar's Firman. From the constitution of the United Company to the War of the Austrian Succession in Europe, the East India Company enjoyed nearly forty years of steady growth in resources, experience, influence and power. This period of peaceful penetration and local consolidation enabled the three Presidencies¹ to train up a body of men who knew their work and surroundings thoroughly and were quite prepared to face the greater problems and difficulties of the troubled times that followed. The great Mughal Emperors had administered their major provinces by a system of triple or quadruple establishments which served as checks upon one another. The Nawab was titular head of the Province, but was far from being sole master in his domain. The Diwan of the Province was an independent officer with his own establishments in city and zilla, which exacted a strict account of all the revenue and expenditure and rendered it direct to the imperial treasury. The customs revenue of the province was within the Diwan's direct control and when the larger jagirs of the greater functionaries and feudatories (to none of whom the Emperors allowed more than a life interest) fell vacant on the death of an incumbent, it was the function of the Diwan rather than the Nawab to take possession. The judicial administration again, such as it was, was in civil cases in the hands of kazis, whose dependence upon the Nawab was slight. And even in military matters, the strong fortresses and the imperial ports of the province were entrusted each to a Governor who was not necessarily a subordinate of the Nawab. This system, however, had been breaking down during the last decades of Aurangzeb's reign, and soon after his death one and the same officer, styled the Subahdar, everywhere combined in his own person the duties of Nawab and Diwan, and succeeded in becoming the absolute ruler of his province in everything but the name. If he forwarded to

Delhi more or less regularly a sum in commutation of the annual revenues of the province and knew how to keep the influential ministers and courtiers surrounding the Emperor well-disposed towards him, "he had nothing to fear but an army from Delhi, which was always coming but never came."² All persons and powers throughout the empire from village communities, trading castes, industrial gilds and even temples right up to the great hereditary Rajas in Rajputana, felt the change that had come over the spirit of the Empire and reacted towards it in one and the same way, for the preservation of their rights from the growing exactions and tyrannies of the local magnate, and the increasing insecurity of their surroundings. They strengthened themselves as best they could, and also sought by all means in their power a clearer definition of their rights from the highest authority. The Company too had no other option. The Zamindari rights over the district³ surrounding Calcutta were purchased (1698) and the fortifications of Fort William were strengthened (1707-14). And they sent an embassy to the emperor Farrukhsiyar. The President of Fort William in his petition for redress, called the Emperor "absolute monarch and prop of the universe," and compared himself to "the smallest particle of sand with his forehead at command rubbed on the ground." The grievances complained of related to all the three presidencies. And they were lucky in getting full redress on paper on all the main points within the short space of two years. This was the result of the Mughal fear of the Company's strength at sea. Bombay, unable to stand any longer the excessive exactions of the Governor of Surat, withdrew the factory from that port in 1717, which instantly excited serious alarm. For it was remembered that the last withdrawal of the kind had been followed by the Company's fleet preying upon Mughal shipping wherever found throughout the Indian seas.⁴ Farrukhsiyar's firman allowed the Madras Presidency to take possession for an annual quit-rent of some villages round Madras, which the Subahdar of the Karnatak had granted but resumed. Bombay obtained the valuable right of exemption of their imports and exports at Surat from inspection and delay; they had only to pay a fixed annual sum in commutation of customs. The cargoes of English ships wrecked anywhere along the Mughal coasts were to be protected from plunder. And Calcutta obtained exemption from stoppage and examination of all goods and ships certified by the

President's *dastak* (signature i.e. signed certificate) as belonging to the Company. This was a most valuable privilege which the Company tried to stretch to the uttermost. The Subahdar of Bengal refused to recognise the validity of the President's *dastak* in the internal trade of the province or in goods passing up or down by land. On water, however, the Company were strong, and the effects of the firman were far-reaching. The President granted his *dastak* not only to the Company's goods, but also to the goods of the Company's servants, who traded largely on their own account, and were allowed by their masters to do so in many articles, since the salaries paid to them were miserably low. And Company's servants began to earn large commissions besides from the native merchants, merely by extending to them also the protection of the *dastak*. The volume of the goods thus entrusted to them for transport increased very rapidly, and the Company further improved their gains by increasing their own shipping. The Indian merchants obtaining the protection of the *dastak* would have to pay the Company for transportation and ware-housing services also, and the Company's shipping and their network of ware-houses along the rivers went on multiplying. The Emperor his ministers and his courtiers could not possibly have realised that their firman would thus enable a foreign Company to engross so high a proportion of the trade and shipping of the richest province of the Empire. When the firman reached Calcutta, Madras Bombay the Presidents and Council received it with regal honours: 151 guns from the fort and the broadsides of every vessel in the port roared forth their jubilant welcome. Orme called it the Magna Charta of the Company and it certainly gave them an assured legal status and constitutional rights derived from the highest authority in India. The very fact that the Company habitually exaggerated the worth and significance of such grants and concessions as they had hitherto obtained, shows the high value rightly attached to a firman of the Emperor under the Mughal system.

ROBERTS I Ch. 8.

MILL Bk. IV Ch. 1.

Section 7. *New Era*. Thus a hundred and fifty years after their foundation the East India Company were rulers at Bombay but only Zamindars at Madras and Calcutta, and

mere traders at their factories inland. But a new era began in their fortunes with the war of the Austrian Succession and in the short space of twenty years (1745-65) transformed them into a powerful State ruling over extensive provinces. And when once they began to mount up the ladder of power they ascended the steps easily and rapidly, until before long they were firmly established on the summit. Many causes contributed to this result, which was as unexpected by the Company themselves as by any one else.

The main internal cause was that the Mughal Empire had broken down, political conditions in India had become chaotic, and the country was in the throes of an "internal revolution," "a state of chronic war and mutual plunder" during which "authority had fallen on the ground and lay there waiting to be picked up by somebody."* Wars, it must be noted, can only be carried on for many years at a stretch when the theatre of warfare can itself be made to supply in abundance the men and resources so essential to prolonged operations; but a state of internal revolution is also a state of chronic warfare just because it fulfils these conditions.

The main external cause was that England had already won a position of maritime supremacy in the world, and every effort made by her European rivals singly and in combination to challenge and weaken this, enabled her on the contrary to strengthen it more and more throughout the eighteenth century.† The principal rival of the English in India was the French East India Company which was by far the weaker of the two in every respect. Even if the two Companies had been left to fight it out by themselves, the English Company was certain to win. And it so happened that France was also the principal rival of England in Europe and America. Thus, although the E. I. Company was in fact only a few hundred traders not all of them Englishmen, its cause nevertheless assumed a national aspect, and England as a State gave it a fairly consistent support at this critical stage of its fortunes in war and in diplomacy.

* Seeley Expansion, II Series esp. Lec. III.

† Mahan Influence of Sea Power, esp. Ch. 7, pp. 273-9; Ch. 8, pp. 305-10 and Ch. 12.

Nor should some remarkable traits of the English character be forgotten. The history of no other people shows such uniform good luck; perhaps because (1) the English have extraordinary staying-power, (2) they discern and seize opportunities, and (3) in the moment of success they restrain themselves, they keep cool and are content with appropriating less of the legitimate fruits and spoils of victory than almost any other people. The history of no other nation shows such uniform good luck; perhaps also because while few very few English statesmen soldiers or admirals have been men of genius, (4) the proportion amongst their empire-builders has been surprisingly large of administrators;¹ who, as even Mill was constrained to admit in the case of Warren Hastings, "excelled in applying temporary expedients to temporary difficulties; in putting off the evil day; in giving a fair complexion to the present one."* At any rate, it is a historical fact that the Indians of that century soon discovered something subtle behind the Company, which they called her "star"² and came to repose more and more faith in it.

To pass on to causes and influences not so difficult to appraise. The Indian States pitted against the Company were under a system of personal rule. A particular ruler might be able and trusted by his people and army and might have a clear far-seeing policy to which he resolutely clung; but on his death there might be a war of succession a minority or a successor who was incompetent or distrusted or hampered by palace intrigues, or one who, though free from such difficulties and able himself, might have other aims or methods.³ A corporate authority might also be distracted by personal jealousies and differences: the ill-success of the French in India was to some extent at least due to this cause. But even prejudiced students of the history of the East India Company must admit that it showed less of this defect than might have been expected. A united front was maintained on the whole, a fairly continuous policy was evolved, although the field of operations must have appeared to the foreign eyes of these pioneers bewilderingly various and tropically prolific of surprises.

The French have more practical originality and they have less colour prejudice than any other "white" people; and it was in the fitness of things that they should have been the

* Mill Bk. V Ch. 8, last paragraph.

first to try and test the experiment of imparting the weapons and discipline of the European art of war to Indian soldiers. It was also quite as natural that the English should reap the full harvest of what others had sown merely in an experimental farm as it were. For, supposing for the sake of argument that the French had not been knocked out of the ring at so early a stage:—there would have been a French zone in India defended by an army mainly Indian; the organisation of that force would have been very different from that of the Indian army created by the English East India Company; that part of India would in all probability have been annexed to the mother country at an early stage of its history, and would have become as integral a part of France as is Algiers. There would thus have been a forced super-imposition of the French culture upon Indian, and this might have developed one knows not what disorders, tumults and horrors; and, lastly, even supposing them all successfully surmounted, that zone would have remained un-Indian for one knows not how many centuries.

Again, with Chanda Sahab began a long line of Indian rulers and adventurers who saw the European Art of War exemplified by armies composed mainly of Indian soldiery, and grasped its supreme importance for success as soon as they saw it. The greatest in this line of succession were Sadashivrao Bhau, Mahadji Shinde (Sindhia), and Ranjitsing each of whom acquired more of it than his predecessor. But none, not even the last, could master it fully. And no wonder, Generalship, strategy, tactics; the provision of the necessary forts, ordnance, munitions; the training of the unit, the company, the army corps; the proportion of the various arms; their proper use at the right moment and in the right manner; the keeping of an army and in being in peace and in war, in victory as well as in defeat; not to mention inventions or improvements:—it is too complex a matter to be mastered without several generations of a continuous tradition. The army at the front needs to be fed continuously, and not with food only; and that means factories and military colleges, and behind and supporting it all, a highly developed stable political, social and economic system. In one word the army scientifically trained and equipped, is, to use an Indian figure, the mace of Bhima; but Bhima the Pandawa alone can wield it

and smash his foes with it. In a lesser hand it invariably smashes up both him and itself to pieces.

And lastly soon after Pitt's India Act, the Company's efficiency as a civil administrator came to be on a par with its superiority as a military power. In every district as it came to be annexed to the Company "lands abandoned for a century were taken again into cultivation, cities were re-populated or new emporia founded, commerce revived, temples and mosques were built anew."* Thus it was that the miracle of an all-red India came about quite unmiraculously in the course of the sanguinary century between the petty and chance encounter at St. Thome (1746) and the great artillery battle at Gujrat (1849).

SIR A. LYALL: Rise and Expansion of British dominion in India.

SIR V. CHITROL: India (Modern World series 1926) Ch. 4.

Section 8. *The Diwani*. Within twenty years of the deposition and murder of Farrukh-siyar, Nadir Shah's invasion reduced the Mughal Empire to a mere name, and Subahdars in the out-lying provinces became independent. The founders of these new kingdoms were self-made men trained to arms and administration in the hard school of personal ups and downs, and while they lived their sway over the provinces they had seized and were holding together was a reality. But the moment their eyes were closed chaos began. Dupleix and Bussy tried to turn the situation to the profit of the French Company at Arkat and Hyderabad and failed (1748-61). Clive at Murshidabad and Patna succeeded (1757-65). Sirajud-doula was deposed. Mir Jaffar was placed on the *masnad*,² but soon discovered that he could neither control his foreign allies nor satisfy their greed, nor maintain himself without their support. All North India went in daily dread of Ahmad Shah Abdali's movements. Prince Ali Gaurar, moreover, appeared with an army on the borders of Bihar, appointed Subahdar of Bengal, Bihar and Orissa by his father the Emperor. Mill is of opinion that the English might now have transferred their support from Mir Jaffar to him. "On what side justice lay," he remarks, "is evident enough. On

* 'Al Carthini': Lost Dominion.

what side policy, is a more subtle inquiry." ³ The people concerned, however, from Shuja-ud-doula of Oudh and Ramnarayan of Bihar downwards, ⁴ no longer considered it obligatory to pay any respect whatever to the rights and firmans of the Emperor (who was a mere tool in the hands of Vazir Gazi-uddin), or to the claims of a Prince, who had constantly plotting against him that unscrupulous Vazir as his mortal enemy. In the course of his second invasion, however, he had himself, on his father's death in November 1759, become Emperor as Shah Alam, and after the decisive battle of Panipat (1761), Ahmad Shah Abdalli had acknowledged his title and recommended his restoration to Delhi to Shuja-ud-doula, Najib-ud-doula and the other Muslim princes of Hindustan. The Company, therefore, thought it prudent to regularise the position in the Lower Provinces. Although they had defeated him in battle, they invited him over to Patna, where Mir Kasim (who had replaced Mir Jaffer) rendered him homage, and it was agreed that an annual tribute of Rs. twenty-four lakhs was to be paid to him. The Emperor at the same time offered the Diwani of the provinces to the Company and requested their aid for his advance upon Delhi. But the general instructions of the Court of Directors were "to act with the utmost caution," and both the adventure and the offer were declined.*

This offer of the Diwani had indeed come as early as 1758. The Delhi treasury had been receiving from Bengal an annual revenue of Rs. fifty lakhs before the breakdown of their administration, and it was only natural that the Emperor and his ministers should still cast longing eyes at such an income, and be always ready to pass the deeds in favour of any one at all likely to fulfil the responsibility of a more or less regular remittance. But power has its duties no less than its spoils and the spoils of power must sooner or later drop out of the hands no longer able to discharge the duties. Clive had referred to this offer in his letter to Pitt (1759), and added that it would be a magnificent acquisition for the kingdom of England, whereas "so large a sovereignty may possibly be an object too extensive for a mercantile Company." Pitt however, was not to be tempted, although Clive's Agent told him that "if the State neglected it, the Company in process of time

* *Selr*, Section X (II 404-409); *Anber* I, 79-84.

would secure it, that they would even find themselves under a necessity to do it for their greater quiet and safety, exclusive of gain."* If Mir Jaffer had shown greater capacity, or if the Company's servants had proved less rapacious, if the Company's arms had been less irresistible, or even if Clive had not with the audacity of genius completely extinguished the political influence of the French and the Dutch in this part of India, the fulfilment of this forecast might have been delayed. As it was Mir Jaffer was deposed, Mir Kasim was driven into a war, the first was re-installed, and on his death, not his grandson and heir, but his second son was elevated, and on the understanding that all his power was to be exercised by a Naib (deputy) chosen by the Company. Thus the Nawab, whose jealousy of the Company acquiring an independent status was one reason for their hesitation in the past, sank into a mere puppet and ceased to count. And the Company too were now prepared by eight years of close contact and crowded experience to judge and act for themselves. The Emperor, the Nawab Vazir, the Rohilla and other Muslim Chiefs, their actual power and their mutual relations, their designs and their methods, the Company were now able to estimate and utilise for their own ends, and so as to suit their own peculiar constitution. While the Indian princes with whom they had to deal were thinking only of the situation in India, the Company had to consider no less their own position in European law and polity, and England's relations with other European powers. Hence, they wanted a legalised status within the Indian political system, the status not of a sovereign but of a subordinate under the Chhatra (umbrella) of the Emperor and the Nawab, however nominal in fact, but still of indubitable value in law and diplomacy; and yet they also wanted an absolutely free hand within the territory they occupied, and lastly, a land frontier or barrier not imposing upon them too great a strain to defend. After the decisive battle of Baksar, and especially after the skirmish near Kora (May 1765) when Shuja-ud-doula's last ally, Mulharji Holkar "galloped up and down like one desirous to do something, but confounded and appalled by the English fire, put spurs to his Horse and galloped away altogether,"† the Company could have seized the whole of their enemies' territories; or they could have

* *Firminger*, pp. civ-cv. See for this letter of January 1759, *Keith*, I pp. 13-18.
† *Selr*, II 580.

accepted the Emperor's proposal to take Gazipur and Benares for themselves, and let him have the rest. There must have been other proposals also from Shuj-ud-doula of Oudh, Balwant Sing of Benares, Sitab Rai and others. But the Company were bent upon securing—not as large a territory as they could seize, nor the position of a sovereign,—but something far more modest and serviceable: a stable frontier, an unimpeachable title, and behind these, years of peaceful and profitable trade. This is the meaning of the Diwani treaties between the Company, the Emperor, the Nawab Vazir, and the Raja of Benares, though the whole proceedings had to outward appearance an unreality, which historians, from the author of the *Seir Mutakherin* downwards, have not scrupled to ridicule. If a definite date be desired from which to mark the beginning of the British power in India, it is far more accurate to fix it at the 16th January 1761, when Pondichery changed hands, or at the 10th February 1763, when the Treaty of Paris was signed, or at the 23rd October 1764, the date of the decisive battle of Baksar, or finally and most appropriately at the 12th August 1765, the date of the Diwani Firman, rather than at the third battle of Panipat with which the English had nothing to do, or at the flight of the betrayed Siraj-ud-daula from Plassey Grove,* which even military enthusiasts cannot magnify into a battle.

A. B. KEITH, *Speeches & Documents*, I 20-30.
MILL, IV Chs. 3, 5 and 7.

FIRMINER, Ch. 8.

A. YUSUF ALI, Chs. 14, 15, 16.

* Grove of Palasha trees.

CHAPTER I: NOTES.

SECTION. 1.

1. The 'General Court' is, in modern language, the ordinary annual meeting of the shareholders of the company; which the Charter required to be held on the first of July or within six days after that date. The board of 'committees' corresponds to our Board of Directors. The First Governor and Directors are named in the Charter. 'Committees' says Mill 'meant persons to whom something is committed or entrusted.' *History* Bk. IV, Ch. 1.

2. I.e. "effective occupation."—Hunter, I 220, 246-7; P. E. Roberts, *Historical Geography—India*, I 23; *Cambridge Modern History*, IV Ch. 25. The Elizabethan petitioners themselves asked only for leave to trade. "where Spaniards or Portuguese have not any castle, fort, blockhouse, or commandant" They thus recognised such occupation as effective, but ignored the rights founded upon the Papal Bull of 1493.

SECTION 2.

1. The profits of these 'separate' voyages were very high—A. Yusuf Ali, *Making of India*, p. 142.

2. Hunter, II pp. 177-9, n. 2 gives a summary survey of the voyages and joint stocks from 1600 to 1660.

3. Vincent Smith, *Akbar the Great Mogul* (1917), pp. 292-5. For the distinction between parwana, nishan, firman, sanad and treaty see Hunter, II p. 51 text and note.

4. Hawkins, at Agra, 1607-11: Canning 1613; Kerridge 1613-4 Edwards 1615. Strictly speaking 'ambassador' is too high a title for these four: more than one of them, moreover made himself and his nation ridiculous at the Moghal Court. For Mildenhall and Hawkins see Sir W. Foster *Early Travels in India*. The first was merely a private trader (p. 48). Nevertheless, the probabilities about the Mildenhall firman story are (1) that he did obtain some concessions, (2) that the Company could not get them from him as they would not pay him his price for them or objected to have him as permanent head of their trade in the Moghal Empire, (3) that the papers were either lost on his death at Ajmer in June 1614 or they fell into the hands of the Moghal Officer there, and that (4) they ceased to be of any use to the Company because of the fresh concessions obtained 1613-14.

5. For a graphic account of Best's and Downton's actions see H. G. Rawlinson *British Beginnings*, Ch. 4.

To show their displeasure at the action of the Governor of Surat in granting the concessions to the English, the Portuguese seized Imperial ships in the course of 1613 some of which carried large amounts of treasure. Thus the Mughals and the E. I. Co. were really at war with the Portuguese, 1613-15. See Beni Prasad *History of Jahangir*, 205.

6. Roe's great service to the Co. lay in the sound advice he gave which the Co. adhered to as the cardinal principle of their policy for many years. "The Portugal" he said "never profited by the Indies, since he defended them. Observe this well. It has been also the error of the Dutch, who seek plantation here by the sword. They turn a wonderful stock, they prowl in all places, they possess some of the best. Yet their dead payes consume all their gain. Let this be received as a rule, that if you will profit, seek it at sea, and in quiet Trade; for without controversy, it is an error to affect garrisons and land wars in India."

SECTION 3.

1. For Boughton—Foster, *Factories*, the vols. for 1642-5, 1646-50, 1651-54; also his articles in *Indian Antiquary*, September 1911 and May 1912. For Shalasta Khan's dealings see Firminger, Introduction, Ch. 3, in *Fifth Report*. Hugi was assigned to him as his jagir, and he invested the annual proceeds with the traders of the place at high interest, who would naturally enough be supported by him in trying to engross the entire trade of the place. Hence the Co.'s complaints against him and the Hugi traders are only one side of the shield.

SECTION 5.

1. The Portuguese thought Bombay Harbour too valuable to part with: "the best port," wrote the Viceroy (to his King), "Your Majesty possesses in India, with which that of Lisbon is not to be compared"—*Malabar Bombay in the Making*, p. 94. Also when the final orders were received "I foresee the great troubles that from this neighbourhood will result to the Portuguese and that India will be lost on the same day on which the English nation is settled in Bombay"—*Gazetteer of Bombay City and Island* II, 45-49; A. A. Khan, *Anglo-Portuguese Negotiations re. Bombay*.

2. The Mayor and two of the Aldermen were to be English, but of the other ten, three were to be Portuguese and seven Muslims or Hindus. For further details see Hunter, II, 235-7.

3. While his opponents labelled the Company unscrupulously, Sir Josias Child bribed heavily. The Secret Service money account of the Co. placed before the Commons Committee in 1695 showed that 28,467 l. were expended thus between 1688 and 1692, and 80,468 l. in 1693.

SECTION 6.

1. Calcutta became finally independent of Madras 1707.

2. Orme, *Dissertation* (Vol. 1, p. 28)—ext. cts in Ramsay Muir, *Making of British India*, pp. 25-31. Also see on the subject J. Sarkar, *Mughal Administration*; W. H. Moreland, *India at Death Akbar*, Ch. 2; N. J. Shah *History of Indian Tariffs*, Ch. 1.

Diwan means Collector-General as J. Ramsay Macdonald happily call him (*Government of India* p. 1249).

3. Sutanati, Govindpur and Calcutta. Fort William was built at Govindpur as soon as the Zamindari was acquired. Prince Azim-ush Shah, Farrukh-siyar's father, was Nawab at the time, and granted the Co. all they asked for, "having bent his chief attention to the amassing of a treasure against the contest for the succession, certain to break out on the death of Aurangzeb"—Mill, IV Ch. 1.

4. In 1686-9, when the loss inflicted was over £ 1 m. and the trade from Sur was dislocated for some years. For this war between the Mughal Empire and the Co. see Hunter, II Ch. 7. Peace was made by Aurangzeb's firman, Feb. 1690, a little after Sir John Child's death at Bombay.

Orme (Bk. VI), Mill (Bk. IV Ch. 9), and other writers attribute the success of this embassy to Hamilton, a physician who happened to cure the Emperor of a painful disease. But he treated Farrukh-siyar, October and November 1715, while the firman was not granted till July 1717. Orme's own account shows that at the most the physician's influence saved the embassy from being dismissed soon after their arrival, although they fully deserved this for their stupid disregard of the Vazir, the only proper channel through whom to approach the Emperor. Again, Mill's language about Hamilton's generous public spirit is hardly justified. The Emperor held a darbar to celebrate his recovery and at this Hamilton received an ample reward, for the details of which see Auber, I 20. The firman of July 1717 was clearly due to the grave fears indicated above, although some of the polite courtiers might have allowed the "foreigners" to fancy whatever they pleased about it. See also W. Irvine, *Later Mughals*, I 306, II 99.

SECTION 7.

1. Cf. what a competent German writer puts somewhat differently as follows:—"The use of English power always sees its limits; for this reason it has never worked merely destructively but has always created new centres of power. Never in English history do we meet the great supermen who fail in the attempt to make the impossible possible—"Von Wilhelm Dibelius, *England* 2 vols. (1923).

2. More properly *Maqibah* (an Arabic word meaning) a combination of good luck, efficiency, resourcefulness and fortitude or staying power.

3. A very good instance of this last is the remarkable change that came over the War of the Karnatak immediately on the death of Haidar Ali. Tipu was also a strong and able ruler, but of a type altogether different from his veteran father, who sensitively shifted his sails to every breeze that blew.

SECTION 8.

1. Murshid Kuli Khan, the first Subahdar of Bengal, owed his rise to the same Emperor who granted the *dastak* firman—Farrukh-siyar.

2. "The revolution of 1756-7 was...the overthrow of a Muhammadan Government by the trading and financial classes, Hindu and British: both the latter gained commercially, though the British took the predominant part in the actual events, and alone succeeded to the political sovereignty."—Roberts, 130. The parties to the conspiracy against Siraj-ud-doula were three: Mir Jaffar or rather I should say his son Miran and the Muslim leaders in the army; the Sheths; and the English. The statement that the Hindu trading and financial classes also gained by the revolution requires proof.

3. Also—"To oppose him was undisguised rebellion." Bk. IV Ch. 6.

4. *Sair Mutakhirin*, Section IX. The author also notes the reluctance of the English at first to appear in arms against the Shahzade; and observes that it was because they were "uninformed of the real state of affairs in Hindustan."—Vol. II, p. 326. For a different view of Ali Gauhar's two raids see Roberts I pp. 146 and 158.

CHAPTER II.

THE EAST INDIA COMPANY:—TO THE TRANSFER TO THE CROWN, 1858.

Section 9. The Regulating Act. We have seen how immensely the East India Company prospered under the *dastak* concessions in the Lower Provinces. These arrangements, however, had left the internal trade and all the land trade in the hands of the inhabitants and subject to such duties and regulations as the Nawab might impose. And disputes and differences between the Company or its servants on the one hand and his subjects on the other, went to the Nawab and his Courts for settlement. But as soon as the revolution of 1757 was accomplished, the logic of events placed the Company and their servants and agents, English and Indian, above the government of the country. "Neither the Nawab nor his officers dared to exert any authority against the English. The *gumastas* or Indian agents employed by the Company's servants not only practised unbounded tyranny, but overawing the Nawab and his highest officers, converted the tribunals of justice themselves into instruments of cruelty, making them inflict punishment upon the very wretches whom they oppressed and whose only crime was their not submitting with sufficient willingness to the insolent rapacity of these subordinate tyrants. The crimes of the English and their agents went unpunished, "and the unhappy natives lay prostrate at their feet."¹ Did not the Company's trade prosper all the more? It is quite impossible for trade to prosper, if industry and labour languish, as they must, where there is no justice to be had, nor any security that the worker will himself reap the legitimate fruits of his own labour and skill. Besides, the Company's servants of every grade were only too eager to imitate the unworthy example set by Clive and his associates, and all and each plunged into the exciting sport of accumulating princely fortunes as rapidly as possible. And these India-retained 'Nabobs'² bought country seats and rotten boroughs, speculated in the Company's shares and on the exchange and thrust themselves into society and parliament. They even aspired to stand well with royalty by means of their lavish presents of valuable rarities. The evil was of a cumulative nature, the entire tone of life, public, social and private, was threatened, and no defence or remedy was

possible, unless the rank growth could be cut at its economic roots, and the roots themselves dug up and destroyed. Some of the most clear-sighted men in Parliament applied themselves resolutely to the task. "If sovereignty and law," said Colonel Burgoyne, "are not separated from trade, India and Great Britain will be sunk and over-whelmed, never to rise again."* And they honestly believed it to be an essential part of their patriotic task to make an example of Clive himself, the most eminent of the 'Nabobs'. The Court of Directors, too, tried every means in their power to forbid, to penalise and to end finally and for ever all private trade by their servants. But the only instruments through whom they could work were these very servants in India, and the magnitude of the temptations and opportunities, so suddenly unfolded to view, tainted the whole class. It is sometimes said that the Company were not liberal enough to raise their salaries to a pitch demanded by the altered circumstances. But the change brought about had been so sudden and revolutionary in character, that it was not easy to readjust salaries all at once. Nor would a mere increase in the salaries, however great, have answered the purpose; what was really wanted was a new class of servants, drawn from a higher stratum of society and with a higher out-look and sense of duty; and this it was not in the power of a body of traders to supply. And besides, for one and the same corporation to be both a trading body and a ruling power responsible for the welfare of millions of subjects, was in itself a combination radically unsound, and certain to give rise to incurable anomalies and iniquities. Such were the deeper ideas and motives seeking to guide the action of parliament—and of the British ministry—on Indian questions, from the moment that the Company ceased to be mere traders; ideas and motives which continue to gather force until they achieve their triumphs in the great Charter Acts of the next century.

In the beginning, however, it is hardly surprising that even the best advocates of these ideas did not see very clearly all that was implied, or how to apply their own notions of what was right and fitting to the complex concrete and urgent problems presented by the Company. As the value of their stock

* Roberts, p. 163. Cf. Chatham's speech in parliament 22-1-1770. Grenville's speech over forty years later in the debates on the Charter Act of 1813.

rose in the market the proprietors had insisted upon better dividends.³ The Government, too, had as a temporary measure imposed upon the Company an annual tribute of £400,000, in return for a permission to keep the territorial revenues to themselves.⁴ Lastly, 1769-70 was in the Lower Provinces a year of famine so severe that the starvation and the pestilence which followed carried off over a crore of people, at least a third of the usual area ceased to be cultivated, and the after effects continued for years, until at last the country made a fresh start from the date of the permanent settlement of Lord Cornwallis. Neither were the Presidencies of Madras and Bombay free from embarrassments, and the Company's finances in England could no longer stand the strain. Even their tribute for 1772 could not be paid in full, and, at the end of their resources, they were forced to petition the ministry for a loan of one million pounds (August 1772). The Parliament and the general public had been taking increased interest in the affairs of the Company since 1757, and the many personal enemies Lord Clive had made wanted to punish a dishonour him. The parliament had already appointed a select committee for a thorough investigation into the affairs of the Company, and now appointed a secret committee. The evils revealed by the reports of these committees were (1) vast sums had been obtained by the Company from the native powers as compensation for losses and military operations, (2) and by the Company's servants as presents,⁵ (3) revolutions and wars had been frequent, with the result that the country was unsettled and the expenditure exceeded the revenues, (4) the plunder and oppression of the people were alarming to contemplate, (5) the servants of the Company were devoid of all sense of subordination, discipline, or public spirit, and pursued their own selfish interests and private quarrels in such a manner as often to risk the total loss of the Company's possessions in India, (6) the three Presidencies went each its own way without any unity of aim or policy or mutual co-operation, and, in England itself, (7) the proprietorship of the shares changed hands frequently, without any genuine sale or purchase, merely to influence the voting, and finally, (8) the board of directors, too were a changing miscellaneous body inherently incapable of any steady influence or continuity of policy.

As a consequence two Acts were passed. The first granted the Company a loan of £ 1,400,000 at 4 per cent., dropped the annual tribute until this loan was repaid, restricted the Company's dividends, and obliged them to regularly submit their half-yearly accounts to the Treasury. The second is the well-known Regulating Act, which came into force in England from the 1st October 1773 and in India from the 20th October 1774, the three new councillors named in and appointed by the Act not reaching Calcutta till the preceding afternoon.*

The most successful of its provisions were those which related to the organisation of the Company in England. The Act raised the qualification for a vote at the meetings of the shareholders from £ 500 to £ 1,000, and provided that in future each director was to hold office for four years, six of the number retiring each year. These changes increased the authority of the Court of Directors, made them less dependent upon the shareholders, and more amenable to the influence of the Ministers. These latter were also to be furnished with copies of all important communications from India, so that they could keep continuously in touch with Indian affairs, if only they chose to do so. Thus was taken the first step, a tentative one, from which as we shall see, the ministry advanced within a few years to direct guidance of the policy of the company.

The three presidencies in India were independent of one another. This Act made the presidency of Bengal supreme. The other two were not to make war or peace (except in a case of absolute urgency) without the previous sanction of Bengal or of the Directors in England. They were to keep Bengal and England regularly and fully informed, and to attend to and carry out the orders from Bengal as promptly and dutifully as those from England. And Bengal was given the power to suspend in case of need the President and Council of either of these presidencies, so that it would no longer be necessary, as in the past, to send out special commissioners with extraordinary powers from England.

This unification of authority in India was a great step in advance, and it did not come a moment too soon, although its full effects could only be realized as communications by

* Auber, I p. 446.

land between the three presidencies came to be developed. It so happened, moreover, that the new order had to be given effect to in the midst of a war (the First Maratha War), as to which the Bombay Presidency were fully determined to carry out their own policy; and historians of India have, as a rule, been so taken up by the varying incidents of this war, and by the conflict of view about it between Bombay, and Hastings' councillors, and Hastings, and the directors in England, that they have failed to appreciate the fundamental importance and soundness of these common-sense provisions.

The three presidencies had hitherto been ruled by a Governor or President, assisted by a Council of twelve to sixteen senior servants of the Company. But the most experienced of these were often absent from the capital, being also chiefs of the principal factories in the province. All questions were decided by the President and Council jointly, and by a majority of the votes of those present. As the affairs of the Company in each presidency increased in importance and complexity this system appeared more and more defective and unsatisfactory.

For Bengal the Regulating Act substituted for it a Governor General and four Councillors, armed with supreme authority in India, to decide all affairs by a majority. The Governor General had only one vote out of five, and a casting vote only in case of a tie, but this could not occur unless one of the four councillors was absent or there was a vacancy in the council. All five were to hold office for five years, and none of them could be removed in the meanwhile, except by the King on a representation from the Court of Directors. The Act appointed the first Governor General and Councillors by name: two of these, Hastings, appointed the Governor General, and Barwell, appointed councillor, were then in India, and had risen to the highest posts in the Company's service from the bottom, but the other three were not only innocent of all Indian experience, they came to India strongly prejudiced against the Company and its servants, and were resolved to act together and to be themselves the supreme executive of the Company in India. They also behaved in a reckless and unscrupulous manner in order to achieve this object. Thus until one of them died, they created muddle and mischief, which Hastings and Barwell were impotent to check or remedy.

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The salary of the Governor General was to be 25,000 l. and that of a member of Council 10,000 a year⁶. No servant of the king or of the company was to receive any presents, and all private trade was forbidden to the Governor General, the members of his Council, and the Judges of the supreme Court to be presently mentioned.

Far more radical than any of the above changes, was the power which the Act conferred upon the Crown to charter a Supreme Court of Judicature at Calcutta, consisting of a Chief Justice and three other Judges to be appointed by the Crown, with full power to exercise civil, criminal, admiralty, and ecclesiastical jurisdiction. This Court was given jurisdiction over all British subjects and all servants whether of the Company or of British subjects in the Company's territories. The Governor General and the Councillors were also subjected to this Court for treason or for felony but for these offences only. And the Court was to entertain cases arising out of contracts between British subjects and natives of India, if the latter had agreed in the contract to accept its jurisdiction.

Now since 1726 Mayors' Courts had existed at the presidency towns and the President in Council had heard appeals from these and had also exercised criminal jurisdiction.⁷ Final appeals went up from both to the Privy Council in England. In Bengal moreover, Diwani (civil) and Faujdari (criminal) courts had been established in each district and the superior Sadr Diwani Adalat and Sadr Nizamat Adalat at the capital.⁸ What was to be the relation of these Courts and their jurisdiction to this new creation?

Lastly the Governor General in Council was empowered to make rules, ordinances and regulations for the better Government of the Company's territories, which were to be registered and approved by the Supreme Court; and if so approved, they were to go into effect at once. But power was reserved to the King in Council, who, on appeal, could disapprove any of them within two years.

These parts of the Regulating Act have been justly censured for their vagueness. What law was the Supreme Court to administer? As between the Governor General in Council

and the Supreme Court what were the limits of the powers and jurisdiction of each? And what about the Civil and Criminal Courts mentioned above? The Regulating Act was silent on these and similar matters of grave importance. And Hastings and the first Chief Justice Sir Elijah Impey had to evolve such practical compromises as were possible until decisions of the Privy Council and further legislation by parliament⁹ gradually created a more satisfactory system.

MUKHARJI, I pp. 20-28, the text.

ILBERT, pp. 41-60.

FIRMINGER, Ch. 13, a learned and discriminating defence of the Act.

ROBERTS, Ch. 16.

LECKY in Ch. 12, *AFFAIRS OF THE E. I. CO.*:—shows that although the Regulating Act passed by large majorities, there were important sections of opinion which viewed even such a "half-measure" and indeed the entire proceedings of the Ministry with reference to the Company from 1766, as a highhanded invasion of its rights and property as a Chartered Company.

A. YUSUF ALI, Ch. 17.

Section 10. Pitt's India Act. The elder Pitt rejected Clive's suggestion that the lower provinces be annexed to England, mainly because he thought that it must increase enormously the influence of the Crown in the English constitution, and this influence the Whigs of the day held to be already a danger to the liberties of the country. But this influence had been considerably reduced by the course of events which ended in the failure of England in the war against the revolted colonies; and the second Rockingham Ministry, which came into power in spite of the King, reduced it still further by several great measures securing the purity of elections and the independence of parliament. Then followed the Coalition, in spite of every effort on the part of the king to entrust the helm to some other combination of parliamentarians. The company's affairs, meanwhile, had shown no improvement. Madras and Bombay had been on the brink of destruction and had been reduced to a pitiful condition by wars which it was difficult

to believe were either unavoidable or properly conducted; and in Bengal the Regulating Act itself had created grave problems and difficulties. After the peace of Paris was signed and a strong administration came into office, the subject of a better regulation of the affairs of the Company could no longer be postponed. Fox's bill, however, had the unpardonable defect of going too far. It proposed to set aside the Company, its directors and its proprietors altogether, and hand over all their powers for four years to two new bodies: one, charged with the political business of the Company, was to be of seven men; and the other to look after the Company's trade was to be of nine, and all sixteen were to be named in the Act. None of the first was removable except by the Crown on an address from either house of parliament, none of the second, except in the same way or by the concurrence of five out of the first body. Such a measure naturally excited intense opposition. It was iniquitous both as a wholesale confiscation of the Company's chartered rights, and as a manoeuvre on the part of the ministry to prolong their own lease of power by grasping and contenting for their own ends in that lax and corrupt age, the entire wealth and influence of the Company. Both the objections were doubtless considerably exaggerated in the heated debates which followed, but they were sound in the main, and it was the second that appealed particularly to people at large. If corrupt influence wielded by the Crown for defending and strengthening its prerogatives was a danger to be guarded against and attacked by all constitutional means, how much more dangerous and how utterly unjustifiable would be an influence, far greater than George III ever had, in the hands of a knot of politicians, whose past record was there to show how corrupt and unscrupulous they themselves were! But public opinion in those days was slow to move nor did parliament respond to it easily. The Commons passed the measure by majorities of two to one. In the Lords, however, the King used his personal influence for all it was worth, and obtained a majority to put an end both to the bill, which he so loved, and to its authors, the Coalition Ministry, whom he so hated. After months of stormy debates, memorable chiefly for the mistakes of conceited veterans on the one hand and the consummate skill of young Pitt on the other to profit by them to the full, parliament was dissolved, and at the new election he came into power at the head of an overwhelming majority.

This episode is of more than historical interest. It illustrates for all time, and in a dramatic fashion, how fundamentally the logic of what may be called practical politics differs from the abstract logic of the Schools. The armchair politician in the seclusion of his library might not have thought much of the objections urged against Fox's Bill. The question is further complicated by the fact that no measure of this magnitude can spring from any one set of motives as its sole inspiration.¹ But it encountered passionate opposition from several quarters. The East India Company and the other chartered companies cried out that their sacred property rights were being assailed. The King and the Tories denounced it as a characteristically Whig fraud to claim the highest patriotism and philanthropy as if these noble virtues were their exclusive property, and to help themselves the while to money, patronage and power to the exclusion of the other rightful partners under the constitution. And both Fox and North had created many personal enemies by their careers,² while their unexpected and unscrupulous coalition only aided to the numbers and the virulence of their opponents. The Bill failed not because of its inherent merits or defects, nor because the motives of its authors were altogether base, but because of a combination of all these hostile elements. In practical politics urgent matters cannot wait until a solution perfect from every point of view and universally acceptable is ripened. The East India Company were saved from Fox's Bill, but only to find that they had to proclaim their willing acceptance of whatever terms the enemy of their enemy chose to impose upon them.³ Thus the question how far the State was justified in interfering with the Company in the exercise of their power over territories they had won, was decided not by logic, or the philosophy of jurisprudence, or by the forced interpretation of vague, hoary and inapplicable texts, customs or precedents—but by the Company themselves surrendering at discretion. The State, on the other hand, willingly waived for the moment all interference in their trade or in the appointment of their servants, and showed a truer appreciation of their financial position than hitherto by dropping all reference to a tribute. This is the more remarkable as the claim of England to the Company's territories was now for the first time unequivocally asserted. They were called "the British possessions in India" in the title of the Act, and "the territorial

possessions of this Kingdom in the East Indies" in the preamble, and the same style is adhered to throughout.

On account of the acute and prolonged differences between Hastings and his Council the Act reduced the number of the Governor General's council by one,⁴ and gave Madras and Bombay also the same form of Government by a Governor and Council. The attempt to appoint councillors direct from England was given up. All appointments except those of Governors-General, Governors and Commanders-in-Chief were to be made from the Company's servants, and all, including these highest also, by the Company. The King only reserved under the Act, a concurrent power of recalling or removing any servant of the Company or of declaring any appointment void or any office or place vacant. The demanding or receiving by a servant of the Company (or by a servant of the King in India) of any gift or present, whether for his own use or for the use of the Company or of any other person,⁵ was declared to be extortion, to be proceeded against and punished as such. The power of the Governor General and Council to "superintend, control and direct" the other presidencies, and the duty of the other presidencies to obey the orders from Fort William, were defined more clearly. In particular, no Governor was to make war or peace or negotiate any treaty without express orders from England or from Calcutta, except in cases of sudden emergency, when it would imperil safety to postpone action; and every treaty entered into by him was "to contain a clause for subjecting the same to the ratification or rejection of the Governor General and Council." And this supreme organ of Government in India was also to exercise similar self-control; in these matters of high policy, unless forced to act by sudden emergency or imminent danger, it was to do nothing without express orders from England; for says the Act emphatically "to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour and policy of the nation."

All these changes are well-judged improvements in details. Pitt's cardinal innovation is a revolution in the character and constitution of the supreme authority in England. He kept unaltered with scrupulous care the outward form and appearance of this authority. All orders and despatches issued

as before from and in the name of the Directors. But in matters relating to the revenues, the civil and military administration, and the foreign and diplomatic relations of the Company with Indian States, Pitt's Act handed over the supreme authority to a new body which came to be known as the Board of Control. It was an annexe of the Ministry, changing in personnel as the ministry changed, and was to consist of the Chancellor of the Exchequer, a Secretary of State and four privy councillors.⁶ The Secretary of State, or the Chancellor of the Exchequer or the senior of the other "Commissioners for the affairs of India," with two of the others were to exercise the entire powers of the Board. By earlier enactments the Directors had already to communicate to the ministers both all the correspondence and proceedings bearing on the above topics, which they received from India, and the orders, instructions and despatches which they themselves sent out.⁷ These were now to be communicated to this new Board. And if the Board wanted alterations made in the orders or communications to India, which the Court did not approve of, they were to take the grounds of objection into consideration, but finally the decision of the Board was to prevail. The Board could also of their own initiative frame any communications which the Directors were to forward as their own. And finally there was to be a secret committee of three Directors, and all matters of high policy, such as war and peace and the relations with Indian States, were to be dealt with by the Board and this secret committee only; all secret communications from India were to go before these only, and the other Directors were not even to know anything about it.

The Board of Control was very lucky in the moment of its inauguration. If weak ministries with a short lease of power had continued in England at this juncture, the policy of the Board would also have shown weakness and vacillation. But Pitt turned out to be one of the strongest prime ministers known to English history, remaining in power for an unusually long period, and he himself attended the meetings of the Board of Control regularly for several years.* The Board had thus everything in its favour and began to exercise its full powers from the first. Chesney's view, therefore, must be rejected that the Act made only a "nominal" change and

* J. Holland Rose, *W. Pitt and the National Revival*, Ch. 10.

that "the amount of power which the Court of Directors continued to exercise was sufficient to justify in great measure the popular opinion, which always continued to identify them with the Home Government of India.* Mill's view is clearly the more correct, that of "bodies, when one has the right of unlimited command, and the other is constrained to unlimited obedience, the latter has no power whatsoever, but just as much, or as little, as the former is pleased to allow.† Moreover, it was no part of the business of the Board to interfere in the details of the administration, and it was an essential element in Pitt's scheme that the position and prestige of the Court of Directors should continue just the same as before to all outward appearance.

Nor is this all. The rapid extension of the Company's territories in India after 1784, and the ease with which it sprang into the position of the paramount power, were no doubt due to some extent to the personal character of Governors General like Lord Wellesley,⁸ and to the subordinates whom such Governors General trained up in their own ideas and left behind. And the chaotic condition of India after the downfall of the Mughal Empire is without doubt the principal explanation of all that subsequently happened. Moreover, the Napoleonic whirlwind in Europe itself offered an opportunity which a *chhoti* Napoleon like Wellesley was just the person to make the most of. Still, in so far as suitable political machinery for direction and control has influence over the course of events, Pitt deserves no little credit for evolving the Board of Control out of the seed originally planted by the Regulating Act. The rhetorical descriptions of Macaulay and other historians asking us to observe with wonder the extraordinary spectacle of a merely trading company winning an empire more extensive than any known to history and with such marvellous speed, do not take sufficient account of the secrecy the unity and the efficiency of this small central supreme body that Pitt created for the guidance and control of the East India Company, in matters of policy and administration.

* Indian Polity, pp. 42-3.

† Book V. Ch. 9 Cf. also Sir W. Holderness *Papies and Problems of India* pp. 161-2. Roberts, pp. 215-6, etc.

And, finally, to us in India this Act should be memorable above all because of its "drastic provisions for the prevention and punishment of the corruption and oppression which had become rampant amongst the Company's servants."* That no occasion arose to apply them in any case whatever, ought not to mislead the historian as to their great value at the time they were enacted. They were the balanced expression in solemn legal clauses of the same temper in parliament and in the nation, which had manifested itself earlier in the attack upon Clive, and was to reappear presently in that extravagant gesture, the impeachment of Warren Hastings. English historians incline to the view that these provisions remained a dead letter and so might well have been spared, and that the impeachment was a *tamasha* futile and impolitic, and not to be wholly condemned only because it ended in the honourable acquittal of the accused, who was after all a great pro-consul, contending successfully against heavy odds. The Indian student, however, with a keener sense of his country's sufferings for thirty years from the unrestrained greed and license of men armed with irresistible power, looks upon these —Pitt's deliberate acts both—as just the steps England could possibly have taken to strike a wholesome terror into the minds of her agents thousands of miles away, and so teach them the cardinal duty of recognising that power has obligations as well as privileges. If it is the distinction of Edmund Burke to have been the most eminent parliamentarian to insist that the Company and its agents must be held responsible for their acts; if it is the distinction of Lord Cornwallis to have been the first Governor-General to purify successfully the administration of India; it is no less the distinction of Pitt to have been the first minister to provide for the same high principle such sanctions in an Act of Parliament that the evils ceased altogether and became mere matters of history. 1784 begins a series that goes on without a break to the proclamation of 1858. All that we value in the growth and progress of British India to the present day, was rendered possible only because of the radical reformation in aim and in temper, in personnel and in morals, which conscientious and determined critics of the East India Company forced upon it between 1770 and 1790.

* Sir V. Chitral, *India Old and New*, p. 73.. Also the *Occident and the Orient*, p. 118.

THE E. I. CO. ACT, 1784 (24 Geo. III Sess. 2, C 25).

MUKHARJI I, pp. 28-58: the text (incomplete) and extracts from Pitt's speech at the first reading.

ILBERT, pp. 61-67.

LECKY in Ch. 15, *Coalition Ministry*.

Section 11. To the end of the century. For a real improvement in the Company's administration of India, statesmen and soldiers and a better qualified class of public servants drawn from higher social strata and animated by higher aims were at least as essential as improvements in the constitutional and administrative machinery. English public men in parliament and in touch with the select and secret committees which overhauled the affairs of the Company so thoroughly during these years recognised this need also, and England soon began to send out some of her best sons to India in various capacities. Thus began a long roll of worthy empire builders, administrators, missionaries, scholars, lawyers, educationalists, industrialists, engineers, merchants and medical men, who in various positions and separated from one another in far distant stations, willingly devoted themselves to years of patient toil and high endeavour in our tropical country, and to whom we owe not a little of the astonishing transformation that has been brought about in the short space of less than a hundred and fifty years in this vast and ancient land of deep-seated wounds difficult to probe, and elemental agonies hard to heal. One of the first of this new type to be chosen for England's civilising mission in India was Lord Cornwallis. It was Henry Dundas who remarked in naming him to parliament "as the fittest person in the world for the Government of India:—Here there was no broken fortune to be mended! Here was no avarice to be gratified! Here was no beggarly mushroom kindred to be provided for! No crew of hungry followers gaping to be gorged!"* This was in 1783. Three years later the offer was actually made and Cornwallis asked for power to act on his judgment even though the whole of his Council were of a different opinion.¹ And this discretionary power was conceded to him for special cases by an amending Act. This autocratic power was afterwards continued to all Governors-General and Governors by the Charter

* *M.H.* V Ch. 9.

Act of 1793, and limited by that enactment in two ways: it was available only for such exceptional "cases of high importance as essentially affected the public interest and welfare," and under it the head of the Presidency could only take such action as was within the legal powers of his Government.

The last Charter Act (1781) had extended the term of the Company's privileges to three years' notice after March, 1, 1791. As Pitt's Act had solved the problem of political control, there was little opposition to the Charter Act of 1793 mentioned above, which continued them for another term of twenty years. The constitutional administrative and financial provisions of the Act merely consolidated the existing law and practice with a few minor alterations such as the one specified above. Finally, an Act of 1797 reduced from three to two the number of puisne judges of the supreme court at Calcutta.

MUKHARJI, I, pp. 58-78, the Text of the Charter Act of 1793.

Section 12. The Charter Act of 1813. The first thorough investigation by the legislature into the position and affairs of the East India Company appears to have been the one held under the Commonwealth Government. The inquiries preceding the Act of Union, the Regulating Act and Fox's Bill have also been mentioned. These took the form of select and secret committees of parliament which published voluminous reports full of carefully tested and valuable information. The impeachment of Hastings—10th May 1787 to 23rd April 1795—added to this pile.¹ Wellesley's extensive conquests won by armies operating simultaneously in several theatres of war raised the Company at one bound to the lofty position of the paramount power in India, but at the same time accumulated a debt almost too heavy to bear, and the Company had again to approach parliament for relief. A committee was thereupon appointed which again made a searching investigation into the Company's affairs, laboured at its task for five years, and submitted several reports. As the end of the term for which the last Charter had been granted approached, parliament also received many petitions from the merchants and manufacturers of a number of towns and ports praying for the abolition of the Company's monopoly of trade. On the one hand, the growing manufactures of England were

in need of new markets. On the other hand, Napoleon's Berlin decrees closing European ports to English trade and shipping, compelled these powerful interests to seek other outlets, and India and the East Indies were a field, which now that the sea routes were rendered perfectly safe by the recent capture of the Cape of Good Hope, Macao and Goa, the Isles of France and Bourbon, Java and the Spice Islands,—the monopoly of the Company alone prevented them from turning to their own profit; a field too which the general ignorance of the time enabled them to paint in the brightest hues of hope, as certain to yield untold wealth the moment it was thrown open to their enterprise.² The doctrine of free trade, as presented by Adam Smith, was growing in popularity, and these petitioners as well as an increasing number in both houses of parliament assailed the Company's privileges as injurious to the country and indefensible in principle if not altogether unnatural. In the course of the debate one of the leaders of the opposition did not fail to expose the hollowness of this plea.

"Their general principle was (he said) that England was to force all her manufactures upon India and not to take a single Indian manufacture in return. It was true they would allow cotton to be brought; but they having found out that they could weave by means of machinery cheaper than the people of India, they would say, 'leave off weaving; supply us with the raw material, and we will weave for you.' And these merchants and manufacturers called themselves the friends of India! If they professed themselves as enemies instead, what more could they do than advise the destruction of all Indian manufactures?"³

But the ministers had a large majority and they were quite willing to take the popular line in this matter only providing such precautionary safeguards as the evidence of their experienced administrators, a number of whom were examined, showed to be indispensable. Lastly, men like Wilberforce in the House of Commons seriously and conscientiously thought that they would be guilty of a neglect of duty, unless they made an attempt to bring the benefits of education, civilisation and Christianity within the reach of the Indian population, whom they sincerely pitied as savages given over to dark heathen rites and practices. These various influences

were reflected in the famous thirteen resolutions which Parliament adopted preliminary to legislation; and the principles so laid down were embodied in the Charter Act of 1813.

The necessary relief to the Company's finances was provided by arrangements for a reduction of the debt, and by restraints in respect of dividends, salaries and pensions, as also of the number of His Majesty's regiments to be employed in India.

The Company had tried to show that the expenses of administration were greater than their revenues, and that their only source of profit was the trade monopoly. Their accounts, however, were confused, and it was impossible to discover from them what profits were made, except from the trade in tea and the trade with China. And these two elements in the Company's monopoly, were seen to be on an exceptional footing altogether. Tea had become a necessary of life in Great Britain, the duties upon it yielded a regular annual income of four millions sterling, and it was not at all desirable to attempt changes in the standing regulations about such an article, when England was straining every nerve in her desperate struggle against a mighty foe. The China trade again was still in such a condition that it could only be carried on profitably under a system of monopoly. China hated foreigners, allowed only a certain number of her subjects incorporated into a single body called the Hong to trade with them, and that too only at a single port, Canton. Besides, as if not satisfied with these restrictions, the Chinese Government often placed an embargo for indefinite periods upon all shipments whatever. It required experience, tact and influence to keep the trade open.* Free trade in these two matters was thus out of the question, and this Charter continued the Company's monopoly to that extent, but to that extent only. The trade with India was thrown open, but it was strongly urged even about this that grave dangers and difficulties might result if Englishmen were allowed to flock to India and visit any part unrestrained, it was provided that Englishmen going to India were to obtain a license from the Company."⁴

* Wilson.

The power reserved to the Crown under Pitt's Act to recall any servant of the Company was first exercised when Lord Grenville's ministry recalled Sir George Barlow in 1806. And it has been stated above that amongst the leaders in parliament and in the country there was a section who were convinced that over and above amendments in the constitution of the Company, it was no less vital to go on improving the entire class of servants in every grade who were wanted for India in increasing numbers. In the course of the debate on the resolutions Lord Grenville, for instance, urged that all the civil and military appointments under the Company should be thrown open to competition, so that men educated in the public schools, sons of deceased officers, and other candidates from similar classes of society could be selected by merit.* Earlier still, Wellesley had attempted to introduce a similar improvement but in quite a different way, by starting a College at Calcutta where the young men sent out by the Directors could improve their education and acquire a proper training before being appointed to any responsible post. His scheme was too ambitious,† but it led eventually to small and practical institutions or other arrangements at Calcutta, Madras, and Bombay, enabling young civil servants entering upon their careers to acquire a knowledge of oriental languages. And in England the Haileybury College was started in 1805 and the Addiscombe Seminary in 1809. The Charter Act of 1813 provided that all such institutions were to be under the Board of Control and that no one was to be appointed a writer who had not studied for four terms at the Haileybury College to the satisfaction of the College Authorities.‡ And the patronage of the Directors was also curtailed at the upper end: Governors General, Governors, and Commanders-in-chief were to be appointed by the Court, "subject to the approbation of His Majesty, to be signified in writing under his Royal sign-manual, counter-signed by the President of the Board" of Control.

Even more serious was the departure, involved in the creation of a Church establishment of which the expenses were to be paid out of the Company's revenues, and in the

* Thornton, IV 233.

† S. J. Owen, *Selections from W's despatches*, pp. xxxvi-xxxvii and 718-755. Also J. C. Sen, *History of Bengali Language and Literature*, pp. 883-897.

‡ Auber, *Analysis*, pp. 165-171.

permission granted to "persons going to and remaining in India to introduce amongst the natives useful knowledge and religious and moral improvement." This was the starting point in India of Christian missionary enterprise as licensed by the State, with its triple fruits of western education Christian propaganda and the gradual elevation of the 'depressed' millions at the bottom of Hindu Society. The sections dealing with this subject emphatically affirm that the Company's policy of 'perfect freedom to the natives in the exercise of their religion be inviolably maintained.' Moreover, an annual grant of one lakh of rupees was to be "applied to the revival and improvement of literature and the encouragement of the learned natives of India and for the introduction and promotion of a knowledge of the sciences."

With these radical changes and innovations the Company was continued in the possession of its territories revenues and powers for another twenty years.

THE EAST I. CO. ACT 1813, (55 Geo. III, C. 155.)
WILSON (CONTINUATION OF MILL) Bk. 1 Ch. 8 and
Appendix X, which gives the 13 resolutions.

ILBERT pp. 73-90.

Section 13. *The Charter Act, 1833.* Although the Act of 1793 consolidated preceding legislation, the feeling persisted in some minds up to 1813,* that the measures England was adopting on the subject of India were all more or less tentative and temporary experiments. By 1833, however, such lingering doubts had disappeared, and the leading statesmen Whig as well as Tory, were prepared to fashion out of the existing arrangements a suitable instrument for the Government of the people of India. The Company too were quite willing to fall in with the ideas of parliament, but pointed out in the defence of their property, rights and privileges that their territorial revenues had generally proved insufficient, and they had been obliged to make good the deficit out of their commercial profits, which had all been devoted, beyond a regular dividend on their capital, to the general purposes of the administration.¹ The difficulties of the China trade,

* E. J. Lord Grenville—see Summary of his speech, Thornton IV 231.

they also pointed out, continued just the same as they had been in 1813. But English public opinion in favour of free trade had grown so strong during the interval that these arguments had no effect.² The Company's plea that the administration of India could not be carried on without some outside contribution was brushed aside. A territory so extensive and potentially so rich, it was universally felt, ought to be able, by suitable economy and management, to yield a revenue sufficient for its own needs.* The Company were thus driven to limit their demands to an adequate guarantee for their own capital and interest. And this was granted.³

From the date of the first administration of Lord Cornwallis the company had made fair progress in the performance of their duties towards the people of India as their rulers. Mistakes had been made, there were still defects, some of them grave,—the police were indescribably corrupt and oppressive, the decisions of the law courts depended mostly upon the vagaries and idiosyncracies of the individual judge,—but the country had settled down, agriculture was spreading, population was increasing, trade was reviving, beneficial public works were being undertaken, efforts were being organised for the extirpation of evils like thagi (1830), and signs of a renaissance being near at hand—signs like the Hindu College (1816) and the *Samachar Darpan* newspaper (1821) were coming to light. Lord William Bentinck's record as a Governor General from 1828 was at this juncture of incalculable benefit to the reputation of the Company. Peel remarked that "their administration redounded greatly to their honour, and contrasted favourably with that of any other colonial establishment that had ever existed."† Macaulay contrasted "the doubtful splendour which surrounded the memory of Hastings and of Clive, with the spotless glory of Elphinstone and Munro." He admitted that "if the question were what was the best mode of securing good Government in Europe, the merest smatterer in politics would answer, representative institutions." But he reminded parliament that even an extreme advocate of that form of polity like James Mill, who was besides a thoroughly competent witness in Indian matters, when asked by the committee was obliged to admit that any form of representative Government in India was "utterly out of the

* *Ambler*, II 684. † *Thorpston*, V 253.

question".* It followed that to dispossess the Company would be to leave all the powers and patronage of a despotic government over a territory more extensive than Western Europe with a population of ten crores, a standing army of two lakhs and an annual revenue of £22 millions in the hands of the Board of Control or some other Board of Commissioners, who would be the creatures of the ministers of England. It was perfectly true that the ministers were responsible to parliament. But "a broken head in Cold Bath Fields produced a greater sensation among us than three pitched battles in India. Even when the President of the Board of Control gave his able and interesting explanation of the plan which he intended to propose for the government of a hundred million of human beings the attendance was not so large as I have often seen it on a turnpike bill or a railroad bill". A check was required upon the authority of the Crown over India, and parliament "could not be that efficient check.... What we wanted was a body independent of the Government, and no more than independent; not a tool of the Treasury, not a tool of the opposition. No new plan which had been proposed would give us such a body. The Company, strange as its constitution might be, was such a body. It was as a corporation neither Whig nor Tory, neither high-church nor low-church". Even during the recent period of unprecedented and stormy agitation, the Company had held on its course unruffled, acting "with a view not to English politics but to Indian politics, and preserving strict and unexpected neutrality."†

The Board and the company were thus continued for a fresh term of twenty years as the supreme government for India. The Governor General was now to be styled the Governor General of India, and he was given full power and authority to superintend direct and control the presidency governments in all points relating to the civil and military administration, but the local governments were also to continue to correspond with the Court of Directors as before. Questions of peace and war were to be decided upon by the supreme government alone; and even the diplomatic relations with the Native States and the conduct of particular negotiations were to be concentrated in the hands of the Governor General as far as possible.⁴

* Also Sir John Malcolm, *Government of India* (1833), p. 275.
† Speech in the Commons, 10-7-1833.

The relations between the Governor General and his Council were more clearly defined. The power of the Governor General to act at his discretion against the view of the majority of his council was continued, but he was henceforth to exercise it only when he thought that the safety tranquillity or interests of British India were essentially affected, and in every such case both the Governor General and his Councillors were directed to put on record in their secret consultations, the grounds and reasons of their respective opinions. The exercise of this ultimate power was to be resorted to by the Governor General in extreme cases only, and as the only refuge from the possible evil of distracted counsels and infirm resolutions. On the other hand, for dealing with the ordinary business of the Governor General in Council the presence, besides the Governor General, of more than one member of council was not required, and both for such ordinary business and for the legislative business to be mentioned presently, the Court were to frame rules of procedure which were to be approved by the Board of Control, and then to be laid before both houses of parliament, and such rules were to have the same force as if they had been enacted by parliament. Thus was started by this Act that practice of skeleton legislation for India, which has grown until it has become so marked a feature of our legislative activities at the present day.

As the Court of Directors ceased, under the Act, to have any further commercial business to transact, the Board of Control were now authorised to control and direct all their acts: the entire property of the Company was also to be treated as held in trust for the Government of India. The patronage or right of appointment to various offices which the Court of Directors had possessed independently of the Board, was continued to them unabated, but they were, with the approval of the Board, free to delegate it to the Governments in India, and through them to heads of departments and similar responsible persons. Lord Cornwallis had excluded Indians from employment under the Company except in the meanest posts. And he had done so for two reasons: to raise the level of the services in integrity, capacity, and sense of public duty; and in order that the young Englishmen appointed might really learn their work and do it themselves. For Hastings' experiment of duplicate appointments, an experienced Indian without any power along with an ignorant Englishman with all the

power attached to the post, although intended to achieve the same result, had in many cases failed altogether; the indolent Englishman had remained ignorant, and the unscrupulous Indian had under his powerful protection fleeced and oppressed the people all the more. Nay there was worse than indolence to be guarded against; in spite of the covenants, and although the emoluments of the service had been considerably increased Lord Cornwallis on reaching India must have found many of the civilians using their Indian colleagues and subordinates as "tools and readymade instruments of extortion"* for the purpose of filling their own pockets. How could it be otherwise, indeed, when Clive and Hastings had themselves behaved in ways not very dissimilar, and when many prominent Directors and Proprietors were themselves more or less interested in the gains piled up by hook or by crook by their nominees in India?

Lord Cornwallis cut the pestilential weed of a corrupt tradition and cleared the ground. Lord Wellesley and his circle sowed the seeds of worthy aims, high ambitions and noble ideals. The parasitic filaments of jobbery extending across the seas from Leadenhall Street, Cannon Row, Windsor Castle and Westminster, shrivelled up at the source. Decades passed, decades crowded with the careers of exemplary civilians. And by 1828 a pure and highminded civil service had become an established institution in the Government of India. It was however, an extremely costly institution.⁵ And a progressive administration necessarily means a progressive increase in the number of posts. Bentinck, therefore, decided to give up Cornwallis' policy of exclusion as no longer necessary or practicable, and began to appoint qualified Indians to grades higher than had been hitherto open to them. On this departure from past practice the Charter Act set the seal of its approval by the well-known clause—

"No Native of the said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the Company."

* Kaye, p. 420; Roberts, 222-227; Cornwallis (Rulers of India Series) 74-84; etc.

In their covering despatch the Directors lay as much stress upon the employment by the Government of "natural born subjects of His Majesty resident in" India, as upon that of Indians. The trade monopoly and the prohibition against Englishmen about going to India without a license⁶ or about acquiring landed property being at an end, it was anticipated that they would go to India and settle there in increasing numbers, and that amongst them Government might find persons seeking Government posts who might be better qualified than the Indian candidates. Hence arose, the despatch observed "a powerful argument for the promotion of every design tending to the improvement of the natives, whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge, and moral culture." And the despatch said, in more general terms, "that the object of this important enactment is not to ascertain qualification, but to remove disqualification. Its meaning we take to be that there shall be no governing caste in British India. Fitness, wholly irrespective of the distinction of races, is henceforth to be the criterion of eligibility. To this altered rule it will be necessary that you should, both in your acts and your language, conform; practically perhaps, no very marked difference of results will be occasioned."

It should be noted, however, that the concluding portion of the last sentence in the above quotation was quite contrary to the explicit recommendation of the parliamentary committee, which had admitted that "Indians were alive to the grievance of being excluded from a larger share in the executive Government" and had concluded from the evidence before it that such exclusion was not warranted on the score of their own incapacity for business, or the want of application or trustworthiness.* And as a matter of fact the Government in India followed the recommendation of the Committee rather than the despatch of the Directors in interpreting the above clause of this Act.

Another step forward in the civilising mission of England in India was taken by this Act in the duty it laid upon the Governor General in Council to legislate for the purpose of

* Sir V. Chirol, *India Old and New* p. 78. For misinterpretations of this clause by Lord Lytton, Strachey, James Stephen and others see the next chapter.

ameliorating the condition of slaves and of abolishing the status of slavery throughout British India as soon as possible, but by such practical measures as offered no undue violence to the customs and sentiments of the people. The Indian Slavery Act (Act V of 1843) and later measures were the result of this injunction.

The presidency of Bengal had become too large for efficient administration from one centre. It was also obvious that the Government of India had to be relieved of the direct responsibility for any one presidency, if they were properly to discharge their duties towards British India as a whole. The Act provided for the appointment of a Deputy Governor for Bengal and for the creation of a new Presidency of Agra, under a Governor or a Governor in Council. But these provisions were not acted upon and the matter was dealt with again by subsequent legislation.

Lastly, the Board of Control and the Ministry were fully alive to the highly unsatisfactory if not chaotic condition of the law and the law-Courts in the company's territories. First, there were several distinct bodies of statute law in force. The Charter of George I. had applied to British India the whole body of English statute law; all subsequent Acts of Parliament also applied in so far as expressly extended to any part of India.⁷ The Governor General in Council had been issuing Regulations from 1793 which were applicable to Bengal, and the other Presidencies had issued similar Regulations for their own territories, Madras from 1802, Bombay from 1827. A uniform codification, preserving local peculiarities, was desirable. Secondly, the various law-courts and their jurisdictions needed reform. The Zamindari and Adalat Courts mentioned above were merely a heritage of the past, and as the country settled down a civilised administration was bound to provide better law, more qualified judges, a systematic procedure and above all equality before the law. The Supreme Court had taken the place of the Mayor's and the sessions courts at Calcutta, and similar Supreme Courts had been established at Madras (1801) and at Bombay (1824) for these presidencies, but what was wanted was a properly graded system of courts covering British India and administering the same laws on a uniform system. Thirdly, the Hindus, the Muslims and smaller sections of the population had their own laws and customs govern-

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ing important spheres of life, and the legislature had ordered the courts to respect these and protect the rights of defendants in accordance with their own laws and customs. There were law books and commentaries and collections of customs and the opinions expressed by the Kazis and Pandits of the Courts. But in spite of these and to some extent, perhaps, also because of these, the first generation of the Company's judges and law officers found it very difficult indeed to ascertain what precisely was the law on the particular point they had to decide. "The consequence was" as Macaulay said, "that in practice the decision of the tribunals were altogether arbitrary... And judge-made law, where there was an absolute Government and lax morality, where there was no bar nor any effective public opinion, was a curse and a scandal not to be endured."

Better qualified lawyers and law officers and a uniform procedure are a product of time. Legislative fiat cannot create them in a day. But a better system of lawmaking and a properly graded system of courts, their jurisdictions covering the entire field without clashing with one another at any point, could be so constructed. Moreover, as India was now thrown open to Europeans it was anticipated that Englishmen would go and settle there in numbers, and it was necessary to protect them and their rights, as also Indians from their high handedness, "through the medium of laws carefully made and promptly and impartially administered" not only at the presidency towns but also in the interior.

The power of the presidencies to make Regulations was taken away; greater power, to legislate, was given to and concentrated in the hands of the Government of India. The President of the Board of Control had proposed a Legislative Council at the Government of India. The Act provided, however, only an additional Member of Council whose function was to help the Council and vote at it when it was legislating, and a Law Commission with this member as its chairman. The quorum for the legislative business of the Council was fixed at the Governor General and three members. The Directors in their covering despatch laid stress upon the need for full inquiry, publication both in English and in the necessary vernaculars, and due deliberation in the framing and passage of all legislative measures. These laws were to have the same force and effect as parliamentary statutes. The supreme power of

parliament to legislate for India also was reserved; and the Court (acting as usual under the control of the Board) were granted the power of disallowing any laws now to be made by the Government of India or any parts of them at discretion. Of course, the Government of India were told expressly that in the new capacity thus conferred upon them they were only a subordinate legislature, and could not repeal any Act of Parliament or make any law going against any such Act or touch any law court established by the King, or indeed legislate at all on any of certain specified subjects. Still, this was the most important of the innovations introduced by this Charter Act, as not only making the right beginning towards providing a remedy for the evils and a solution of the difficulties indicated above, but as also sowing the seed of the Legislative Councils of the future. We may also say of this Charter Act that the despotic Government of British India became by virtue of it a modern Government proceeding from this point onwards by legislation and publicity and thus necessarily diverging more and more from Oriental despotisms.

MUKHARJI, I 84-112, the text and the covering despatch of the Court of Directors.

ILBERT, pp. 81-89; the same author's GOVERNMENT OF INDIA, 3^o, pp. 353-362.

WILSON, Bk. III Ch. 9.

RAMSAY MUIR, Making of British India, Ch. 8.

Section 14. To The Mutiny. An Act of 1835 gave power to separate the North West Provinces from Bengal and place them under a Lieutenant-Governor. The Charter Act of 1853 gave power for the appointment of a Lieutenant-Governor for Bengal itself, unless and until a Governor was appointed for the presidency. It also authorised the creation of one more presidency, either under a Governor in Council, or under a Lieutenant-Governor. And in 1854 another Act enabled the Government of India to take any territories of the Company under their immediate authority and management and provide for their administration. Under this Act Chief Commissioners were appointed for Oudh, Ajmer-Merwara, Assam, the Central Provinces, Barma, Berar, Baluchistan, Coorg and the Andamans; the Governor General in Council being relieved of the necessity for detailed supervision over the administration of

these minor or outlying provinces also; which came to be known as the Non-Regulation provinces.

The Charter Act of 1833 also introduced several other changes, some of them of capital importance. The number of the Directors of the Company was reduced to eighteen, of whom six were to be nominated by the Ministry. The object of this reform was to strengthen the Court by adding to it distinguished servants of the Company with first hand Indian experience.* The Law member was made a full member of the Governor-General's executive council, and all four councillors, as well as the councillors at the presidency Governments, were to be appointed under the Royal sign manual. The E.I. Company had themselves proposed in 1833, that the Haileybury College should be closed and that the necessary number of young men required for service in India should be selected annually by "a system of public examination sufficiently high to secure adequately qualified parties."† Their reasons were the great expense of the College and "the disadvantage which resulted from confining the associations of youth destined for foreign service to companions all having the like destination." This proposal was now adopted, and the first regulations for the Indian Civil Service examination were drawn up by a committee with Lord Macaulay as Chairman in 1854. The Charter Act continued the existence and authority of the Company, not for another term of twenty years, but "only until Parliament shall otherwise provide."

The President of the Board of Control had proposed in 1833 that each of the presidencies should send a member to the Council of the Governor General, one or two specially selected lawyers should be added from England, and that this enlarged Council should legislate for British India as a whole.‡ This had been negatived because of the extra expense and reduced to the addition of a single law member, while the Executive Councils at the presidencies, which he had proposed to abolish were allowed to continue, on the ground that the Governors coming fresh from England needed the advice of administrators who had long experience of India. In 1853, Charles Grant's original proposal was adopted with two improvements: the Chief Justice and another judge were also to be added

* Robert, p. 383. † Auber, II, pp. 703-4, ‡ Wilson, III, pp. 523, 535.

along with a member appointed for the purpose by each of the four provinces, and the Governor-General's Council thus enlarged to twelve members was to be the Legislative Council for India; no law or regulation made by the Council was to have force or was to be promulgated until it had been assented to by the Governor-General; the power of the Court to disallow a law even after it had been so assented to, continued unaltered. The Legislative Council thus developed out of the single law member of 1833 was a purely official body; its meetings were to be open to the public and its proceedings were to be officially published.

MUKHARJI, I 122-134.

ILBERT, pp. 90-94.

Section 15. The End of The Company. It has been stated above that the constitution of the Company was, so to speak, standardised in 1833. By 1853, however, new points of view had arisen. In the debate on the Charter Act of that year, John Bright, for instance, quoted with approval the criticisms of George Campbell, and J. W. Kaye,* and condemned the "double government" by the Board of Control and the Court of Directors as "a system of hocus-pocus" which "deluded public opinion, obscured responsibility and evaded parliamentary control." He thought that whereas there was no chance of the important subject—how India had best be governed?—receiving full and proper consideration in parliament in 1784, because of "the fight of faction," nor in 1813 because it was "a time when the country was involved in desperate hostilities with France," nor in 1833, because the subject came up "immediately after the hurricane which carried the Reform Bill": in 1853 there was no such complication or difficulty, and parliament could and was, therefore, bound to deal with such a grave and solemn matter quietly calmly and with due deliberation, making all necessary inquiries, even if the decision was thereby delayed by a year or two. He spoke, however, to listless members and to empty benches. So did all others who had anything to do with the subject on that occasion, either in the Commons or in the Lords. A quiet time might be ideally the best for elaborating a great measure. But in actual practice a repre-

* Campbell's *Modern India, A Sketch of the system of Civil Government* was published in 1852; Kaye's *Administration of the E. I. Co.* in 1853.

sentative assembly rarely puts forth on any subject the earnest will and the driving power necessary to carry a great measure through, unless public opinion is keenly exercised upon it at that particular moment.

Then came the cataclysm of the Mutiny, and suddenly all was changed. It was not only the dynasty of the Grand Mogul that was destroyed. The prime minister of England informed the Court of Directors as early as the 19th December 1857 that the East India Company was also to be destroyed, that a bill was to be brought before parliament at an early date, to take over the administration of British India under the direct authority of the Crown. Legislation on the subject was actually introduced on the 12th February 1858, and it had, a little earlier, thrown bombs in Paris at Napoleon III, who escaped unhurt, but the incident had in a few days this surprising result, that the prime minister of England was driven from office, dragging his party down with himself. The cardinal principle of his Government of India Bill, however, survived. As Bright remarked, "the conscience of the nation had been touched on the question, and it came by a leap,—as it were by an irrepressible instinct,—to the conclusion that the East India Company must be abolished." The weak Ministry that succeeded Palmerston had no alternative but to legislate on the subject in the same sense. Their Bill, drawn up by their President of the Board of Control, Lord Ellenborough, contained clauses which excited universal derision. No third Ministry was possible; for England is not, like France, accustomed to ministries succeeding one another with bewildering rapidity. It is not at all an easy matter of course to keep a weak ministry in office in spite of its manifest ineptitude on a measure of capital importance. But where there is a will there is a way. It so happened that Lord Ellenborough committed another blunder also and this served the turn. He alone resigned; the rest of the ministry remained. They tried to strengthen themselves by offering the vacancy to Gladstone.* If he had accepted, he would have had his own way, and one feels morally certain that in arranging the transfer to the Crown he would have introduced some effective checks upon the autocracy of the supreme Government of India, to safeguard the interests of the people of India. But it was not to be. Lord John

* Morley's Life, I 583-591.

Russel had meanwhile come to the rescue of the ministry by suggesting that it would be better to begin afresh by first deciding all the main principles to be embodied in the new constitution. This course was adopted, resolutions were proposed and discussed, and a third bill was placed before parliament by the new President of the Board of Control, Lord Stanley, in June; and this at length passed both the houses, with some important amendments, and received the royal assent on the 2nd August.

This Government of India Act 1858 substituted for the Board of Control and the Court of Directors and the Court of Proprietors, a Secretary of State for India and a Council, who were to wield all the powers of those bodies, stand towards the Governor General and Governors in Council in the same relation, and rule over India on behalf of and in the name of the Crown. Eight members of the Council, which was styled the Council of India, were to be nominated by the Crown, seven were to be elected, in the first instance by the Court of Directors, and later by the Council themselves, and the nominations and elections were at all times to be so managed as to secure as councillors at least nine persons who had served or resided in India for ten years and moreover, had not left India more than ten years before their appointment. They were to hold office during good behaviour, but were removable upon an address of both Houses of Parliament. They were not to sit or vote in parliament. The object of these provisions was to give advisers to the Secretary of State, who would have expert knowledge and might be enabled to be independent of him and of party influences in the performance of their duties. A Council so numerous was thought necessary to secure expert knowledge connected with all the presidencies, and the various civil and military branches of the administration in India as also the mercantile and other interests independent of the services; and it was also hoped that a large Council, with a permanent personnel changing only very gradually, would soon develop an *esprit de corps*.* The Powers conferred upon the Council were, however, not at all adequate to bring about these results. It is possible that the great position which the Court of Directors filled in outward appearance misled Parliament, and their complete sub-

* Lord Derby's Speech, 16th July 1858.

NOTE.

A RUPEE = 180 grains Troy (165 silver+15 alloy).
 = 11.3 grains of gold= $2s-1/10$ th of a £. This was the value of the Rupee upto about 1873.
 = 7.54 grains of gold= $1s\ 4d=1/15$ th of a £. This was the value of the Rupee from about 1898 to. about 1916.

For about twenty years, say 1875-1895, a third unit intermediate between £ and R was also used in official publications, viz. Rx=10 Rupees. This unit I have not used at all.

As the Great War proceeded, silver rose, and the £ fell in terms of gold. The Indian Exchange and Currency Committee, 1919, advised that the Rupee be again declared= $2s=1/10$ th of a £, as it had been upto 1873. And this was done. But this could not be maintained. The Rupee has for some years now been

= 8.48 grains of gold= $1s\ 6d=3/40$ th of a £.

The latest Committee on Indian Exchange and Currency have just advised that this should be adhered to.

SEE Section 55—n 7 (p. 277) for some other variations in the value of a Rupee and the consequences of such variations.

AN ANNA = $1/16$ th of a Rupee= $1d$ when R= $16d$;
 = $1\frac{1}{2}d$ when R= $18d$.

The ratio of annas to the Rupee is frequently used in India to indicate subdivisions of other units also; thus $\frac{1}{2}$ th of any quantity is said to be two annas in the rupee; $\frac{3}{4}$ ths, twelve annas in the rupee; &c.

A LAKH = 100,000.=.1 million. Pronounce the a as in car

A CRORE = 100 lakhs=10 millions.

Thus £ 1 million =Rs. 1 crore upto 1873.

=Rs. $1\frac{1}{2}$ crores from 1898 to 1916.

=Rs. $1\frac{1}{2}$ crores now.

A MAUND=40 seers= 82.28 lbs.

For the spelling of Indian proper names in this book

see Section 22—n 3 (p. 96).

INDIAN ADMINISTRATION
TO THE
DAWN OF RESPONSIBLE GOVERNMENT.
CHAPTER I.

THE EAST INDIA COMPANY : TO THE DIWANI, 1765.

Section 1. Foundation. On the 31st December 1600 Queen Elizabeth granted a charter to the Earl of Cumberland and over two hundred London merchants to trade by sea with all countries from the Cape of Good Hope to the Straits of Magellan for fifteen years. The grant was for "the honour of the nation, the wealth of the people, the increase of navigation, and the advancement of lawful traffic to the benefit of the common-wealth." The Earl and his associates were incorporated in the name of the "Governour and Company of merchants of London, trading into the East Indies." They were to hold a Court or general assembly, which was empowered to make such laws and regulations for the better advancement of their affairs and for the discipline and government of their own factors, masters, mariners, and other officers, apprentices and servants, as were reasonable and not contrary to English law and custom. The power of punishing by fine or imprisonment was specially included. The "general court"¹ was to elect a Governor, a Deputy Governor, and twenty-four "committees," to form their standing executive, and this body was to wield the whole power of the Company. English subjects who did not join the Company and yet tried to trade by sea in these regions, were declared to be guilty of contempt of the crown, and were punishable by confiscation of all their goods, ships, etc., half the value of which was to go to the Company, and further by such imprisonment and other punishment as might be necessary. If any places in these regions of Asia, Africa and America were in the "lawful and actual"² possession of a Christian prince or State in "league and amity" with England, the Company was not to trade there unless allowed by that power to do so. The Charter also granted the necessary concessions and facilities about ships, munitions and mariners, customs duties, re-export of goods, and the export of coin

and bullion. And it was finally provided that the Charter would be cancelled if not found profitable to the country on a notice to the Company of two years, but that, on the other hand, if the adventure answered expectations, it might be renewed on a petition from the Company, for another period of fifteen years, with such alterations and qualifications in its terms as experience might suggest to be required.

P. MUKERJI: Indian Constitutional Documents:
I pp. 1—20; the Text of the Charter.

SIR W. W. HUNTER: History; I Ch. 6.

SIR C. ILBERT: Government of India, Brief Historical Survey (1922) pp. 3-13.

Section 2. In Western India: The East India Company began as a Regulated Company. For the first eleven years, the members clubbed together at will for a voyage, each voyage being treated as an independent venture. This is known as the period of 'separate' voyages.¹ Some community of policy and unity of direction were soon found to be indispensable, and from 1611 all the members contributed to the joint stock or treasury of the Company, out of which voyages and other undertakings came to be provided. But in this new system, each joint stock was still for several years only. Each was treated as a separate account, and profits were divided when the ships of the last voyage furnished out of it had returned and the goods they brought in had all been disposed of. And "separate" voyages were also undertaken during this period at various times.² It is only after Cromwell's Charter of 1657 that these confusing practices finally disappeared, and the Company became a Joint Stock Corporation in the modern sense of the term.

Factories, docks and landing-places, and other property began to accumulate in India almost from the beginning. The Company first obtained what land it needed for such purposes by lease from the petty local authorities. They also approached the Grand Mogul by agents and by means of embassies from the King of England. John Mildenhall, who had started from England in 1599 and travelling overland from the Levant had reached Agra in 1603 remained there till late in 1605, and claimed to have been successful in obtaining from Akbar a firman granting to the English trade facilities on terms similar to

those which the Sultan of Turkey had granted.³ But Hawkins and his immediate successors at Agra,⁴ did not know anything about this firman. In the meanwhile events happened which predisposed the Mughal rulers in favour of the newcomers. The great Mughal Empire even at its zenith was very weak at sea, and it was a matter of high policy with its rulers to have skilled mariners and naval fighters belonging to some other nation, if possible, to play off against the Portuguese. In November and December 1612 the Company's ships under Captain Best defeated a superior Portuguese squadron off Swally Roads at the mouth of the Tapti. Thereupon the Governor of Surat readily granted the Company permission to have factories at Surat and three other places on the Gulf of Cambay, a permission ratified by the Governor of the Province of Gujerat.⁵ The Portuguese tried to regain the ground thus lost and put forth the whole of their strength in the Arabian Sea against the Company in 1615. But the narrow and tortuous channels between the shoals and silt banks at the mouth of the river handicapped their galleons, their far greater gun power and man power could not be brought to bear, and Downton, against heavy odds, won victories no less impressive than those of 1612. Sir Thomas Roe, the ambassador from King James I, reached Jehangir's Court at Ajmer at the end of 1615, and his courtly ways secured a favourable consideration for the Company's petitions and grievances for some years thereafter.⁶ Moreover, the Portuguese power and influence in the Arabian Sea declined rapidly after 1615, and the East-India Company was very convenient to the Grand Mogul as his sea police suppressing piracy and keeping the route to Mecca open. Surat rose rapidly as the emporium of world trade with Northern India, and became their principal factory in India. The coasting trade from the Indus to Goa also came more and more into their hands. And in 1635, five years after the treaty of Madrid nominally establishing peace between England and Portugal throughout the world, the President of the factory at Surat made an arrangement with the Viceroy at Goa, which secured to the Company four shiploads *per annum* of the richer spices from Goa and other Portuguese ports to the south.

HUNTER I, Chs. 7, 8; II Ch. 2.

A. YUSUF ALI: Making of India, Chs. 11, 12, 13; the best brief account of the general causes.

Section 3. Bay of Bengal: On the eastern coast of India the Company succeeded in establishing a factory at Masulipatam (1611), the chief port of the kingdom of Golconda. Eventually, the Sultan gave them a *swarna-patta* firman; "Under the shadow of Me, the King, they shall sit down at rest and in safety" (1632). But he had little effective power to enforce his authority at the extremities of his dominions. And he, too, like the Mughals, would not allow a fort to be erected. Francis Day went south, therefore, and about thirty miles beyond the Dutch stronghold of Pulikat, obtained (1639) a piece of land with the right to build a fort from the Raja of Chandragiri, Sri Ranga Rayal, a petty chieftain claiming descent from the great Vijayanagar dynasty. The Raja's motives for the grant are highly instructive to the student of history. First, merchants and trade, he believes, will bring wealth to his country. "Secondly, he desires (for his money), good horses from Persia. Thirdly that yearly he may send servants into the Bay Bengalla to buy him hawks, apes, parrots, and similar baubles.... And, lastly, the fort, being made substantial and strong, may be able to defend his person on occasion against insulting neighbours."* Day christened his fort after the patron saint of England, and Fort St. George became the principal factory on this coast from 1642. The Company raised it to the position of an independent presidency in 1653, and placed the Bengal and Coromandal coast settlements under it from 1658.

Meanwhile, one of the Company's vessels had entered Haripur at the southern mouth of the Mahanadi and obtained permission from the Governor of Orissa to trade, erect factories and build ships throughout the province (1633). A similar license was obtained from the Governor of Bengal seventeen years later. Here Hugli, the Imperial port, became the principal factory. The advance in the Company's trade and position in this part of India was much slower. They began fairly well while Prince Shuja was governor, with whom Boughton the surgeon had some influence.¹ But Boughton died, the factors in charge at such distance from all supervision and control did not do well, and Shuja himself was routed by Aurangzeb and driven out of the province (1660). Shaista Khan, the new viceroy, confirmed their earlier grants only in name; there was little chance for profitable trade under his vicereignty.

* Foster, *Eng. Factories*, 1637-41, p. 131.

The Company obtained a firman from the Emperor in 1680 but it made little change in Shaista Khan's dealings with them. Only two alternatives remained: either to abandon Bengal altogether, or to see if they could not win better treatment by force of arms. After repeated supplications which the Viceroy ignored, the Company increased the garrison at Hugli (1686). But the Mughal commandant of the place immediately surrounded the English factory and established a strict blockade. A little hesitation and delay, and the tragedy of 1756 might have been enacted seventy years earlier. Job Charnock, however, abandoned the factory in time and sailed away, taking with him all he could in his crowded boats. Twentyseven miles lower down, the river deepens and broadens out into a splendid anchorage, the western bank is low, and the eastern is so protected all round by fens and swamps, and the older channel of the Adiganga, that a naval power could defend both banks against all enemies from the land. This is Calcutta, and here mainly through the persistence of Charnock and at the end of Sir Josiah Child's war against Aurangzeb, the Company started a factory, August 1690. Over and above the excellence of the situation for defence, the district was under the direct jurisdiction not of the Nawab but of one of his feudatories, the Raja of Baridwan.* And a still greater advantage was that it was closer to the sea than the French and Dutch factories, which were higher up the river and thus at the mercy of the English, who could "bottle them up" whenever necessary.

HUNTER II, Chs. 3, 4 and 7.

Section 4. In England. The Company obtained a new Charter from James I in 1609 with ampler powers granted to them in perpetuity, and the support of many courtiers and men of rank enabled them to collect larger sums for their voyages and build their own ships. On the other hand, the Dutch grew more and more hostile to them in the East Indies, and the King granted licenses to adventurers who behaved in Eastern seas like pirates, and the native rulers held the Company responsible for the injuries these 'interlopers' inflicted upon their subjects. During these early years the Company experienced many ups

* Orme, *Indoan Bk. VI* (Vol II, p. 10).

and downs of fortune, and but for the footing they had more or less accidentally won at Surat and Madras, they might have been overwhelmed even before they had made a fair start. Another important factor that enabled them to weather the storms and squalls of these early years was the long period for which they entrusted the helm to one and the same individual as chairman. Sir Thomas Smythe the first Governor of the Company, was re-elected every year upto 1621; Sir Morris Abbot, another of the founders, was Deputy Governor from 1615 and Governor from 1624 to 1637, and William Cockayne the Governor from 1639, was a Committee from 1629 and Deputy Governor again from 1643 to 1658.

In 1635, Charles I granted a license to Sir William Courten and others to trade with the East, and this rival association involved the East India Company in losses and troubles for years, for which no redress could be had either from King or Parliament. Again, as soon as the Civil War began, the Round-head section of the Parliament, sitting at Westminster, seized the Company's cannon, and took from them a forced loan of £5,000. By 1647, even the Governor and 'committees' lost heart and seriously thought of winding up their affairs. But better days soon dawned. When the Commonwealth declared war against Holland, the Company's wrongs at Amboyna and elsewhere figured amongst the causes. And the treaty of 1654 awarded the Company £85,000 damages from the Dutch. The treaty with Portugal, a little later, also threw open the Portuguese East Indies to English ships. Earlier still, the Commonwealth Council of State had compelled the Company and Courten's Association, or the Assada Merchants (as they had come to be called), to arrange a compromise themselves, and the Parliament had resolved "that the trade to the East Indies should be carried on by one Company and with one Joint Stock under such regulation as Parliament shall think fit, and that the Company should proceed upon the agreement made between them and the Assada Merchants until further orders" (1650). Outside merchants also continued to clamour for permission to share in the Eastern trade, both individually and in associations. Licenses were granted to some of these petitioners also, but eventually the Commonwealth authorities examined the whole subject and were convinced that unless England was prepared to protect by diplomacy and by force of arms every English adventurer into the East, and also to

keep a curb upon his actions as well as accept full responsibility for them as a State, the only alternative to "open trade" was a system of monopoly.* This was therefore the basis upon which Cromwell granted a fresh Charter on the 19th October 1657, which insisted upon the Company having "one continuous Joint Stock." Under this Charter the Company themselves made regulations by which any one could join them on payment of an entrance fee of £5, the minimum subscription for a shareholder was fixed at £100, each holder of £500 stock was to have a vote in the "general court," any holder of £100 stock was eligible for election as a "committee" and eight of the twenty-four "committees" were to retire every year, and no one was to be Governor or Deputy Governor for more than two consecutive years. Thus was the East India Company born again: "transformed," says Hunter, "from a feeble relic of the mediæval trade-guild into a vigorous forerunner of the modern Joint Stock Company."

HUNTER I Ch. 7: II Chs. 1, 5 and 6.

Section 5. To 1707. Charles II gave the Company several Charters. The first (1661) conceded to them wide powers over their subjects in the East, servants and others; allowed them to have ships of war, munitions and forts; and permitted them to make war and peace with non-Christian States. The same year he obtained Bombay as a wedding gift from Portugal and sent a small fleet to take possession, but the Portuguese Governor raised the objection that the gift did not include Thana and Salsette. The dispute lasted over three years and over three hundred out of the four hundred soldiers and sailors died in the meanwhile of scurvy and the climate. The royal officer in command waived the claim in order to save the remnant of his little band and obtained possession. The King found, however, the new acquisition to be a white elephant, and transferred it to the Company: and with it he granted a Charter (1669) creating the first European regiment of the Company's army out of the officers and soldiers who were there. The Company induced merchants and artisans to migrate from Surat, adopted a liberal policy towards cultivators who were drawn within their narrow area from the surrounding districts, and Bombay grew rapidly almost from the first. Charles's third

* Cambridge Modern History. IV Ch. 25 p. 730.

Charter was similarly occasioned by his transfer of St. Helena to the Company and was equally liberal in its concession of powers. Moreover, both at Bombay and at Madras there were rebellions and factious squabbles leading to bloodshed and disorder, and the Directors, finding their powers under these Charters inadequate, had to send out Commissioners with exceptional powers to restore order. Hence the Charter of 1633 gave to the Company very nearly all the powers of a State, subject only to a reservation of the "sovereign" right power and dominion of the Crown, "when we shall be pleased to interpose our Royal Authority thereon." And the power to coin money at Madras and Bombay had been already granted earlier. James II further empowered the Company to raise naval forces (1686) and authorised them to establish a Municipality² at Madras (1687) who were to provide, among other things, "a schoolhouse for the teaching of the native children to speak, read and write the English tongue and to understand arithmetic and merchants' accounts." The Company's factories during all these years were under Surat, and the continuity of government and policy that is secured by long rule under one head, we discover at this stage of the Company's history in the long tenures of office of the Surat Presidency. Sir George Oxenden filled the post from 1662 to 1669. Gerald Aungier succeeded him on his death and died at his post in turn in 1677. He is the real founder of Bombay. Under his firm tolerant and sympathetic regime the revenue of the place increased three-fold and the population six-fold. Sir John Child was President from 1682 and he too died at his post in 1693. The transfer of the Company's headquarters from Surat to Bombay took place in his time in 1687 as an incident of the war with Aurangzeb and about the same time as Charnock's retirement from Hugli, so that he may be looked upon as, in a sense, the first of the long line of the Governors of Bombay.

For about a generation after the amalgamation with the Asada merchants, the Company followed a fairly liberal policy towards outsiders. Any Englishman was free to settle at any of its factories, its own servants were allowed to trade privately within reasonable limits and to continue in India after leaving service, and it also conceded licenses to adventurers and their ships to visit and trade at its settlement pretty freely. Nevertheless, the outside public were not satisfied. They wanted a perfectly open trade. And there were

sympathisers with this view in the Company itself. A proposal was brought forward in 1681 to wind up the Joint Stock of 1657 and invite subscriptions for a new one from the public at large. This was defeated, however, and from this point onwards the Company became stricter in asserting and maintaining its privileges and keeping 'interlopers' at arm's length. The charter of 1683 authorised it to set up admiralty Courts which could confiscate the ships and goods of all interlopers. The matter was fought out first in the law Courts.* But defeat of open trade there served only to excite public opinion the more. And English Swadeshi opinion was also hardening fast against the calicoes, muslins, shawls and art fabrics of India. The struggle was transferred to parliament and in January 1690 a Committee of the Commons heard both sides and reported that there should be 'a new Company and a new Joint Stock established by Parliament'; but in the meanwhile the East India Company was to continue, all its privileges unimpaired. The next House of Commons was Tory, but it also decided against a Company with a monopoly and asked the King 'to dissolve the E.I. Company and issue a charter to a new one on such terms as His Majesty might see fit' (1692). The next year the Commons repeated this resolution emphatically, asking the King to give the Company the necessary notice. Instead, however, what the Company obtained from the King's ministers was a new Charter for twenty-one years;³ the only concession in it to outsiders was that the Company's capital was to be increased by 744,000 l new subscriptions. The Commons were naturally angry and took advantage of the detention of an interloper's ship by the Privy Council at the instance of the Company, to declare 'that all Englishmen have equal right to trade to the East Indies unless prohibited by Act of Parliament' (1694). The King, too, thereupon, revoked all the articles in his recent Charter against interlopers. And as soon as the war against France was over, Parliament passed an Act for raising a loan of two millions sterling at eight per cent, and for settling the trade to the East Indies by founding a new Company, each subscriber to the loan to have the right of contributing a share in the Company's stock proportional to his subscription (1698). To this loan the East India Company promptly subscribed 315,000 l the largest single subscription. The most prominent of the other subscribers, however, combined together into a joint stock company

* E. I. Co. V. Sandys (1683-5).

ordination in reality to the Board of Control during the last twenty-five years of their joint existence was over-looked; or else the responsibility of the Secretary of State to parliament was itself thought to be quite a sufficient check for all practical purposes. Nor is it easy—under the British constitution it is hardly possible—to construct a Council to whom no executive functions or responsibilities can be assigned, and who is to be presided over by a member of the Cabinet, that could have any real independence of parliament Cabinet and Secretary of State. Anyhow the Secretary of State was to be bound to act according to the view of the majority of the Council only in certain specified matters; viz. the election of a Member of Council; the division and distribution of the power of making appointments among the several authorities in India and the disposal of appeals against such authorities by aggrieved parties; contracts, sales, purchases, raising loans etc. on behalf of the Government of India, and all matters connected with the property and all real and personal estate whatsoever of the Government of India; and last, all details connected with the expenditure and revenues of the Government of India.¹ In all other respects the Council was only an advisory body and the Secretary of State was free to send orders to India and to act and to abstain as he thought fit, though he had to place on record the reasons for his decisions. Five members constituted a quorum, weekly meetings were to be held, and the Secretary of State was to form committees out of the Council and allot the various departments of business amongst them.

Audited accounts of the revenue and expenditure were to be annually submitted to parliament accompanied by a statement prepared from detailed reports in such a form as would best exhibit the moral and material condition and progress of the country.² And it was also provided that the revenues of India were to be applied and disposed of solely for the purposes of the Government of India, that they were not to be applied towards any military operation beyond the external frontiers of British India without the consent of both houses of Parliament,³ and that whenever an order was sent directing the actual commencement of war by the Government of India, parliament, if sitting, was to be informed within three months, or if not sitting at the end of such three months, then within one month of the beginning of its next session.

Nana Saheb was not driven into Nepal before the end of the year. It was April 1859 before Tantia Topi was captured. But Queen Victoria was in consequence of the above Act, proclaimed all over India on Monday the 1st November 1858. The proclamation, read out on the occasion both in the original and in the vernacular of the district, to the assembled thousands everywhere, was couched in terms of rare felicity, struck the right note, and went straight to the hearts of the millions of India. The Queen had desired it to "give them pledges which her future reign was to redeem, explain the principles of her Government and point out the privileges which the Indians would receive in being placed on an equality with the subjects of the British Crown."⁴ It was one of her personal acts, if any public act of a constitutional monarch, performed in the capacity of a constitutional monarch, can ever be rightly regarded as a personal act. Or, perhaps, it would be better to say that while it was unquestionably a personal act, it was at the same time more than a merely personal act. It was she who spoke, but the pledges and the assurance of new and valuable privileges⁵ were given to the people of India by the English nation speaking through the lips of their august sovereign.

A Royal proclamation at ascending the throne or when annexing territory is so essential a part of the ceremonial appropriate to the occasion, that one rarely thinks of tracing any particular announcement of the kind to its source. But the contents of this one are not at all of the usual character; and the policy they breathe will be found more than foreshadowed in the great speech John Bright delivered on the second reading of Lord Stanley's bill in the House of Commons.

MUKHARJI, I 134-175, the Act and the Speeches of Lord Palmerston and Lord Derby; also I 431-435, the Proclamation and how it was drafted.

ILBERT, pp. 94-8.

JOHN BRIGHT: Speeches on June 3, 1853; May 20, 1858; June 24, 1858.

ANDERSON AND SUBEDAR, Ch. 8.

H. PAUL, History II 138-178, 184-5.

CHAPTER II: NOTES.

SECTION 9.

1. Mill, IV Ch. 7. Compare Locky, *History of England in the Eighteenth Century*, Ch. 12—"Never before had the Natives experienced a tyranny which was at once so skilful so searching and so strong. Every Sepoy in the service of the Co. felt himself invested with the power of his masters; whole districts which had once been populous and flourishing were at last utterly depopulated, and it was noticed that on the appearance of a party of English merchants the villages were at once deserted, and the shops shut, and the roads thronged with panic-stricken fugitives." Also Adam Smith, *Wealth of Nations*, IV Ch. 7.

2. Sir Josiah Child might be termed the first of these *Nabobs* although he had never been to India. See about him Macaulay, *History*, Ch. 18. But for us in India the most memorable of his instructions to the Co's servants is perhaps the following:—"We (the Court of Directors) would have you (our servants) to be always most kind and indulgent to the inhabitants that observe our laws and protect them in the same un interrupted liberty of the several religions in which they were born and bred, as you do to those of our own Church and Nation." Sir V. Chitrol, *India* (1926) p. 58.

3. 1755 to 1766—6%; 1767 to 69 10%; 1770—11%; 1771—12%; 1772 and first half of 1773—12½%.

4. By an Act of 1767. An Act of April 1769 prohibited any higher increase of dividends than at one per cent per annum, or any increase beyond 12½%. The Co. had also been paying customs duties upon their trade annually amounting to not less than 1½ millions.

5. A great part of these gifts, "going to minor servants for procuring minor promotions, have never been traced"—Locky, Ch. 12.

6. Col. Clavering received another 6000 as Commander-in-chief. The Chief Justice was to receive 8000 l. and each of the other Judges 6000 l.

7. The president and five of the senior members of council, as justices of peace, were empowered to hold petty and quarter sessions, to try criminal offences. The Company had also established Zamindari Courts wherever they were Zamindars. And when they decided to "stand forth as Diwan" and deprived the Nawab and his Naib of their nizamat jurisdiction also, Hastings established the adalats.

8. These District and Sadr Courts were the creation of Hastings. In the Civil District Courts the Collector presided and was assisted by the diwan or native revenue officer for the district. In the criminal district courts the Collector was assisted by the Kazi and Mufti of the district; two

Moulvis also attended. The appellate civil court at the capital was presided over by the President; and he was helped by two members of council, the diwan of the Khalsa lands, the head Kanungos, and other kacheri officers. The appellate criminal court was presided over by the Daroga Adalat (the deputy of the Nizam), and he was helped by the chief kazi, the chief mufti, and three Moulvis. Hastings had thus continued 'with scrupulous exactness the constitutional forms of judicature' familiar to the people. The Mufti was the expounder of the law; but the Kazi and the Moulvis were also learned in the law; and if they disagreed with the mufti's fatwa, the matter went to the court of appeal, and, if necessary, to the whole body of the learned in the law.—Auber, I pp. 425-8. Pandits were also attached to the civil courts to advise on points of Hindu Law. See Hastings' letter to Lord Mansfield, 1774 (Keith, I 59-66.)

9. The Amending Act of 1781 removed a few of the most glaring defects and difficulties, but a really satisfactory system was not established till after 1833.

SECTION 10.

1. Fox wrote—"If I had considered nothing but keeping my power, it was the safest way to leave things as they were or to propose some trifling alteration, and I am not at all ignorant of the political danger which I run by this bold measure; but whether I succeed or not, I shall always be glad that I attempted, because I know I have done no more than I was bound to do, in risking my power and that of my friends, when the happiness of so many millions"—i.e. Indians—"is at stake." Quoted in Locky, Ch. 15. See also for the whole episode Hunt, *Political History of England*, pp. 244-254.

2. English politics in the Georgian age was still to a large extent a matter of personal ties. Personal loyalty was the one universally and instinctively recognised bond of political co-operation; disloyalty, infidelity, ingratitude, the grossest of political sins. That Fox and North should join together to seize power was an offence that stank in the nostrils of their contemporaries. This worst and most infamous 'deal' in an age of deals proved the last, just because it so shocked the conscience of the time. Young Pitt in routing this old gang also annexed to himself the entire credit of being the creator of a purer type of politician animated by a higher sense of public duty. And this is how contemporary political reputations are made or are blasted more or less in every age and clime—a lesson, this too, which the young student ambitious to cultivate independence of judgment ought to learn from such classical examples at a pretty early stage in the course of his own career.

3. "And though on a former occasion he had been derided when he comforted himself with the idea that in every departure he should propose from the Charter, he should have the consent and concurrence of the Company, he still continued to find great consolation in the reflection that he did no violence to the Company; for no violence could be said to be done by regulations, to every one of which the Company most cheerfully consented."—Pitt's speech. See *Auber* II pp. 1-9, for an interesting summary of the first draft of his Bill, with the remarks of the Directors upon it.

4. Hastings had pointed out—"It is not in nature for five men to share the same power and not to divide into factions, when one man can always make a majority" (*Keith* I 95).

5. Hastings received presents "for the use of the Company." Clive in his second administration "for the use of other persons."

6. Subsequently modified to any two Secretaries of State, the Chancellor of the Exchequer and two Privy Councillors. The "Commissioner named first in the letters patent" was the senior "Commissioner" and he as President practically wielded the whole power of the Board. And by the Charter Act of 1793 instead of two privy councillors any two persons could be appointed upon the Board. Salaries were also granted: to the three Commissioners 5000*l.* a year; to their office establishment, 11000 *l.*

7. This latter obligation was imposed by the Charter Act of 1781.

8. Wellesley, too, would have been recalled somewhere in the middle of his career if he had been in fact, as in outward form, merely a servant of the Directors. But the Court was not sure that the Board would permit his recall, and it was the support of the latter, which maintained him against the growing opposition of the Court. The moment he lost the support of the Board, i.e. its president, Lord Castlereagh, he was recalled.

SECTION 11.

1. In a Council of 4, one of them the Governor General having also the casting vote, with one Councillor supporting him the Governor General with his two votes has a majority of votes on his side. Thus the need for exceptional power mentioned above arises only when all three Councillors differ from him.

SECTION 12.

1. But this addition included, as was natural under the circumstances "an immense quantity of rubbish and trash" (Thurlow, quoted *"Rulers of India"*—Hastings, p. 209).

2. For instance a passage from the petition of Sheffield, abridged:—"If the trade to the East Indies were thrown open, such new and abundant markets would be discovered and established as would enable them to defy every effort to injure them by that sworn enemy to prosperity and the peace of Europe, the present unprincipled ruler of France. If the trade of this United Kingdom were permitted to flow unimpeded over those extensive, luxuriant and opulent regions, to the wealthy, enterprising, honourable, and indefatigable British Merchant no obstacle would prove insurmountable, no prejudice invincible, no difficulty disheartening; wants where he found them, he would supply; where they did not exist, he would create them, by affording the means of gratification." (*Thornton*, IV 216).

3. *Thornton*, IV 241-2. Again in 1833, Sir Charles Forbes said in parliament—"As to trade with India, that was to be increased only by that House. Let Ministers begin by reducing the duties upon the commodities of India. A small duty was imposed upon English manufactures; and a heavy one upon Indian commodities. Was that reciprocity? Was that free trade?" (*Id.* IV 253).

4. During the next eighteen years no more than 1324 licences were granted (*Roberts*, p. 278).

SECTION 13.

1. Lord Ellenborough thought that this had amounted to as large a sum on an average, as the sum disbursed as dividends, i.e. £ 630,000 per year for 16 years. Another estimate, that of a professional accountant, put it higher still. (*Thornton*, V 257, 282-5; and *Wilson*, III 483).

2. Thus one consequence of the Charter Act 1833 was:—the Company's factory at Canton was replaced by an English Superintendent, English traders sold opium in ever increasing quantities to China, the Chinese laws prohibiting the import of opium were strengthened, and there followed the Opium War which resulted in England acquiring Hong Kong, and China being forced to throw open five ports to foreign trade. The entire episode is one of the worst blots on European civilization.

3. The Company's capital was £ 6 millions; but they had been paying 10½ % dividends for many years, so this rate was continued as a first charge on the Indian Revenues and the price for buying the Company off—at some future date—in view of the consistently high market value of the Company's stock, was fixed at £ 12 millions.

4. This could only have been carried out fully if the three presidency armies had been amalgamated into one; but that reform was not thought

of till long after the Mutiny; it was not practicable, either, until the main trunk lines of the Indian railway system had been built.

5. Even after the change (Bentinck's retrenchments) the average income of a civilian ranging from Member of Council to writer (the lowest grade) was still as high as £ 2000 a year (Roberts, p. 302).

6. For proceeding into the more recently acquired and less settled parts of British India, the foreigner still needed a license, but such parts were also to be thrown open from time to time.

7. There was room for difference of opinion here, sometimes involving grave issues. For instance, was the supreme court justified in applying the English statute on forgery (1728) in Nandkumar's case? See Ilbert p. 33 and the same author's *Government of India*, p. 353.

8. For instance, Borrodaile's collection of the caste customs of Gujrat (1827) is a rich mine of information to-day for the student of social customs.

9. The covering despatch says "eagerness for some temporary advantages, the consciousness of power, the pride of a fancied superiority of race, the absence of any adequate check from public opinion, the absence also of the habitual check supplied by the stated and public recurrence of religious observances, and other causes may occasionally lead" to unguarded acts; "much more may acts of outrage or insolence be expected from casual adventurers" and run-aways from Europe "released from the restraints which in this country the over-awing influence of society imposes on all men not totally abandoned."

SECTION 15.

1. It looks as if these were the only matters on which the Board of Control had not interfered with the decisions of the Court of Directors. If so, it was the Secretary of State who succeeded to all the powers of the Board of Control, not the Secretary of State in Council.

2. Dates were fixed for this annual report to parliament which remind one of the dates fixed for the annual meeting of the General Court in Elizabeth's Charter. This is a good illustration of the extremely conservative nature of English law-making.

3. This clause was due to Gladstone—*Merley*, I 598.

4. "Such a document should breathe feelings of generosity, benevolence and religious toleration," and give assurances of the "prosperity

following in the train of civilisation." See Sir T. Martin, *Prince Consort* IV 49; Sir Sidney Lee, *Queen Victoria*, pp. 288-290. The Queen had also written to Lord Canning, "the Indian people should know that there is no hatred to a brown skin, none; but the greatest wish on their Queen's part to see them happy, contented and flourishing."

5. I copy from Charles Ball's *History of the Indian Mutiny*, Vol. II, pp. 525-6, a portion of the comments upon the Proclamation pronounced by two Indian journals of the time:—

The Bombay Standard—If we apprehend rightly the meaning of the Proclamation the promises it conveys of internal and civil reforms will have, in their performance, the greatest influence on the future destinies of this country. We cannot but see in the words Her Majesty is made to use, a solution, an effectual solution, of the difficulty adverted to by Lord Stanley in his last speech, namely, the difficulty of administering from a constitutional country the government of a despotism. In our apprehension, Her Majesty's declaration that the obligations which bind her to all her other subjects shall be fulfilled faithfully and conscientiously with regard to the natives of her Indian territories, seems to imply, at the very least, the grant of such a constitution as those other subjects, all and each, are in the present enjoyment of. . . . We do not wish to imply that a copy of the British Constitution will be given to this country; but we confidently expect that. . . .

THE FRIEND OF INDIA—The Revolution in the Government of India is one, the vastness of which only the next generation will appreciate. It is the principle of our Government, not its external form, which has been changed; and to the mass of men, a new principle is as imperceptible as the soul. . . . India has become part of the British dominions; this is all that has happened; but this is not the insignificant all that the enemies of Kingdome would have them believe. Nothing was changed, save a name, when the Convention announced the abdication of James II. The monarchy was untouched. The prerogative remained unimpaired. The law remained unmodified. . . . A new principle had been introduced, and the consequence was the difference between the England of the Stewarts and the England of Victoria. India has also changed a name; and a century hence, men will date the history of progress from the Proclamation of the Queen.

CHAPTER III.

THE SUPREME GOVERNMENT.

Section. 16. Meaning of a Constitution. Governments are either absolute or limited. In an absolute government there is no legal limit to what the Head of the Government might do, or order, or permit. Nothing whatever can be called illegal that an absolute monarch does or orders or permits. But only the king of a very barbarous people can be an absolute monarch in fact as well as in mere name and form. The acts and orders of most so called despots have in reality been very strictly circumscribed by the customs and beliefs of their subjects. But of course these traditional and natural restraints upon the powers of a despot in a rude state of society fall far short of that security of the subject, and that liberty of the individual, which we associate with a modern state where the Reign of Law prevails.

Governments in which the powers of the Head are not absolute, but consciously and regularly limited through and by law and custom are also called Constitutional Governments, because the laws, institutions, customs, and conventions which limit and restrain the powers of the titular Head and lay out the procedure by which and the channels along which they flow, are collectively spoken of as the Constitution of the State.

Such constitutional states are further subdivided into States with constitutions that have grown, and States with constitutions which have been made, and the differences between these two types are many and important.

Constitutions of the second variety rest on written documents—Acts of the Supreme Legislature or Declarations of the Supreme Head, or treaties between the smaller states which combine together to form a large composite federal state. These documents attempt a logical and complete view of the whole duty of government and provide for it, by a system of correlated and mutually limited laws, institutions and departments. In such constitutions the executive, the legislative, and the judicial functions of government,—as also the organs entrusted with them, are sometimes clearly separated from one

another, and arranged so as to form mutual checks. The fundamental liberties of the individual citizen are more-over defined and safeguarded as far as legal and administrative provisions and conventions can do so. Some written constitutions also include provisions laying down a special process or machinery by which alone they could be amended. This gives them a rigidity not possessed by the flexible or elastic constitutions which make no distinction between amendments to the constitution and ordinary legislation.

Constitutions that have grown up have none of these features: they are not all written out, not logically constructed, not conceived and constructed as a whole to cover the entire range of governmental functions; they do not clearly differentiate the executive, the legislative and the judicial functions and organs of government from one another; their legislative organs are not limited in power but can and do effect fundamental changes in the constitution whenever necessary, nor are they rigid. They are always in a state of flux, and even before all the changes involved in the last great effort of public opinion have been fully and definitely secured, they are moving on to some other great change.

The Indian Constitution partakes of the merits and defects of both these types. The British Sovereign and Legislature being the ultimate authority in regard to it, its sovereign will is expressed from time to time in the form of Acts from 1858 and previous to that date, of Charters and Acts. And this Sovereign created dependent legislatures in India by the Charter Act of 1833 and later enactments, which have also expressed their own will (within the province allowed to them), in the form of Acts.¹ Thus to this extent our constitution is like a constitution made. But even the whole set of these Charters and Acts and Indian Legislative Acts taken together does not give the whole of the Constitution. The Executive Government has also concurrent Law-making power—at least in so far as the King in Parliament permits its exercise,—so that the regulations, ordinances and resolutions of the Government of India and the Presidency Governments have to be taken along with the above body of laws, in order to arrive at the written law-made constitution of British India. Secondly, the Executive Government has and actively exercises all the residual powers of an absolute sovereign; not mere-

ly the limited powers of a king in a modern European representative democracy, but the unlimited arbitrary powers of an Oriental monarch, which it claims by right of conquest and succession to the last great paramount power in India viz. the Grand Mogul. Thirdly, the charters and Acts and other written expressions of the will of the State mentioned above, are occasional only, each merely attempting to redress a particular grievance, or supply a particular want or correct a particular defect, or mete a particular change or advance in policy, not in a thorough or logical manner but only in a practical way. And lastly, the British people are very gradually learning more and more about India, they are very gradually educating India and preparing it for self-government, they are very gradually responding to epochal changes in the world-situation, and they are very gradually extending the rights and privileges and institutions of a modern civilized self-governing people to India, as a part of their Empire. In these respects, then, our constitution is in a state of growth and flux.

J.A.R. MARRIOT: English Political Institutions, Chs. 1 & 2.

A. V. DICEY: Law of the Constitution, pp. 1-34.

Section 17. Supremacy of Parliament in Legislation. The Act of 1858 created a constitution for British India, which from that date to 1920, remained the same in essentials, in spite of alterations in details. The Supreme Government thus established for India consisted of the Governor General in Council in India, the Secretary of State for India and his Council in England and the King in Parliament over both. The mutual relations of these three are not very easy to grasp, because the legal provisions leave the individuals in office at any time a certain amount of discretion or independence of action according to their own judgment, as it is very desirable that political machinery should. And because of this personal freedom or discretion the two principal officials—the Secretary of State for India and the Governor-General—appeared like Rulers armed with great powers, almost equal and concurrent, except where the two disagreed, or where parliament chose to impose its will. The first question, therefore, with reference to this Supreme Government of India established from 1858, is—What under it, is the nature and extent of the Supremacy of Parliament?

The word 'parliament' is used in various ways. Sometimes it means the Crown and the Ministry and the two houses of parliament all taken together, although when this is meant, the more correct expression to use is 'the king in parliament.' This, of course, is the legal or constituted sovereign over the whole of the British Empire and therefore over India also as included within the Empire. But the question of parliamentary supremacy before us refers not to this formal matter of the final source of all government activity, but to something more definite and restricted. What we have to examine is the nature and extent of the supremacy in Indian affairs of parliament as such, i. e. of the British Legislature.

Under the English constitution the mutual relations between the legislative power and the executive power are peculiar. The Ministry are the executive, the houses of parliament the legislature, but the two are so far from being separate, that, when parliament is sitting, they continuously act and react upon each other. The Ministers are also members of parliament and take the lead in the debates. They have usually so much fresh legislation to get from parliament, and there is so much pressure of other government work of primary importance such as the annual budget, that nearly all the time that parliament can devote to legislation of a public character is controlled by the Ministry. Both in the selection of topics for legislation and in the leading provisions of particular measures, the ministry decide what they want and, the majority supporting them, the parliament or so-called legislature of the British Constitution merely registers their decrees. Thus the Cabinet "is the real law-making organ"* and not the parliament. Of course in these as in all other matters they conduct themselves in full view of public opinion as expressed both in parliament and outside. But this healthy influence of parliamentary and outside criticism on the legislative programme of a ministry is exerted more upon the programme as a whole than upon particular items of it, and in matters on which English citizens and their parliamentary representatives are indifferent, the ministry are left practically free to do anything or nothing at their own sweet will. Again, even if through some circumstance India and Indian affairs come into temporary prominence and some legislation is undertaken, the Opposition have as a rule

* Sidney Low, p. 65.

treated the matter as lying outside party politics. There has usually been, so to say, a working understanding or a tacit conspiracy between the two "front benches" which made it almost impossible for independent members like Henry Fawcett or Charles Bradlaugh, Keir Hardie or Captain Wedgewood, however inspired by a pure sense of duty towards the dumb millions of India, to achieve anything. Thus the supremacy of parliament in the Government of India has been exercised in legislative matters during this period of sixty years from 1858 to 1920, only in and through the Ministry of the day. As we shall see in a later chapter, W. E. Gladstone in 1892 treated this principle of keeping Indian questions even of the highest importance outside "party politics", as a convention too well established or too reasonable in itself to be disturbed.

Section. 18. Supremacy of Parliament in General Policy. Acts of the Administration and the general policy pursued by it come under the executive functions of a government and might be supposed to lie outside the sphere of the legislature i.e. the houses of parliament. But the political organism we call the British Constitution does not exhibit as one of its characteristics the principle of the 'separation of functions'. We have seen how not parliament by itself but parliament as led by the Ministry is the real law-making organ. And the supreme executive functions, too, under this peculiar constitution are discharged in a highly complex manner. The British Ministry which is nominally the executive, is not independent of the legislature but responsible to it even for the discharge of its own proper function. And this responsibility or dependence of the executive takes effect in a variety of ways, in the day to day influence which the ministry and the houses of parliament exert upon one another while parliament is in session. No Ministry can accept office or maintain themselves there, unless supported by a majority of the members of parliament, especially of the house of commons. The English Ministry are an "indirectly selected" and an "informal but permanent caucus of the parliamentary chiefs of the party in power".* The king appoints the ministers, but that is only a formality. The Prime Minister selects the other ministers, but, he too, has little freedom of choice. Most of his colleagues must be veterans who have had careers as long and nearly as distinguished as his own, who were ministers along with him when their

* A. L. Lowell, *Government of England* I 55-56.

party had been in power on one or more occasions in the past. John Bull is a political animal and the incessant political agitation and agitation and canvass going on in parliament and in the country, and coming to a head every now and then in general elections, casts up leaders, who by virtue of their effective participation in that process get selected as ministers of the Crown, when their party obtains a majority in parliament. Thus the legislature and the executive are in sympathy with one another when both begin their career at the inauguration of a new parliament, and the general policy pursued by a ministry with a strong parliamentary majority is as much that of the country and of the legislature, as it is their own. Executive power and political responsibility to parliament and country are thus fused together into a unity, and the general policy pursued by the Secretary of State for India is pursued by him as the agent not only of the Ministry but also of the supreme parliament. Hence, in this section also, the ministry are supreme, parliament merely registers and supports their acts, and this is especially true of matters about which the elector and his representative in parliament are either indifferent or determined to keep them outside the range of party politics. The military burden—in men and money—that India has had to bear; the despatch of Indian troops to China or Malta, Egypt or South Africa or East Africa, France, or the Dardanelles or Mesopotamia; the forward policy in Baluchistan, Afghanistan, Persia, Arabia, Tibet, Barma or Siam, the share imposed upon India of the expenditure in each case, and the resulting annexations or withdrawals; the naval squadrons in the East and the naval bases and stations and policing in the Orient—all such matters inseparable from high policy,—which in an elementary manual one can barely mention in a rough list like this, have been thus decided throughout this period from 1858 to 1920 by the British Ministry and the Secretary of State for India, and the parliament as such has done very little indeed to exercise any check as the trustees, under Providence, of Indian interests.

In this sphere, too, independent members have now and then raised their voices, but it was only on one occasion, 1879-80, that the Indian policy of the Government of the day was checked and then reversed; and even this single instance cannot be claimed as an exception in which parliament asserted its supremacy as such. The check and reversal in Indian frontier policy was brought about as part and parcel of an entire rever-

sal of the foreign policy of the conservative party under Lord Beaconsfield by the liberal party under Gladstone, who first opposed them in parliament and then brought about a general election in which they secured an overwhelming majority.*

MARRIOTT, Chs. 4 and 11.

SIDNEY LOW, *Governance of England*. Chs. 4 and 5.

Section. 19. Supremacy of Parliament in Fiscal Policy.
The economic history of British India as affected by the financial policy of the East India Company falls into two well-marked periods, (i) 1765 to 1833, and (ii) 1833 to 1857. During the first period the Company developed their own trade and shipping, without thought or concern about the effects of their measures upon the people of India. An increasing volume of trade at a large rate of profit was their sole conception of prosperity and success. During the latter half of this period they also adopted measures favouring the increase of agricultural production and the preservation of peace and order. But this is the barest minimum any civilised government must needs provide for its own existence, and does not affect the substantial accuracy of the above description as a broad statement. The aims of the company government during the second period were wider: instead of their own profit and prosperity, their measures were now directed to win out of India, as a "plantation", the greatest possible gains for the trade shipping and industries of England as a whole. The Charters enjoined the Company to attend to this, to do nothing whatever that might be injurious or even questionable from this point of view, and we find that as English conceptions of what best conduced to England's own profit and development in trade shipping and industries altered from time to time, the Company government in India introduced corresponding changes into their regulations and practices from decade to decade. As English thought developed rapidly in the direction of "free trade", the Indian system of customs, inland transit duties and other regulations (which the Company had inherited from the Mughals), were also altered, without any thought being wasted on the indirect and cumulative consequences of such a revolution on the prosperity of India herself. These seventeenth and eighteenth century regulations were a heavy burden and a great nuisance. They were

* Morley, *Gladstone*, Bk. VII.

the heritage of a world of undeveloped communications and innumerable political boundaries. But they had the prime virtue of securing the local market to the local industries, and no national government would have cut them down by means of a few strokes in quick succession. Change at a slower pace supplemented by adequate measures to help the industrial communities to tide over the transition, would have secured the gradual growth of a better balanced and more efficient economy for the country as a whole. The East India Company, however, neither saw this nor attended to it; it was not their job; it was no one else's either. And the indigenous industries of India, the growth of centuries, which had already suffered severely from the anarchy that followed the death of Aurangzeb, quietly lay down, each in its own home, and expired at the first breath of Western competition. The Company's exports of Indian fabrics and wares to England were progressively won over for the products of English factories by 'free trade'. That is the economic history of India in a single sentence. The rulers too did not at all realise that they were committing any wrong: to see to the interests of England, as England herself saw them, was their sole duty, in a conquered "plantation," inhabited by aliens in creed, blood, language, social habits and culture. Nor did they require any evidence or proof of their success, beyond the "prosperity" of their finances and their trade, as thus visualised. Even this was not always forthcoming. There were recurring deficits, and periods of slack trade and brisk trade alternated. The truth is, in spite of every effort on the part of England to avoid wars and annexations, India wanted England to swallow and digest her as quickly as possible. India compelled her to do so: the Company hardly regained their breath after one war, when they had to enter upon another. Thus forced to advance rapidly until the natural boundaries of the entire continent were reached, England did her duty, but on one condition: to this vast enterprise of the conquest of an entire continent, she contributed not a single farthing. It was all carried through at India's own expense. Moreover, on completion and within less than a decade, the Sepoy Mutiny broke out. England suppressed it of course, but India had to bear the expenses of this operation also, as a matter of course. The abolition of the East India Company, and the transfer of British India to the crown by an Act of Parliament was not an adequate reason to make an exception

in the settled policy of England towards India in this cardinal matter. Not to levy a farthing of tribute from any part and not to contribute a farthing towards its running expenses, is one of the fundamental principles of England's policy towards her far-flung world-wide Empire.

In 1858-1860 the finances of the Indian Government were naturally in a perilous and chaotic state. Solvency and order had to be evolved. The expenditure had to be cut down; but as so high a proportion of the charges was fixed or beyond the power of the Government in India to curtail, not much relief was possible in this direction; and the only alternative was to increase the revenue. Here, too, the principal item, land revenue, was a permanently fixed charge over extensive areas. The tariff of 1859,* therefore, raised the import duties for British as well as foreign goods to 10% *ad valorem*, with cotton twist and yarn as exceptions (5%); it raised the duties on articles of luxury to 20% *ad valorem*; and it levied a general duty of 3% *ad valorem* on exports, with the solitary exception of grain which was charged higher. The lists of articles to be imported or exported free of duty were small. It is from this point that we have to study the fiscal policy of India under the Crown, with special reference to the nature and effects of the influence of parliament upon it. An increase of revenue had to be somehow obtained, and that was the sole object of the above tariff; protection to any native industry was not aimed at, even when the tendency of some of the duties was protective to some extent, that was not at all the object with which they were levied. Such a tariff, however, did not please the European chambers of commerce in India, or the financial member of the Governor General's Council, James Wilson,¹ specially deputed from England to benefit India by his expert knowledge, or the Secretary of State for India in England. Doctrinaire free trade would not stand it. The free lists were extended. The general rate for articles of luxury was dispensed with: high rates were specially retained only for some of the articles such as wines. The concession to cotton yarn and twist was removed. The general import rate was reduced a little later to 7½% (1864). In 1867, the principle of having free lists and charging the general rate on all other articles (with special rates for articles specific-

* Act VII of 1859.

ly named), was given up. All articles were allowed to enter or leave the country freely, except such as were named, on each of which was to be levied the duty specifically mentioned.* The inevitable consequence was,—the gross sea customs revenue which had increased to over three millions in 1860-61 and could easily have been doubled† in a few years, without the slightest injury to any one, fell off steadily from that point, and the taxes on salt and on the administration of justice had to be raised to an oppressive extent, and no less oppressive land cesses and license taxes had to be added to the burdens on the people. The administration of India under the supremacy of parliament became more civilised than it had been under the company, but it imposed burdens upon the people of one of the poorest countries in the world, "two and a half times"‡ heavier than did the Government of Parliament itself upon its own subjects in far richer England.

R. C. DUTT: Economic History of British India, India in the Victorian Age.

N. J. SHAH: History of Indian Tariffs.

C. N. VAKIL: Our Fiscal Policy.

Section. 20. Supremacy of Parliament—Miscellaneous. Particular acts of the Administration, as distinct from general policy, come under the supervision, criticism and control of parliament in a variety of ways, when, as a result of the question or debate or vote, the particular matter is remedied or the officer concerned dealt with as might be necessary, after full opportunity has been afforded to the Executive to place before parliament all that could be urged in explanation, extenuation or defence. The opportunities for thus bringing pressure upon the executive are manifold. There is first the address in answer to the King's speech at the opening of the session; then the questions day by day give a chance if not for direct criticism, at least for calling the ministers to account; then there are the motions to adjourn; the private members' motions; the debates on going into the Committees of Supply

* Act XVII of 1867. † C. N. Vakil, *Our Fiscal Policy*, p. ‡ Dadabhai Nowroji's estimate in 1873; Dutt, *India in the Victorian Age*, p. 325.

and Ways and Means; the discussions in the Committee of Supply itself; the debates on the Consolidated Fund Resolutions, on the Appropriation Bill, on the Budget, and on the motion to adjourn for the holidays, and finally, the formal motions of want of confidence.* Now, it is not possible in a brief and elementary book like this to enter upon a detailed examination of how these various opportunities have been availed of in parliament with reference to Indian topics, during such a long period as sixty years; and to point out, as a result, how even in this branch of the subject the supremacy of parliament has, as a matter of fact, been merely nominal. All that can be attempted is to offer some select illustrations.

A recent instance of the motion to adjourn the house for the consideration of an urgent matter, is the debate on the report of the Mesopotamia Commission, which occupied two days in both the houses.† The inquiry had revealed that the soldiers had suffered indescribable privations and many valuable lives had been lost; the transport services had not been adequate for months and the medical arrangements had been disgracefully meagre, and had, moreover, broken down. The Commission had censured certain departments and also certain high officials by name, such as the Secretary of State for India, the Governor General, the Commander in Chief in India, and the Military member of the India Council. The publication of the report of June 26th excited a passionate outburst all over England, and it was because of that circumstance and that alone, that the debate compelled the executive government to take action, and important results followed. The Secretary of State for India was the official who was technically bound to take all the blame upon himself, except such as could be judicially proved against particular individuals for specific actions or omissions, and Mr. Chamberlain announced to the House of Commons at a very early stage in the debate that he had actually resigned. Lord Hardinge also resigned, but at that moment he had long ceased to be Governor General, and was holding a subordinate position as permanent secretary at the Foreign Office. No political responsibility is ever attached under the constitution to civil servants even of the highest rank; nor could a censure based upon the way in which he had discharged his duties as Governor General in a particular epi-

* Lowell, I 328-9. † July 12 & 13, 1917.

sode be held to affect his competence for this later post; and his resignation was not accepted. Lastly, the Commander in Chief and the other Military officers were dealt with by the Army Council.

Private Members' motions for specific executive action were never very numerous in parliament. We may note some instances. In 1889, the House of Commons passed a resolution directing the Government of India to modify their excise policy so as to discourage intemperance. Messrs. W. S. Caine and S. Smith led the way in this important question, and the result has been both fuller information on the excise administration to parliament and some check upon the tendency of executive departments to attach too much importance to mere increase of revenue. Another resolution the same year condemned the India Government for encouraging the consumption of opium in India, a vote that was repeated two years later. But the Government appointed a Royal Commission with Lord Brassey as President, which reported in 1895 in favour of the existing system and so no change was made.* As a last instance might be noted Mr. H. Paul's resolution of the 3rd of June 1893, that the examinations for the Indian Civil Service and other nonmilitary services should in future be held simultaneously in India as well as England. The Government, however, collected against it "the opinions of Indian officials, which were almost wholly adverse to the change,"† developed the cult of an irreducible minimum of Europeans as indispensable for efficiency and demanded by the masses as well as by the more virile but less literary races of India, and did nothing.

On the 12th February 1895, Dadabhai Naoroji moved an amendment to add to the Address a humble prayer to the effect that the British Exchequer should bear a fair and equitable portion of the expenditure incurred by India both in "the employment of Europeans in the British Indian Services", and "on all military and political operations beyond the boundaries of India."‡ This led to the appointment of a Royal Commission with Lord Welby as president, but it did not report till 1900, nor did it make any 'fair and equitable' recommendations as to the standing military burdens of India for the heavy

§ Strachey Ch. 10. † Lowell, I 328. Madras was the only provincial government not against the change. ‡ Poverty and Un-British Rule, pp. 204-206.

extra expenses imposed upon her from time to time by reason of wars of annexation or of Imperial policy.¹ Everyone was disappointed at the result, from Sir Henry Fowler downwards. What was worse, the Commission did recommend that England should make to India an annual contribution of £50,000 in aid of the charge for the India Office; and this no English Government Liberal or Conservative was then prepared to concede.

The fundamental objection to such proposals is that to adopt them would be to bring that part of the expenditure of the Government of India regularly before the House of Commons in Committee of Supply; that would be to subject Indian policy and administration regularly and directly to the review of parliament; whereas, although parliament is of course ultimately the supreme authority even as regards Indian policy and administration, checks and obstacles have been deliberately interposed between the Indian Executive and parliament, the intention or the effect being to leave the Indian policy of a Ministry which possesses the general confidence of parliament, free from the full force of its regular and detailed control. Parliament is of course the supreme authority whenever it chooses to assert itself; but the constitution it deliberately framed for India in 1858 was that as a general rule it did not so choose.

Hence it followed that, to pass on to another of our illustrations, it is not parliament that settles the Indian budget. That was settled by the Governor General in Council, obtaining such fresh sanctions as might be necessary in any year from the Secretary of State and Council. The so-called Indian Budget Debate that took place in the House of Commons on the motion (that the Speaker do now leave the Chair) to go into Committee on the East India Revenue Accounts, was "a purely academic discussion which had no effect whatever upon events in India, conducted after the events that were being discussed had taken place."* That was why the debate took place before empty benches. That was why a busy ministry and a parliament with far more than it could dispose of, fixed it year after year near the end of the session, generally after the Appropriation Bill had been read a second time. It was not even obligatory to have it every year, and during the

* E. S. Montagu in the Mesopotamian Debate 12-7-1917. See ante Sec. 15, Note 2.

Great War it was altogether omitted more than once. But that was also the reason why members of parliament who wanted to reform this constitution of India, hit upon the expedient of an amendment to the Indian Budget motion, that "in view of the responsibility of parliament in reference to the Government of India and in order to provide for a more effective control over Indian questions, it was expedient to place the salary of the Secretary of State for India on the Estimates." Such an amendment was proposed several times, but no Ministry liberal or conservative could allow it to pass unless it was also prepared to alter fundamentally the character of the constitution of India as it had been fixed by the Act of 1858.

For our last illustration, let us look at the pressure which Lancashire repeatedly exerted through parliament upon the Government of India. The Secretary of State was asked by memorials and deputations and by means of motions and resolutions in parliament to increase the quantity and improve the quality of the cotton grown in India, to push on the extension of railways in lean years as well as in fat, to pay more and more regard to the condition of the labourer working in the textile factories of India, and above all, to avoid any such taxation and policy as might, in the Indian market, leave to the local manufacturers of cloth (whether in villages plying hand looms or in power-driven factories in cities), their natural advantage over that exported for their benefit by Lancashire. This was the special brand of the humanitarian freetrade gospel *a la* Lancashire, warranted to bestow upon the Indian masses the triune blessing of the cheapest clothing, the highest real wages, and the most reliable famine relief. Hansard records so many discussions and resolutions on this subject, that it is not easy to make a choice. Perhaps the most characteristic instance is the motion of the 10th July 1877, demanding the immediate repeal of the import duties on cotton goods (5% *ad valorem*) imposed by the Indian Tariff Act of 1875. The Conservative Government was in office; they resisted it but only succeeded in inducing the house to add a qualification to the effect that "repeal was to take place without delay, as soon as the financial condition of India will permit." But just then a famine was raging in India. The budget of 1878 provided for an annual saving of a million and a half as a Famine Insurance Fund by means of increased taxation. Lastly on

the 21st November, General Sir Frederick Roberts crossed the Kurram, and began that search for a "scientific frontier," the second Afghan War. The Famine Insurance Fund, raised by means of additional taxation of a most objectionable character, disappeared. Two millions were to be received from England as a loan towards the expenses of the war. Other loans were to be raised in India and England to the tune of thirteen millions and a half. And yet, a general election was also fast approaching, the Lancashire voter had to be placated whatever the cost to India, and Lord Salisbury the Secretary of State ordered a reduction in the cotton import duties, and Lord Lytton introduced the reduction in the budget, overruling a majority of his council.³

The Act of 1858 established the absolute and direct supremacy of parliament in the government of India by putting an end to the East India Company and their Court of Directors. And we have now examined the real effect of that Act in the sphere of legislation, policy and individual administrative acts and omissions. The fundamentals of the English Constitution and the peculiarities of parliamentary procedure have so controlled the working of the Act that it really placed India under an autocratic executive, liable to be influenced by interested parties in England and in India, and unable to protect India from them, except on the rare occasions when the parliament and the people of England asserted themselves on behalf of their great but oriental and politically inert Dependency. Or we might put it in another way. While the E. I. Company was, however nominally, the mistress of British India, the Cabinet parliament and people of England felt, whenever anything happened to compel their attention and to touch their conscience, a moral responsibility for the dumb millions of India. But the Mutiny had this effect that for the future they ceased to be trustees and became themselves the rulers. Ought not the sense of responsibility of the ruler in fact be keener than that of the supreme authority who believes himself to have left the direct charge in other hands? No doubt it ought, but no doubt either, that it rarely is. The power of the Company and their Directors was sensibly curtailed by the Act of 1784; and from 1813 onwards it was merely nominal; we may say, a mere fiction. The Act of 1858 did away with that fiction with the laudable aim of providing a "Better Government." The philosopher might have expected that the change must necessarily work

to the benefit of India. But we have now seen how and why the change in actual working completely belied such expectations, at least for a whole generation. It is a wonderful illustration, on the largest possible scale in the history of the world, of the incalculably beneficial power of mere fictions in political architecture.

MONTAGU-CHELMSFORD Report, Sections 33-36, 169.

MARRIOTT, Chs. 4 and 14.

H. H. THE AGA KHAN: India in Transition, Ch. 19.

Section 21. *The Secretary of State and the Governor General.* These two high officials formed together the double link that joined England to India. The Governor General was the working head of all branches of the administration, and he represented, besides, the Crown of England in India and was therefore also called the Viceroy. He was the highest personage of the State; he was the Government of India incarnate. Whatever the Government of India was empowered or allowed by law and constitutional usage to do was done in the name of the Governor General in Council, and the Governor General could if he chose, personally assert himself with regard to any such matter, however trivial. Innumerable instances can be quoted of his plenary power. The installation of the Nizam in 1884 with Sir Salar Jang's young son Laik Ali as minister and without any favourable treaty about Berar, was very probably a personal act of Lord Ripon's.¹ Lord Curzon carried personal interference in the administration farther than any other Governor General of recent times; his interference in the famine relief administration of more than one province and his punishment of a British regiment for a crime committed by one of its soldiers against a woman of the people may be cited as instances in which his assertion of supreme power did incalculable good. As another illustration of the manner in which this masterful viceroy saw his duty and performed it may be mentioned the fact that he persuaded Principal F. G. Selby to accept the post of Director of Public Instruction in the Bombay Presidency against the latter's own inclinations, and on the high ground that it was a dereliction of the duty an able Englishman owed to the land of his adoption, to hesitate merely on the score of personal tastes, when an opportunity of higher service and utility offered itself. And as a last illustration may be

Lord Hardinge's interference in the U. P. where local Muslim feeling had become excited over the widening of a main road in a city, which if carried out in the ordinary way would have cut off a few square yards of space from a mosque. Of course, no such instances, taken singly or collectively, can imply that the Governor General was an autocrat like a Maharaja or a Nawab. The Government of British India is a reign of law and of customs and precedents which have nearly all the precision and limitations of written law. As the Charter Act of 1793 expressly provided, the Governor General even when setting aside the opinion of his council and acting on his own, had still no powers whatever which the Government of India as legally constituted could not lawfully exercise.

The appointment of the Governor General is made by the Crown; but that is only a formality. The Prime Minister and the Secretary of State for India make the selection. The opinion of an experienced monarch like Queen Victoria or Edward VII or George V would necessarily carry great weight even with the greatest of prime ministers; but the responsibility for the choice rests with the last; and the Secretary of State may carry his point with his chief by a threat of resignation.²

Changes in the Ministry in England do not necessarily involve a resignation by the Governor General. Although the new Ministry might belong to a different party, it might not have an Indian policy different from that of their predecessors. And even if there was such a change, the Governor General appointed by one party might continue to serve, if he had no objection to carry out the new policy. Lord Minto, for instance, was appointed by the unionists, but when the liberals came into power soon after, he continued at his post and helped in the preparation and introduction of the Morley reforms. Lord Northbrook on the other hand, objected both to the forward policy in Afghanistan and the initiative and direction of the Secretary of State in Indian Finance, (which the Beaconsfield Ministry and their Secretary of State, Lord Salisbury, insisted upon), and resigned. His successor Lord Lytton sympathised with the conservative policy, adopted it as his own, and when the liberals attacked the Indian measures of the conservatives as bitterly as their general policy, and, as a result of the well-known Midlothian campaign came into power with an overwhelming majority and the conservative ministry resigned, he too resigned office

along with his political friends.* Lastly, there is the case of Lord Curzon's resignation. This arose out of difference of opinion between him and his commander in chief, Lord Kitchener. The military department of the Government of India had as its head a soldier who was an ordinary member of the Governor General's council, and was the constitutional adviser of the Governor General on all army matters. The Commander in Chief was the head of the Army, but any proposals he had were to be submitted to the Government of India through this Military Department. Lord Kitchener objected to this. To put the matter in constitutional phraseology he was not content with being an "extraordinary" member of the Governor General's council, whom constitutional convention required invariably to vote with the Viceroy; he wanted to be the only responsible adviser of the Government of India in military matters. The Government of India, on the other hand, were unanimously of opinion that the system that existed was absolutely necessary to maintain the supremacy of the civil authorities over the military. The Secretary of State for India and the British Cabinet decided the issue in favour of Lord Kitchener, and Lord Curzon resigned.†

We pass on to a consideration of the powers of the Secretary of State for India and the mutual relations between him and the Governor General. The Secretary of State took the place of the former Board of Control and the East India Company and represented besides, the supreme authority of the British parliament. It was worth noting that parliament has not conferred any individuality upon the Secretary of State as such. The Act of 1858, following the previous enactments about the Board of Control and its President, speaks only of "one of His Majesty's principal Secretaries of State". Thus any of these members of the Cabinet could perform the duties of the Secretary of State for India. This is an excellent example of the way in which the British Constitution combines individual initiative with collective responsibility. And the arrangement has its convenience on exceptional occasions also, e. g., when His Majesty visits India in person or when the Secretary of State for India has to do so himself. The Act made him the heir to all the powers of the Board of control and the East India Company. And by the Charter Act of 1833 he had, whenever he

* Lady B. Balfour: *Lytton's Indian Administration*, p. 490.

† Sir T. Raleigh: *Lord Curzon in India*, pp. xviii to li; *Lord Fraser*, pp. 415-449.

chooses to exercise it, "full power and authority to superintend direct and control all acts, operations and concerns" "which in anywise related to or concerned the Government of India," and "all grants of salaries, gratuities and allowances and all other payments and charges whatever, out of or upon the said revenues and property," except in so far as parliament had otherwise provided with respect to any portion of this power and authority. The exception, let us add at once, referred only to such powers as had been conferred by parliament on the India Council of overriding the authority of the Secretary of State, and these we shall return to in a later section.

The constitutional conventions with regard to the Secretary of State's powers of superintendence direction and control are a more difficult topic. Under the East India Company Governors General could not wait for orders from England, and had as a rule to take action on their own responsibility even in matters of peace and war. But in the meanwhile science was progressing and the world was shrinking up. After 1858 Governors General could be controlled more effectively and continuously from England. The telegraph made it possible to send brief orders several times a day.* The time consumed in communications by post from one end and detailed instructions from the other also became progressively shorter. But the intention of the legislature was that except in foreign affairs the responsibility for the administration and progress of India was primarily that of the Government of India, and that sufficient initiative was therefore to be left with it. Thus the Government of India continued practically a great independent initiative even in matters of parliamentary legislation. The impulse given by the Mutiny produced several great Acts (which will be discussed in later chapters), and then for a time parliament and the British ministry left India to itself. The age of Palmerston was a quiescent period in England also.† A new era began with the Beaconsfield Ministry (February 1874 to April 1890). And in the eighties also began the pressure of Indian opinion for greater rights and representative legislatures. After a short period of hesitation the Government of India made up their own minds about it. The Services were no longer animated by the enthusiasms of the period from Bentinck

* The Suez Canal was opened in November 1869. Telegraphic communication with England via Turkey from March 1865.
† Dut, England and India; Sir H. Cotton, New India.

to Lawrence. The European settler was no longer a mere pioneer. He had grown in numbers and in wealth, he was socially and politically organised, he held certain great industries in the hollow of his hand and was proceeding to acquire other monopolies, and whereas in a former generation he had leaned upon and followed the lead of the Services, he was now the senior partner of the concern, and it was for the Services to follow where he led the way. In England, too, jingoism gathered force, and yarns like the Bridge Builders and rhymes like the White Man's Burden appeared, showing how genius itself was not always independent of prevailing currents of opinion and emotion. The Government of India capitulated to Anglo Indian opinion from the time of the Ilbert Bill.³ Parliament itself refused in the nineties to move a single inch beyond what such opinion considered absolutely safe. Nothing could be done until England itself changed. This too happened. Sir Henry Campbell-Bannerman came into power in 1905 with a liberal majority behind him of commanding strength. Jingoism perished unwept, unhonoured and unsung in South Africa and elsewhere. The Anglo-Russian Agreement established the essentials of a solid peace in Western Asia.⁴ Hopes ran high in Egypt and in India. The Government of India, however, had not changed. Anglo-India had not changed. Their representatives and organs in the Lords, the Commons and the English press had not changed. Morley's speeches and his letters to Lord Minto reveal the enormous friction against which he had to advance.⁵ The shibboleth of the relative position of the Secretary of State and the Government of India under the constitution was a party cry raised by these reactionaries to maintain their privileged position intact against liberal assault. It required a world event of the unprecedented magnitude of the Great War to bring about the initiation of a radical change.

Lord Salisbury and Lord Morley are instances of Secretaries of State who exerted their constitutional power to the utmost; while, of course, Lord Curzon is the outstanding example of a Governor General whom history must hold personally responsible for a goodly proportion of the acts done by the Government of India during his regime.

ILBERT, Ch. 3, Ss. 2, 13-14; 21, 36, 44, 48.

SIR V. CHIROL, Indian Unrest, Ch. 26,

Section. 22. The Executive Council. We have already traced the history of the Governor-General's (and Governor's) Council from the Regulating Act to the Charter Act of 1853. This last enactment converted the Law member into a full member of Council. By the Charter Act of 1833, this was the only member whose appointment was "subject to the approbation of His Majesty, to be signified in writing by His Royal Sign Manual," counter-signed of course, by the responsible member of the Privy Council. By the Act of 1853, the appointment of all Members of Council, both in the Government of India and the Presidency Governments, was made subject to similar approbation of the Crown. From that date to 1919 the number of the ordinary members of the Governor General's Council has risen from four to six. The Indian Councils Act, 1861, added the fifth member, the Indian Councils Act, 1874, added a sixth, specially for Public Works,¹ and the Indian Councils Act 1904, made him like the other four (excepting the Law member) available for any department. Ever since the Act of 1793, the Commander in Chief has been an extraordinary member of the Council. Of the ordinary members the Law member must be an English or Irish Barrister or a Scotch advocate of not less than five years' standing, and three others must have put in at least ten years in the service of the Crown in India at the time of their appointment. The Act of 1861 provided that these "shall be appointed by the Secretary of State for India in Council with the concurrence of a majority of his Council." The absence of legislative direction as to the qualifications of the other two members has facilitated the appointment of financial experts or of members of the English Civil Service. And from 1909 one Indian has been appointed to the Council.² The first two of the Indians so appointed in succession, Mr. S. P. (now Lord) Sinha and Mr. (now Sir) Ali Imam were Law members, but the third, Sir Sankaran Nair, was given a different department.

Originally, every matter was referred to the whole Council. But the Act of 1861 empowered the Governor General "to make rules and orders for the more convenient transaction of business" by his Council, and these "few words gave to Lord Canning and his successors the means of reforming" the system. Thus arose working by departments with a centralised secretariat at the seat of Government. At the apex of each department was the Secretary to Government in that department. Matters

of routine, where the case fell clearly under established rules and regulations were disposed of by him. All other matters he submitted to the Member of Council in charge of the department, in a form ready for decision and with his own opinion thereon. Many of these the Member disposed of on his own authority, but the rest were submitted to the Governor General. Personal consultations between these three or any two of them were frequent, nor was any of them debarred from informal consultation with any other member. Most of the business of a department was thus settled by these three. But whenever the Governor General or the Member considered further discussion necessary, where more than one department or more than one province were involved, where a provincial Government had to be over-ruled or where fresh legislation or a new departure would be required, the matter was placed before the Council as a whole. Thus individual responsibility and a continuity of policy were combined in an elastic system, but its successful and harmonious working depended to a great extent upon the personality of the Governor General.*

The distribution of the entire work of the administration into departments was not very logically carried out, for at the time of Lord Canning, there were only seven men available for the purpose including the Governor General and the Commander in Chief, and only one more member has been added since. The Governor General himself had charge of the foreign department. In all questions arising out of the relations of India and the Empire with the outside world, that is to say, in all matters of foreign policy strictly so called, the decision rested with the cabinet in England, and the Governor General had to loyally carry out their orders. He was "a 'parliamentary' Governor General responsible to parliament through the medium of the Ministry,"† in more senses than one, some of them rather vague; but his position and his duty in this cardinal matter have been perfectly clear from 1858 onwards. Internal foreign policy is concerned with Indian States, the frontier tribes, and the relations of India with Afghanistan, Persia, the Arabian coast, and the smaller powers on the frontier generally, who have hardly a recognised status in the hierarchy of

* Strachey, p. 67; see the whole discussion, pp. 62-70. Also Canning (Rulers of India) pp. 46, 191-4; Hunter, *Life of Mayo*; Report of the Decentralization Commission.

† Holderness, p. 163.

international law. In dealing with these the Government of India has more latitude. The Governor General consults experts and is in constant communication with the Secretary of State on all these matters also, but in this sphere he can take decisions to some extent on his own responsibility. But here too, it is the policy of the British Cabinet that prevails in the long run. And throughout the period under consideration the powers of the Government of India over Native States have been "exercised in four main directions:—(1) entire control of all external relations of the States; (2) responsibility for the safety and welfare of British subjects and of the subjects of foreign powers; (3) a tacit guarantee to the ruler that he shall not be removed by insurrection or internal disorders; (4) a tacit guarantee to the subjects of the ruler that they shall not be grossly oppressed nor misgoverned."*

The Commander in Chief was since the Curzon Kitchener episode, in sole charge of the Army Department. The Military department upto that date was under a soldier appointed as an ordinary Member of Council, whom during the period of his appointment the constitution relieved of all military duties, kept permanently at the centre of the Government and treated as a civilian.† The Legislative Department was under the Law Member, and besides performing the functions indicated by its title, it performed all the duties of the Government of India in connection with provincial legislation and advised the other departments on legal questions and principles, often dissuading them from courses of action not really within their competence. It also gave final shape and form to such legislative Acts as the Government of India had to perform independently of its legislative council. The Home Department has always been entrusted to an experienced member of the Indian Civil Service. Questions of internal politics such as riots, sedition and anarchy and their prevention, the censorship and control of the press, the administration of the Arms Act, as well as the administration of law and justice, jails, police and the C. I. D., formed an important part of its functions. Thus it touched the administration of the provinces at many points. The Department of Revenue and Agriculture was also for many years under the member in charge of the Home Depart-

* Rushbrook Williams, *Indian Administration*, pp. 44-5. See also *India and the Durbar*, Chs. 3 and 8; Hunter, *Mayo*, I 202-215.
† See *Imperial Gazetteer* IV, pp. 23, 360-5.

ment, but in 1905 these two were separated and Revenue and Agriculture and Public Works were joined together under one member. The Revenue and Agriculture Department, since its reconstitution in 1881, had supervised land revenue administration, agricultural inquiry improvement and education, famine relief, and the improvement of agricultural and co-operative credit. The linking together of this with the Public Works Department was facilitated by the creation at the same time of the Railway Board and the Commerce and Industry Department. The Finance Department which has sometimes been placed under an expert from England, supervised and controlled the general administration of imperial and provincial Finance, the currency, and the heads of 'separate revenue,'—opium, salt, excise, stamps and assessed taxes. Lastly, in moving a Resolution in the Imperial Legislative Council in March 1910, recommending that a beginning be made in the direction of free and compulsory education and that a Commission be appointed to frame definite proposals, the late Mr. G. K. Gokhale³ asked that there should be a separate Secretary for Education in the Home Department in the place of the Director General of Education created by Lord Curzon, and looked forward to a time when there would be also a Member of Council in charge of the Department. Lord Minto by one of his last acts as Governor General responded to this by placing a Member of Council in charge of education,⁴ sanitary and medical administration, and Local self-government, and his successor Lord Hardinge went further still by placing this department under the Indian Member of Council, Sir Sankaran Nair.

The Acts of 1786 and 1793 have been noted in an earlier chapter, which leave the Governor General "a discretionary power of acting (or forbearing to act) without the concurrence of his Council, in cases of high importance and essentially affecting the public interest, safety, tranquillity, and welfare;" the Government of India Act 1870 repeated this provision,⁵ and it has continued in force throughout the period of our review. The proceedings of the Council are very properly kept strictly confidential, and it is not very easy to judge how often this discretionary power has been resorted to as a matter of fact, or what influence it has had on the spirit in which the Governor General on the one hand or the members of council on the other perform their functions. Nor can we rely much, in a question of this character, upon the public utterances of the

high officials concerned, inspired as they must be, more or less, by considerations of policy or of personal reputation or of loyalty to respected colleagues. It is well known that Lord Lytton acted under this provision when in March 1879 he partially exempted cotton imports from customs duty, as has been related above. But in that case every member of the Government knew in advance that the Governor General was only doing what the Secretary of State and the Ministry in power wanted him to do. Has there been any case of the Governor General exercising his discretion and overruling his Council, in which the Home authorities, originally indifferent, supported his action? Such a case would, for obvious reasons, be more instructive than Lord Lytton's to the student of Indian constitutional history. Looking at the matter from a more general point of view, Governors General have been ignorant of India and its problems on their arrival; their Members of Council, on the other hand, have been experienced administrators who have grown grey in the land and risen step by step by years of meritorious toil and achievement; they surround him, they are his eyes and ears as well as hands, the arts of the courtier are not altogether unknown to them, nor are they philosophers or anchorites indifferent to the exercise and increase of power and influence, and it is perfectly natural for the newcomer feeling his way, to rely upon the judgment of these his constitutional advisers. Even when he has been in India sufficiently long to venture to steer the ship of State by his own judgment, cases of a serious difference of principle or of opinion between him and his adviser or advisers would be rare, and rarer still those in which the majority of them went decisively against him. The supreme legislature fully intended that this provision was to be availed of under a high sense of duty in very exceptional cases only, and it may be asserted with confidence that Governors General have respected this intention and not resorted to it lightly or frequently.

The Governors of Madras and Bombay were given Executive Councils in 1784, consisting of two civilians and the Commander in Chief of the army of the presidency. From 1793 the Commander in Chief came to be looked upon as an extraordinary member. A hundred years later the office was abolished and the two presidencies had an executive council from that date of only two members until an Indian member of council was added at the same time that an Indian

member was appointed to the Governor-General's council. The Indian Councils Act, 1909, gave a similar executive council to Bengal, although it was then under a lieutenant Governor; and on the ground that the provincial legislative councils which that Act was creating or reforming would "throw a greater burden on the local Government, not only by reason of the actual increase of work caused by the longer sittings of the legislative councils, but also because there will be considerable responsibility in dealing with their recommendations,"⁷ it provided that other Lieutenant Governors should also have executive councils to help them. But for the creation of such a council it required the sanction of parliament to be obtained by a special procedure, and this made it impossible to obtain under this section an executive council for any other province. The Government of India Act, 1912, converted Bengal into a Governor's province, and provided that Behar and Orissa also was to have an executive council; which thereupon came into existence from August 1912. The Indian Members of Council had in the meanwhile proved their worth; their presence enabled the administrations to know and interpret better "the opinions the sentiments and even the prejudices" of the people; while the new executive councils of Bengal and Behar and Orissa showed that that form of government had "an element of continuity necessarily wanting to a one-man" system.* But parliament frustrated Lord Hardinge's attempt to give an executive council to the U. P. as it has frustrated Lord Minto's.⁸ The reform had to wait until the whole system created in 1855 came to an end by the Government of India Act 1919.

ILBERT Ch. 3, Ss. 36, 38-47, 51-54.

J. RAMSAY MACDONALD: Government of India, Ch. 4.

Section 23. The India Council. We come last to that organ in the complex constitution of the Supreme Government for India which stands lowest in rank and importance. The Act of 1858 created this Council, as we have seen. The Government of India Act 1869, gave the power of filling vacancies in it to the Secretary of State, and the members were to serve for ten years instead of during good behaviour. If the

* Lord Curzon's despatch, 30-7-1914.

Secretary of State wanted to re-appoint any member at the end of the term, he might do so for another five years, but only for special reasons of public advantage, and these reasons were to be laid by him before both houses of parliament.¹ By the Council of India Reduction Act 1889, vacancies were to be left unfilled until the number of members fell to ten. But this was repealed by the Council of India Act 1907, which provided that there were to be, at the discretion of the Secretary of State, not less than ten and not more than fourteen members, and that the period of service was to be seven years instead of ten. Nine out of the members were to possess the qualification of having served or resided in British India for at least ten years and not left it last more than five years before the date of appointment. As there were no other restrictions upon the choice of the Secretary of State, Mr. Morley (as he then was) appointed Mr. K. G. Gupta and Mr. Saiyed Husain Bilgrami as members in August 1907;* principally for two reasons. He had determined that the liberal promises of the free and impartial admission of qualified Indians to offices in government service given as early as 1833 and repeated so solemnly in 1858, were to be fulfilled without any further delay, and he saw clearly that the only practical method of expediting the fulfilment was to make some striking appointments to the highest possible posts. He also wanted the most experienced and the best qualified Indian opinion to exercise an influence from inside the government upon the scheme of reforms then upon the anvil. Lastly, ten years later, with the historical announcement of the 20th August 1917, already under consideration, and with the certainty of having to follow it up as soon as the Great War ended by some radical measure of far-reaching reform, Mr. A. Chamberlain added a third Indian member to the Council on the 26th June 1917.

The Council worked by means of weekly meetings. The members were also appointed to committees, of which there were seven, but these committees could not by themselves decide anything. All matters relating to (1) the appropriation, sale, or mortgage of revenues or property, (2) loans and contracts, (3) alteration in salaries of the highest posts, and in the furlough and sick leave rules of all Government servants, (4) regulations for distributing between the various authorities in India the power of making appointments of Indians to

* See his submission to the King, *Reflections II*, p. 323.

posts reserved to members of the Indian Civil service, were to be decided by the majority. The Council acted as a check upon the Secretary of State throughout this period of sixty years from 1858 to 1920, in these matters only. But even here with regard to the appropriation of revenues and loans, the Council failed to safeguard the interests of India. Expenditure depends upon policy especially upon foreign policy and upon the wars and military establishments it imposes upon a country. The British Ministry decided policy. Wars were entered upon by them; the Council had necessarily no voice or responsibility in the decision. In fact the Secretary of State's orders to the Governor General on such matters and the latter's communications to the former about them, were "secret despatches," and these did not go before the Council at all. And when a war or a forward policy was once entered upon, all the expenditure it involved had to be provided by additional taxation and even by loans, if necessary. The only check upon the Cabinet and the Secretary of State in these vital matters of high policy was the provision introduced by Gladstone into the Act of 1858, as has been noted in the last chapter, that the fact of an order directing the actual commencement of hostilities was to be communicated to parliament, and that the expenses of any military operation beyond the frontiers of British India were not to be defrayed out of Indian revenues, unless it could be shown to the satisfaction of parliament that the operation had been forced upon the Government of India for preventing or repelling actual invasion or under other sudden and urgent necessity.

Again, the total strength of the army to be maintained in India was from time to time decided by the highest executive authority, that is to say, by the British Ministry on the advice of expert commissions. The numbers of the British element out of that total followed as a corollary. And the expense of obtaining, maintaining and equipping these numbers also followed as a further corollary. The people of India, the Government of India and the India Council had to accept the situation as a part of their fate and provide revenues to the required amounts, however high, with loyal alacrity.

Matters not requiring secrecy went before the Council if they were not urgent; but if they were, the Secretary of State was free to dispose of them without reference to the Council.

When placing these communications to the Government of India before the Council, he had only to add a statement specifying the reasons which led him to treat them as matters of urgency. Finally, the Council voted upon all matters which came before it at its weekly meetings. But the vote of the majority was binding only in the cases specified above. In all other cases the Secretary of State might act in accordance with the views of the Council, and as a matter of fact did so as a rule, but whenever he chose to act differently, he was perfectly free to do so.

Thus, the Council had no influence whatever on policy; in matters of administration not directly connected with revenues, expenditure, and high appointments, it was only an advisory body; the members were the constitutional advisers of the Secretary of State selected by him for that purpose because of their experience and expert knowledge; but he was bound by their advice only in those matters of administrative detail specified above. No one can read the debates in both houses of parliament from the beginning of the session in February 1858 to the passing of the third Government of India Bill at the end of July, without feeling convinced that the intention of the supreme legislature was to create in the India Council a body strong enough to safeguard the interests of the people of India; the Government of India was to be spurred on by it to measures of progress, civilisation and prosperity; the Secretary of State was to be restrained by it from any encroachments upon the rights of the people of India and their revenues. The body actually constituted proved, however, to be too weak and ill-constructed to fulfil any such noble functions.

ILBERT Ch. 3, Ss. 3-17, 20, 22-4, 28, 31-2, 80, 83, 89-90, 94-5.

CHAPTER III: NOTES.

SECTION 16.

1. Presidencies recovered legislative power by the Act of 1861. See Ch. 5 below.

SECTION 19.

1. For a sympathetic account of James Wilson see Sir R. Temple, *Men and Events of my Time*. For Indians the measure of Wilson's insight into Indian conditions is given by the following sentence from his budget

speech:—"If we are to have an average duty, it should be average throughout; nor do I attach much importance to the argument that a low duty on yarn and a higher duty on cloth encourages native weaving." His successor S. Laing knew better, and was also more subtle. He held that England was in a fix; she had to allow some measure of protection either to the handloom or to the Mill Industry in India then in its infancy, and that of the two, the first was the lesser evil. And so he reduced once more the duty on cotton twist and yarn. But I had better also quote his words in his budget speech:—"No one can doubt that it (the duty on yarn as Wilson fixed it) is a duty which ought not to be maintained at a rate which might stimulate the growth of a protected interest" (i.e. the infant Mill Industry.) Laing has the distinction of being the first of our budget makers to breathe the phrase "countervailing excise" on Indian production in connection with duties on cotton imports. In his next budget he reduced the duties on piece goods and yarn on the ground that "in the present state of things in Lancashire (i.e. the depression there because of the U.S. Civil War), I should be very unwilling to postpone for a single day any benefit they may get from reduction." "Great Britain has a claim to unrestricted trade with India," "the extension of commerce is the most direct and palpable advantage derived by England from the possession of India," are amongst his ruling ideas. Similar sentiments reappear in the budget speeches of his successors, see, for instance, Strachey's. In 1865 Lord Lawrence and his finance member, Sir C. Trevelyan, tried to levy low export duties on jute and other articles for revenue purposes only, and the Secretary of State vetoed them at once. All that men like Henry Fawcett could do in these matters was to bring the facts to public notice as often and as tellingly as possible.

SECTION 20.

1. For a brief account of this Commission with comments, see R. C. Dutt, *Victorian Age*, pp. 555-561; J. R. Macdonald, *Government of India* pp. 154-158. Re Indian troops employed out of India, the Commission held that "India had no direct and substantial interest in the employment of forces in Europe, in Africa west of the Cape of Good Hope, or in Eastern Asia, but she had such interest in keeping the Suez Canal open and the maintenance of order in Egypt as affecting the Canal (*Impl. Gazetteer*, IV 378). But in apportioning the charges on such occasions, from 1900 to 1914, England has behaved better towards India than India could have claimed for her under this award. See below, Chapter IX.

Gladstone's Government contributed £ 5 millions to India towards the cost (£ 18½ millions; *Moral and Material Progress Statement, 1882-3*, p. 87) of the Afghan War. As Dutt notes "It is the only instance on

record of a practical recognition of the principle that the cost of imperial policy was beyond the Indian frontier, should not be borne by India alone'—p. 488.

2. Mr. C. Wason's amendment was negatived in 1905 by 51 votes in a house of 181; in the first Indian Budget debate under the Liberals in 1906, Mr. Keir Hardie's amendment was negatived by 64 votes in a house of 242. For some letters from Morley to Minto bearing on Morley's speech on this occasion, see *Recollections* II pp. 172-180.

3. H. Fawcett *Indian Finance* Chs. 1 & 2; Dutt *Victorian Era*, 402-15; G. J. Shah, Chs. 6 and 10; etc. The case for Lord Salisbury, Lord Lytton and Sir John Strachey will be found in Lady B. Balfour, *Lytton's Indian Administration*, Ch. 10, and Sir J. Strachey, *Indian Administration and Progress* 4^o, Ch. 12. The only arguments used are (1) a doctrinaire assertion of the benefits of free trade; (2) and this resolution of the H. of C. of April, 4, 1879, is quoted as an unanswerable testimony to the soundness of what has been done. This resolution runs thus:—"That Indian import duty on cotton goods, being unjust alike to the Indian consumer and the English producer, ought to be abolished and this House accepts the recent reduction in these duties as a step towards their total abolition, to which Her Majesty's Government are pledged."

Perhaps the best commentary on the incident as a whole is W. E. Gladstone's speech in the H. of C. on the Revenue Accounts, 12-8-1879. I quote an extract:—"With regard to the remission of the import duties, there seems to me to be something distinctly repugnant in the way it has been done in the time of India's distress and difficulty by the Government of a Party, which has done all in its power to retain every protective duty in this country; and which, from year to year, advises the Crown to assent to Colonial Acts imposing fresh duties upon British manufactures. What an invidious, almost odious, picture of iniquity to exhibit the millions of India! The Free Trade doctrines that we hold so dear that we apply them against the feeling of the Indian people in their utmost rigour and without a grain of mercy, disappear in a moment when the question deals with those whose opinions and interests we cannot lightly tamper with, viz. the free colonists of the Empire. The G. G. says that he cannot see that financial difficulty can in any way be pleaded against what he calls fiscal reform. If that be a true principle of Government, it has been discovered for the first time by the present Viceroy. There has not been a free trade government in this or any other country which has not freely admitted that the state of the revenue is an essential element in the consideration of the application even of the best principles of free trade."

SECTION 21.

1. W. S. Blunt: *India under Ripon*. But the Governor General is his own minister for foreign affairs; see the fuller discussion of the subject further on.

2. Morley, *Recollections*, his letters to Lord Minto of April 29 and June 1, 1910. "My whole point was that the impression made on India by sending your greatest soldier (Lord Kitchener) to follow Reforms would make them look a practical paradox. It would then be for Asquith to say whether he goes with me or not. If he does, then he will have to support that view in the Royal closet. If he does not, then the Indian Secretary will go scampering off, like a young horse." Take another instance. In 1875, Lord Randolph Churchill tendered his resignation as Secretary of State for India, because the Prime Minister without consulting him had transmitted to the Viceroy a suggestion by the Queen that one of her sons should be appointed to the command of the forces in Bombay. The appointment was not made, and Lord R. C. withdrew his resignation. *Lewis*, I p. 42.

3. "22nd December 1883.... Mrs. Ilbert called to ask condolence. She says her husband has been abandoned by every one, and now by Lord Ripon. She blames Lord Ripon for his weakness, not the people at home. Lord Kimberley had written to her husband, urging him to stand firm, but the members of council were frightened out of their wits and Lord R. has followed them."—W. S. Blunt, pp. 96-7. See also Sir V. Chirol, *India*, (the Modern World Series, 1926) p. 85.

4. Morley, *Recollections*, Bk. V Chs. 1 and 2, esp. letter to Lord Minto July 6, 1906. "This country cannot have two foreign policies." This applies to the whole period from 1784 (Pitt's India Act) to 1920. Wellesley overstepped the limits of the foreign policy approved by the Board of Control and lost their support. Curzon (Morley notes more than once) went beyond what the Conservative Cabinet approved in his Tibetan policy. Some few exceptions like that, however, in a long period do not invalidate the truth of the general statement.

The British Cabinet cares less, and less continuously, about the Native Princes of India. In this branch of foreign policy, then, we might expect to find greater liberty of action allowed to the Government of India. But even here the British ministry asserted themselves whenever the Government of India went too far. Dalhousie's policy was reversed by the Proclamation. To Curzon's hectoring manner succeeded Minto's quiet and soothing urbanity and Hardinge's sympathetic friendliness.

5. Those who criticise the small and doubtful outcome of his reforms ought rather to ask themselves whether any other S. of S., inferior to Morley in prestige, influence and experience, would have been able to achieve anything at all. Even against him these reactionaries in possession raised the shibboleth of Whitehall despotism, altogether blind to the fact that if the Indian constitution had been allowed to petrify in the forms they cherished as their birthright, the inevitable result would have been a bloody overthrow of the system within less than a generation.

SECTION 22.

1. The post was not always filled. According to Sir T. Raleigh, Lord Curzon "before he left India, obtained the consent of the Secretary of State" (p. xv) to revive the practice of filling it and there has been no break since.

2. "No Indian Member had ever been appointed.... Innovation in this exclusive practice was evidently of profound significance and so it was felt to be both in India and at home. It removed one of the most conspicuous stamps of inferiority and gave Indians a new and widened share both in framing laws and in influence on daily administration. Resistance to so serious a move was natural and determined. It was more determined at home than among Europeans in India itself." Morley *Recollections*, Bk. V Ch. I. See also his speech in the House of Lords, 23-2-1909 and his letters to Lord Minto 1906 to 1909 *passim*. Lord Lansdowne called it 'a tremendous innovation.' See also Lord Curzon's House of Lords speech 23-2-1909.

3. In the spelling of Indian proper names the official system (known as the Hunterian) has been followed. Some customary spellings, also to be found in official publications as concessions to usage, have been retained. Thus Cawapore (not Kahnpur), Lucknow (not Lakhnau), Mysore (not Mhaisur), Oude (not Andh). But in the following I apply the Hunterian system more strictly than is usual:—

Dehli (not Delhi); Darbar (not Durbar);
Mughal (not Mogul except in the phrase 'grand Mogul');
Mascat (not Muscat); Panjab (not Punjab);
Barma (not Burma); Gokhle (not Gokhale).

In the last case the *a* between the *n* and the *l* is the cause of frequent mispronunciation in North India as well as in England. It was because of the *a* that Sir Wilfrid Lawson, for instance, once perpetrated the following atrocious rhyme (*India newspaper*, 18-5-1906):

"A friend too from India will take up the tale:
Good luck and success to the Hon'ble Gokhale."

In such cases Grant Duff's spelling (Gokhlay, Ranaday for Ranade, etc.) appears to be really the best as the least open to mispronunciation. Lastly of the two Hyderabad, the Sindh City has been spelt with *ai*; the Nizam's capital, as it is invariably spelt by the Nizam Government, i.e. with *y*.

4. November 1910. Gokhle's *Speeches*, pp. 713 and 718. Of course Lord Minto's step was not due altogether to Gokhle's suggestion. The idea had been there ever since the post of Director General of Education was first created 1903 (O. Browning, *Impressions*, p. 160).

5. There was only a slight modification: the Act of 1793 required each member of the Government to record the reasons for his view in every such case: under the later Act this was obligatory only when desired by "two members" of the dissentient majority. But one wonders, whether this change affected at all the number of dissentient minutes. All such minutes could be called for to be laid before parliament.

6. A member of the Governor General's Council was often promoted to be Lieutenant Governor; in this the recommendation of the G. G. was decisive.

7. Letter of the Government of India to the S.S. 1-10-1908. Bengal got its executive Council from November 1910.

8. The obduracy of Parliament excited strong feeling in the U. P. when Lord Harding's demand initiated by the U. P. Lieutenant Governor, Sir J. (now Lord) Meaton (1913), carried no more weight than Lord Minto's, all sections of the population met together in a thoroughly representative conference on the 30th May 1915, affirmed their "conviction that the interest of the U.P. imperatively demanded that they could not be left in charge of a Lieutenant Governor alone," and demanded that the province be made a Governor's presidency, in accordance with the recommendations of the decentralisation commission.

SECTION 23.

1. The debates on this bill in the Lords revealed a difference of opinion as to the powers of financial control assigned to the India Council by parliament in 1858—the so-called financial veto. Lord Salisbury and two ex-Lord Chancellors held that "in reference to every question in which expenditure was involved, i.e. in reference to every question of every kind, the India Council had an absolute and conclusive veto by a bare majority." The Duke of Argyll and the Lord Chancellor in office held that it was "rather a consulting than a controlling body." The latter view prevailed.

And indeed the former was unworkable in practice. For instance, it would have reduced the Indian Legislatures to mere registering bodies, for without the previous sanction of the India Council for every financial detail, they could not have legislated at all. And as a matter of fact the previous sanction of the S. S. was obtained during the period 1858-1920 only on the general principles of a bill. See besides the debate, Fawcett, *Indian Finance*, pp. 8-11 and 71.

CHAPTER IV.

PROVINCIAL ADMINISTRATIONS TO 1920.

Section 24. Centralisation and Deconcentration. John Bright spoke of India as being "twenty nations speaking twenty languages". He ridiculed and he denounced the system by which India was governed as inherently incapable of producing good results: "what would be thought," he asked, "if the whole of Europe was under one Governor who knew only the language of the Fiji Islands, and that his subordinates were like himself, only more intelligent than the inhabitants of the Fiji Islands are supposed to be?" His remedy was decentralisation. He proposed "at least five Presidencies in India perfectly equal in rank. The capitals of those Presidencies would probably be Calcutta, Madras, Bombay, Agra and Lahore". Each Presidency was to be treated as a State by itself, "having no connection with any other part of India, and recognised only as a dependency of this country. The Government of every Presidency should correspond with the Secretary for India in England. I shall no doubt be told that there are insuperable difficulties in the way, and I shall be sure to hear of the military difficulty. Now, I do not profess to be an authority on military affairs, but I know that military men often make great mistakes. I would have the army divided, each Presidency having its own army; and I see no danger of any confusion or misunderstanding, when an emergency arose in having them all brought together to carry out the views of the Government."* These ideas could not prevail at the time. The changes thus recommended were too radical to be undertaken just after a cataclysm like the Mutiny, when the primary duty was obviously to bandage and heal the gaping wounds, and restore the old order. But Bright rendered a great public service all the same in pointing out in his own inimitable way that one of the cardinal vices of the old order was over-centralisation. British India had grown up rapidly by a process of accretion beginning originally at three nuclear points quite distinct from one another, Bombay, Madras and Calcutta, with three separate armies and three administrations, similar in organisation and co-equal in status. But by 1772 the great evils inherent in such an arrangement had become

* Speeches in the House 24-6-1858 and 1-8-1859.

to deal with as they pleased, that is to say, still not at their own discretion, but according to rules.

Section. 25. Fifteen Provinces. Let us, at the cost of some repetition, set down in chronological order, the beginning of each provincial administration, and the vicissitudes of status it has passed through. From 1912 onwards British India has been subdivided into fifteen provinces as under:—

I—Three presidencies: Madras, Bombay and Bengal.

II—Four Lieutenant-Governorships—The United Provinces of Agra and Oude, generally called by its short title U. P., the Panjab, Barma, and Behar and Orissa.

III—Eight Chief Commissionerships—Ajmer-Merwara, Coorg, the Andaman and Nicobar Islands, the Central Provinces or C.P., British Baluchistan, the North-West Frontier Province or N.W.F.P., Assam, and Dehli.

I. *The Presidencies*—The Company's factory at Madras was a mere agency until it was raised to a presidency in 1653. The island of Bombay, was handed over to the East India Company in 1665, and the Presidency of Bombay begins really from this date, although we find that the first "Governor of Bombay" had been appointed as early as 1662. The "Presidency of Surat," which had begun from 1612-3, gradually sank into a subordinate position. The Bengal factories were raised into a separate presidency with the head-quarters at Calcutta in 1707. The Regulating Act of 1773 made Madras and Bombay subordinate to Bengal and the Governor and Council at Calcutta were raised into the "Governor General and Council of the Presidency of Fort William in Bengal." The Charter Act of 1833 changed the title into the present one of the "Governor General of India in Council."

The present boundaries of the Madras Presidency practically date from the time of Lord Wellesley, when on the fall of the brave Tiger of Mysore during the storm of Shrirangapattanam (May 4, 1799), a large portion of his dominions was annexed, and on the death of Umdat-ul-Umra, Nawab of the Karnatak (1801), his territories also were brought under the direct administration of the Company. Chengalpat District had been acquired as a jagir in 1763, the Northern Circars had been acquired by a firman from the Mughal Emperor in 1765 and

again by a treaty with the Nizam a little later, but full dominion over them was not obtained till 1823. The territory of the Nawab of Karnul was annexed in 1839.

The Bombay Presidency was built up more gradually. Sindh was annexed in 1843, Aden in 1839, and the other parts of the Presidency had all become British by 1818 as the result of the various wars and treaties with the Marathas.

The Company obtained a clear title over the "lower provinces," when the Mughal Emperor granted to them the Diwani. Benares was annexed in 1775, Orissa and several districts in the north-west in 1803, and Assam, Arakan and Tenasserim in 1826. The Charter Act of 1833 provided for a new Presidency of Agra to be separated from "Bengal." This was altered in 1835 into an authority to appoint a "Lieutenant-Governor of the North-Western Provinces" and a "Deputy Governor of Bengal". But this last provision was altered again by the Charter Act of 1853, which authorised instead the appointment of a "Lieutenant Governor of Bengal". Thus there were Lieutenant-Governors at the head of the presidency of Bengal from 1854 to 1911. In area and population it was too extensive a charge for a single administration. But nothing was done until in 1905 Lord Curzon turned in into two Lieutenant-governorships. His arrangement, however, not only cut the Bengali nationality into two, but also yoked each of the two sections with a backward and more numerous population. The Muslims and Assamese were in a permanent majority in the new eastern province called Eastern Bengal and Assam, and the Biharis and Oriyas similarly out-numbered the Bengalis in the Western Section. Such a partition necessarily gave birth to an unprecedented agitation,¹ and it was given up at the Coronation Darbar on the 12th December 1911, when H. I. M. King George V. announced that—

"We have decided upon the transfer of the seat of the Government of India from Calcutta to the ancient capital Dehli, and simultaneously and as a consequence of that transfer, the creation at as early a date as possible of a Governorship for the Presidency of Bengal, of a new Lieutenant-Governorship in Council administering the areas of Behar, Chhota Nagpur and Orissa, and of a Chief-Commissionership of Assam, with such administrative changes and redistribution of bounda-

ries as Our Governor-General in Council with the approval of our Secretary of State for India in Council may in due course determine."

Thus the presidency of Bengal as we know it now only came into existence on the 1st of April 1912.*

II. *The Lieutenant-Governorships.* The most senior of these is that which is now known as U. P. It was first constituted in 1836 under the Act of 1835 mentioned above. When Oude, annexed in 1856, came to be added to it (1877) the original name of the "North-Western Province" was changed to the "North Western Provinces of Agra and Oude". The present name dates from 1901, when Lord Curzon created a new province beyond the Panjab called the North West Frontier Province.

The Panjab was annexed in 1849 and placed by Lord Dalhousie under a Board of Administration. This soon gave place to a single Chief Commissioner. After the Mutiny Dehli was separated from the N. W. P. and added to the Panjab and the province was placed under a Lieutenant Governor from 1859.

Arakan and the Tenasserim coast were annexed by the treaty of Yandabu (1826), Pegu and Martaban were annexed in 1852, and these provinces of Barma were formed into a Chief Commissionership from 1862. Upper Barma was annexed in 1886, and eleven years later the entire Burmese territory on the eastern frontier of British India was constituted into the province of Barma and placed under a Lieutenant Governor.

The circumstances under which the Lieutenant Governorship of Behar and Orissa came into existence in 1912 have already been indicated above.

III. *The Chief Commissionerships.* Whenever territory was conquered or otherwise acquired it was natural to provide for its administration by annexing it to one of the three presidencies. But in this way the presidency of Bengal grew altogether unwieldy. Lord Dalhousie's expedient was to constitute a Board of Administration for each new accession of

territory. And such a board was soon after replaced by a single head called a Chief Commissioner. An Act passed in 1854 expressly empowered the Governor General in Council with the sanction of the higher authorities in England to take any part of British India under his direct authority and management and provide for its administration in any suitable manner. And the Indian Councils Act, 1870, expressly refers to the heads of such provinces as Chief Commissioners. Dehli was the last of these Chief Commissionerships to be constituted. The announcement at the Coronation Darbar of the transfer of the capital of British India from Calcutta to Dehli has been quoted above. The motive for the change was no mere desire for something spectacular and striking to mark the unique event of H. I. M. the King's visit to India. Lord Hardinge's Government were firmly convinced that steady political progress in India at the pace and in the direction desired by a rapidly awakening people, would necessarily bring about the transformation of the Indian constitution at no distant date into a federation, the provinces becoming representative governments all but autonomous in provincial matters, and the Government of India standing head and shoulders above them all, maintaining its supremacy as well as its impartiality unimpaired in all matters of pan-Indian and Imperial concern.² The emancipation of the Government of India from all merely provincial and local influences was thus a cardinal factor of their policy. Dehli and a few hundred square miles of territory were therefore separated from the Panjab* and given the status of an independent province from the 1st October 1912.

The Chief Commissionership of N. W. F. P. arose out of the necessities of frontier policy. The Mohmands and Afridis, the Orakzais, Waziris and Mahsuds, and the other fierce and barbarous tribes inhabiting the No-Man's Land on our borders from the Gomal Pass in the south to Kashmir in the north,† crossed over into British territory every now and then, for loot or vendetta or mere fun. The unscrupulous gun-running traffic which European greed carried on more or less surreptitiously with Mascat and other places on the Oman and Mekran coasts, gave them a plentiful supply of modern arms and ammunition. The annexation policy of the Forward

* The area taken from the Panjab—528 sq. m.; from the U.P. 45 sq. m.

† For a brief but vivid recent description of these parts—see Lord Ronaldsday's *India a Bird's-Eye-View*. Chs. 4 to 7.

School might have provided a permanent cure for this evil; only, it was too costly for any responsible government to adopt. On the other hand, the Masterly Inactivity Policy of the other school of frontier experts could not possibly be always adhered to, in the face of repeated affronts and raids. Every now and then, moreover, the entire frontier would be in a blaze, and a government that really wanted nothing better than to concentrate itself on problems of famine and plague, railways and irrigation, trade and internal development, and had no earth-hunger or blood-thirst whatever, would still be driven to leave all aside for the moment, and undertake a large scale expedition. This compromise between the two policies just mentioned, came to be known as the Hit and Retire Policy. The tribes would be bled more or less profusely every now and then, all their arms would be seized, and peace would be reestablished on the frontier for a time. But only for a time. The plucky barbarians recovered with amazing rapidity, and the whole series of incidents and events would begin once more and march on again to the inevitable catastrophe of another punitive expedition on a large scale. How to escape this round is one of the most urgent problems of British Indian high policy. The Chitral (1895) and Tirah (1897) expeditions especially necessitated a departure on fresh lines, if only as an experiment. The frontier districts were separated from the Panjab and together with the political charges of the Malkand, the Khyber, Kurram, Tochi, and Wana constituted into the N. W. F. P. (1901), and a policy of economic penetration by irrigation light railways and the expansion of trade has been steadily pursued. "Production without possession, action without self-assertion, development without domination,"* until the savage outgrows his savagery, is indeed a panacea for all intercourse between people in different stages of civilisation, provided only that the people claiming the higher civilisation was capable of practising the principle steadily with absolute sincerity and selflessness.

The remaining Chief-Commissionships were, merely the outcome of conquests or acquisitions of territory in other ways. Whenever any new territory could not be conveniently attached for administrative purposes to one of the provinces, it was natural to provide for it as a chief-commissioner-

* This is one of the aphorisms of Lao Tzu, the Chinese philosopher statesman.

(INDIAN CENSUS REPORT 1921, AND STATESMAN'S YEAR BOOK.)

NAME	Area in 000 sq. m.	Popula- tion in 000000	NAME	Area in 000 sq. m.	Popula- tion in 000000
INDIA	1805.3	318.9	BRITISH EMPIRE	13357	450
British India	1094.3	247	Br. Empire in Europe	121.8	47.6
Assam	53	7.6	United Kingdom	121.6	47.4
Barma	233.7	13.2	Br. Empire in Asia	2126	333
Bengal	76.8	46.7	Ceylon	25.3	4.5
Bihar & O.	83	34	Iraq	143	2.8
Bombay	123.6	19.3	Br. Empire in Africa	3820	12.8
C. P. & B.	100	14	Egypt	12	2.5
Madras	142.3	42.3	Kenya	212	1.7
N. W. F. P.	13.4	2.2	Rhodesia	440	6.9
Panjab & Dehli	100.4	20.7	South Africa	472	5.9
U. P.	106.3	45.4	Sudan	1014	5.4
French & Portug.-India	1.8	.87	Australia	2975	8.8
Native States & Agencies	711	71.94	Canada	3730	1.2
Baroda	8	2.1	New Zealand	105	
Cochin	1.5	.98			
Gwalior	26.4	3.2	ARGENTINA	1153	9.5
Hyderabad	82.7	12.5	BELGIUM	11.7	7.5
Indore	9.5	1	BRAZIL	3285	30.6
Jaipur	16.7	2.34	BULGARIA	40	5
Kashmir	84.3	3.3	CHINA	4279	320
Marwar	35	1.84	DENMARK	17	3.4
Mewar	12.8	1.4	FRANCE	213	40
Mysore	29.5	6	ITALY	120	39
Patiala	6	1.5	NETHERLANDS	261	61
Rewa	13	4	JAPAN	200	2.6
Travancore	7.6		NORWAY	173	9.2
			SIAM	16	4
			SWEDEN	3738	118
			SWITZERLAND	115	10.3
			U. S.		
AFGHANISTAN	257	12	Philippine Isles		
NEPAL	54	5.6			
PERSIA	628	10			

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NOTES TO TABLE—AREA AND POPULATION.

The *white* population of the Br. Emp. in 1921 about 107 millions. For the proportion of white people in the populations of Kenya, Rhodesia, and South Africa see section 67 note 6.

The total *Muslim* population in the world in 1921 about 260 millions, out of whom not less than $\frac{1}{3}$ rd are in the Br. Emp. In India out of every 100 persons 68 are *Hindus*, 22 are *Muslims*, the rest (*Buddhists* and *Jains*, *Christians*, *Sikhs*, *Jews*, *Parsis*, and people not easy to class as to religion) are, all taken together, only 10: 10% of 320 millions is, however, 32 millions, a large number, and the *Barmese Buddhists* constitute a big block inside this miscellaneous class. N.W.F.P., *Baluchistan*, and *Kashmir* taken together constitute the *Muslim block*, and *Muslims* are considerably in excess also in *Sindh*, *Panjab*, and *East Bengal*.

Over 80% of the *Philippines* are *Christians*.

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ship by itself. Thus *Ajmer-Merwara* was constituted in 1818, *Coorg* in 1834, the *Andaman and Nicobar Islands* in 1858, and *British Baluchistan* in 1887. *Assam* annexed in 1826, was separated as a *Chief-Commissionership* from 1874. At *Lord Curzon's* partition (1905) it was merged in his eastern province. But, as has been noted above, it became a *Chief-Commissionership* again from 1912. Lastly, *C. P.* included contiguous territories annexed in 1818 and 1854, with two districts added from the *N. W. P.* in 1861, when it was raised to the status of a *Chief-Commissionership*; and *Berar*—under *British Administration* since 1853, but as a separate unit—has been attached to it from 1903.

Some of the minor *Chief Commissioners* had other duties also. Thus the *C.C.*, *N.W.F.P.*, was also *Agent* to the *Governor General (A.G.G.)* for political relations with the frontier tribes between *British India* and *Afghanistan*. The *C.C.*, *Ajmer-Merwara*, was also *A.G.G.* for *Rajputana*. The *C.C.*, *British Baluchistan*, was also *A.G.G.* for *Baluchistan*. The *C.C. Coorg*, was also the *Resident* at *Mysore*. And the *C.C.*, *Andaman and Nicobar Islands*, was also *Superintendent* of the penal settlement at *Port Blair*.

A. YUSUF ALI, Making of India, Appendix I.

Section 26. Area and Population. In the annexed Table opposite, the provinces with a population under one million are not entered. On the other hand, the *Native States* with a population of one million or more are entered. And as statistical comparisons are often paraded between India or some Indian province and some other country, the right half of the Table gives the area and population of the principal members of the *British Empire* and of some other prominent countries also.

Section 27. Governors, Lt.-Gs., C.Cs. As *Governors General* and *Governors* have been chosen persons of high rank and some experience of public life, either in parliament or in the diplomatic or colonial service of the Crown. Out of the fifteen *Governors General* from *Lord Canning* to *Lord Reading*, *Sir John Lawrence* alone had previous Indian experience as a civilian who had risen rapidly to the highest posts. There have been more *Indian Civilians* and soldiers as *Governors* at

Madras and Bombay; but the last of that class to be appointed as a Governor of Bombay was Sir Richard Temple (1877-1880). The Lieutenant Governors and Chief Commissioners, on the other hand, have all been Indian civilians. It was only by the Government of India Act, 1915 and 1916, that Chief Commissionerships obtained the status of local governments, although as a matter of fact C.P. and Berar is a province quite as important as a Governor's, while the Chief Commissioner of Assam is hardly inferior to a Lieutenant Governor. But these distinctions, petty and anomalous at first sight, wear, perhaps, a new aspect when we look at the matter historically. We have seen that British India grew up by accretion from three nuclear points. A district on annexation would be more or less unsettled. Its administration would have to be, for some time at least, of a semi-military character, and entrusted to energetic individuals armed with plenty of discretion, who must decide quickly and be content with maintaining order and enforcing a rough and ready kind of justice. Local ways and customs, which the people understood and were attached to, must also be allowed to continue in force, in so far as they were not clearly against fundamental principles of humanity or public policy. Out of these obvious needs arose what came to be known as the Non-Regulation system of administration with the Chief Commissioner at its head. As the territory settled down it became a fresh nuclear point, annexations in the vicinity would be added to it, and while these must for a time be subjected to the non-regulation system, the older and more settled districts would be advanced to "regulation" status, and the whole placed under a Lieutenant Governor. The three presidencies had come to be called 'Regulation Provinces', because, upto the Charter Act of 1833 whatever laws were wanted had been issued as Regulations of the president in Council.* This power of legislation by regulations was continued even after the single law member of Council (1833) developed into one or more legislative councils. But these regulations were *ex hypothesi* too elaborate and advanced to be applied to new annexations, and, instead, very much simpler instructions coloured to a large extent by local variations were drawn up for the guidance of the district officers. The fully developed judicial system under the High Court was also unsuitable for these new annexa-

* Governor General in Council for Fort William, Governor in Council for Madras and Bombay.

tions until they settled down. The first districts to be actually called 'non-regulation', were the Saugor and Narmada territories, annexed in 1818; and the name and the system were thenceforward applied to every new annexation until it settled down and was brought under the higher type of administration by laws and regulations. Other peculiarities of the non-regulation system were necessarily connected with the one that gave to it its name. The Deputy Commissioner at the head of each District held all the reins of power and administration, executive, judicial, revenue, police, excise and customs, public works, and even education, in his single hand; military officers were freely employed as deputy commissioners and in other civil capacities; and in the subordinate services the separation of departments or even of the judicial duties from others was not carried to the same extent as in the regulation provinces.

ILBERT, Government of India 3^o, Ch. 3, Ss. 37, 49, 55-6; Ch. 2 pp. 141-2.

Section 28. Districts and Divisions: Administrative Departments. The Unit of administration in British India is the District.¹ Several contiguous districts are combined together to form a Division, and on the other hand large districts are subdivided for administrative convenience into Taluks, Tahsils or Mamlats. There are nearly two hundred and seventy districts in British India. In the Bombay Presidency, Bombay City and Aden are not sub-divided; each of them may be called a division by itself. Of the fifteen provinces the three smallest—Coorg, Andamans and Nicobars, and Dehli—are not sub-divided. In Madras the districts are not grouped together into divisions. In Bengal there are no sub-divisions of a district smaller than the sub-district.

Many of the districts have the advantage of being geographical, economic, linguistic, ethnic, and historical as well as administrative units; but of course there also are, as there must be in a vast territory like British India, not a few districts which have been artificially created into administrative units, merely from considerations of convenience. And the arrangements arose primarily in response to the administrative needs in connection with the collection of land revenue, the preservation of internal order and the judicial settlement of

claims and disputes. These are the three Primary Departments, which the government of a mainly agricultural country must organise more or less efficiently; its revenue collectors and land surveyors, its police officers and its judicial officers must be distributed all over the country, having their headquarters amongst the people in convenient centres, from which they could tour about, each in his beat, or to which the people from the surrounding area could easily resort. And these central capital towns with their district areas once established, if the government undertakes other functions which it desires to perform steadily, systematically and uniformly for the entire population, the new departments also follow the same pattern, as far as possible. But, obviously, it is not at all possible for some departments to do so. The taxes on imports and exports have to be collected at the frontiers, as the goods are entering into or leaving the country. The (4) Customs officers must thus be located at the frontiers of the State and in direct subordination to the central executive. (5) Railways and (6) Posts and Telegraphs are other departments which it is better to direct and control centrally. For although the operations of the first penetrate into many districts and those of the second into all, they are, so to speak, so elementary and simple in character, the efficiency and economy of their administration gains by direction and control from one centre and does not suffer at all by mere distance from that centre, however great. The departments of (7) Forests, (8) Irrigation works, and (9) ordinary Public Works stand on a different footing. Forest areas are not equally distributed throughout the land, nor are irrigation facilities. A Province may have so little of either that it would be unnecessary to divide the work into many divisional charges or to subdivide every one of the latter into district charges. In these cases both the divisional and district charges would have to be fewer in number and larger in area than the divisions and districts of the other departments. Or the work of either department may be as heavy almost in every district as that of the ordinary department; thus, Barma is a forest province, while the Panjab is a province of canals. The irrigation work in an entire province or in any large portion of it may be comparatively speaking so little that it could be entrusted as an additional duty to officers of the ordinary Public Works department, which exists in every province, and is organised by way of divisional and district charges, generally coinciding with

the districts and divisions of the revenue department.² (10) Education and (11) Medical and Sanitary administration are other important departments which adhere to the district and division arrangement in their organisation. And the (12) Industries department has been started as a result of the experience of the Great War and in accordance with the recommendations of the Industrial Commission. Thus a model district in British India would have revenue, judicial, police, medical, education and engineering officers stationed and working in it under the supervision of the higher divisional officers and the highest provincial authorities. It would also have postal and telegraph officers working under the supervision of the Government of India officers of the department, and it might or might not have residing and working in it officers of the Railway, Forest, Customs, (13) Army, (14) ecclesiastical, and other departments, according to circumstances. /

Section 29. The Services. Indian youth of the literary castes took to English education with a will the moment it was introduced and the numbers with a fair knowledge of the language and literature of the rulers as well as of modern subjects acquired through that medium increased rapidly. The wonderful application and receptivity of the students acted upon the teachers and upon the administrators and promoters, and both the quality of the instruction provided and the solidity and excellence of the attainments acquired, at least in some subjects, went on improving at a rapid pace. As Sir Henry Mayne remarked of this first generation of Indians who had surrendered themselves body, mind, heart, and soul to the influence of Western culture in the true spirit of Eastern discipleship, "the thing must be seen to be believed. I do not know which was the more astonishing, more striking—the multitude of the students, who if not now, will soon be counted not by the hundred but by the thousand; or the keenness and eagerness which they displayed. For my part, I do not think anything of the kind has been seen by any European University since the Middle Ages."* The employment of qualified Indians in government service in posts of comparatively superior responsibility and emoluments began with Bentinck.¹ Hardinge placed the action of the administration upon a definite principle. "The Governor General

* At the Convocation of the Calcutta University, 1886.

having taken into consideration the existing state of education in Bengal, and being of opinion that it is highly desirable to afford it every reasonable encouragement by holding out to those who have taken advantage of the opportunities afforded them a fair prospect of employment in the Public Service and thereby not only to reward individual merit, but to enable the State to profit as largely and as early as possible by the result of the measures adopted of late years for the instruction of the people, as well by Government as by private individuals and societies, has resolved that in every possible case a preference shall be given in the selection of candidates for public employment to those who have been educated in the institutions thus established, and especially to those who have distinguished themselves therein by a more than ordinary degree of merit and attainment."* And to raise the quality of the education as high as possible in all directions and to standardise it, the establishment of a University was proposed as early as 1845.² Sir Charles Wood's despatch of 1854 and the foundation of the presidential Universities followed in due course. The number of Indians in government employment increased and they came to be appointed by promotion or by direct selection as tahsildars (mamlatdars) and deputy assistant collectors (extra assistant commissioners) and district forest officers, headmasters, deputy inspectors and lecturers, and to equivalent grades in almost all the civil departments. Gratitude, it has been said, is appreciation of benefits small and great, actually received; loyalty, the anticipation of substantial benefits to come; nor is the philosophical analysis presenting these results to be altogether condemned as presenting too mean or one-sided a view of human nature. It all depends upon the character of the benefits contemplated. These need not always be of a purely materialistic type. To seek to elevate one's mother country to a high level of prosperity and civilisation; to look upon the decision of stricken fields and uprooted dynasties as the judgment of over-ruling Providence; to grasp fully and firmly both the halves of this double concept of a Divine Judgment—as a deserved punishment to us for our sins, as our *Karma*, and as a no less deserved reward to the victors, as their *Karma*; to judge the paramount power and its agents by the best actions

* G. I. R. 10-10-1844.

and the best thoughts and aspirations of their best representatives; to accept their professions about working for the prosperity and civilisation of this country as genuine, nay, as inspired, and as doing them infinite credit; to accept their diagnosis of our downfall, at least as a working hypothesis; to exhibit the cosmopolitan fraternity (*bhrai-bhava*) and wide toleration of Hindu culture at its best, by refusing to misunderstand even the excesses of proselytising zeal; to accept the missionaries in spite of their narrowness and prejudices as sincere and active friends with some really effective though novel ideas for the uplift of the country and as helpful checks upon the greed, cruelty and assertiveness natural to executive officers and soldiers armed with unlimited power in a land densely ignorant and prostrate; knowing that half-hearted service was worse than none and that sullen non-cooperation was worse than disloyalty open, active and manly, to serve every representative of the ruling power fully and faithfully in any and every capacity, however low; and finally, to apply themselves with all their might to English education and social reform, the purification of religion from superstitions and from corruptions, the removal of caste and local prejudices and limitations, the creation of a public opinion on public questions, and the training up of the people in the adoption of constitutional methods for the removal of grievances and the progressive improvement of their position from the status of conquered subjects to that of equal citizens: these were the ideas which animated the best Indians of that generation; these were the ideas which enabled them to sow the seeds of Modern India.³ The motives and actions sprouting up out of a thought-bed of this description cannot be classed as mean or self-centred or materialistic or servile or denationalised. To suppose that these men, our grandfathers, merely pocketed their higher salaries and fees, that they merely caught the vices and rudeness of the unwashed sections of Anglo-Saxon humanity, that they merely learned from the foreign tyrants above them how to tyrannise more oppressively over their own countrymen below them, and to question either their warm sentiments of loyalty to the British Raj, or the strong bonds of sympathy that grew up between them and the best of the local representatives of that Raj, is to be altogether blind to recorded history, or to discolour it most unjustifiably by the violent prejudices and passions of a later day.

Raja Rammohan Roy, Lord William Bentinck and their contemporaries created a tradition of mutual sympathy between England and India which passed on as a legacy to the next generation. The excesses of the Mutiny months, excesses quite as inhuman on one side as on the other,* gave it a rude shock. But the almost uniformly firm and noble behaviour throughout that extremely trying period of a few men in the highest positions, like Lord Canning, made it easy for India to forget and to forgive; and the hand of fellowship so graciously extended by England's Queen, a lady whose every word proclaimed her a woman pious, human, loving and loyal to her own conception of her duty, was eagerly and most gratefully and humbly clasped by all India. The first occasion for suspicion and disquietude arose soon after. The Indian Civil Service Act, 1861, made the covenanted service a close service and enumerated the highest civil appointments below the rank of members of the executive council and upto the grade of assistant collectors in the regulated provinces, as reserved for those only who were successful in the open competitive examinations held annually in England under such rules and regulations, as were drawn up by the examination commissioners, approved by the Secretary of State in Council, and not disallowed by parliament. The men selected were placed on a list in order of merit; they were to stay on a year in England studying Indian subjects and were encouraged to spend the period at a University; then they were examined in these subjects and arranged in a final list according to merit. The Secretary of State in Council ceased to have anything to do with their appointment to particular posts or places in India. The selection being made on the result of an open examination, and the subsequent posting and promotions being left to Indian authorities, patronage, jobbery, and political or party bias of every kind were completely excluded. The subjects for examination, the standard for each, the age limits, and other conditions were so arranged and altered from time to time, as to secure "men who had received the best, the most liberal, the most finished education"† available in England. And not satisfied with the express provision that the scheduled posts were reserved for these 'competition-walaha', parliament also provided that if under exceptional circumstances the authorities

* See E. Thompson, *The Other Side of the Medal*.
† Strachey, Ch. 6.

in India had to give any of these posts to an outsider the appointment could only be a temporary one, the India Office were to be informed about it at once, and if they did not approve of it within twelve months, it was to be taken as cancelled. Thus, on the one hand, the highest legislative authority had ordered that no Indian was to be excluded from any government post in India by reason only of his being an Indian, and, on the other hand, as soon as the educational qualifications possible to Indians in India began to approach English university levels, the same authority ordered again that assistant collectorships, assistant sessions judgeships, and higher posts were strictly reserved for those only, who competed within rigid age limits and against the best talent of English universities. This was, as some of the best English statesmen and administrators themselves felt 'evasion,' 'cheating,' 'stultifying the Act and reducing it to a dead letter,' 'breaking to the heart the words of promise uttered to the ear.* The only real remedy was to repeal these sections of the Act of 1861, tear up the schedule, and hold the competitive examination in India alone or rather in India as well as in England. And if this last course had been adopted, the progress of the Indian universities would have been accelerated from that moment, and they would have become in a short decade or two amongst the best universities in the world, so that it would have ceased to be necessary to import many experts into India from outside. The industrial and economic progress of India would also have been accelerated to an incalculable extent.† This course however was not adopted. The practical effect of the steps actually taken was that, as India realised more and more fully the determination of England not to move in this matter beyond a certain point, she felt that the generous promise of the Charter Act and the Queen's proclamation had been torn up instead. This sore feeling did not remain unnoticed; and remedies were attempted. The first was the Government of India Act, 1870,‡ which recognised the expediency of providing "additional facilities for the employment of Natives of proved merit and ability" in some of the posts reserved for the covenanted service, subject to rules framed by the Governor General in Council and sanctioned by the Secretary

* Lord Lytton's note on a confidential despatch of the Government of India to the Secretary of State, May 30, 1878. It has been frequently quoted since.

† For views altogether different, see *Islington Report I*, p. 170.

of State in Council. The rules were made by the Government of India, after repeated pressure from the Secretary of State, in 1879, and thus came into existence the Statutory Civil Service, appointments to which were made for ten years. The experiment proved ill-starred. It could not satisfy Indian public opinion, the C. S. treated it as a poor relation is usually treated by the upstart rich; the men appointed were themselves too few and heterogeneous and scattered, nor had the service sufficient time given to it to develop a tradition and an *esprit de corps*. A fresh start was made on different lines. The Government of India appointed a Public Service Commission in 1886 with Sir Charles Aitchison as president. The result was that government service was split up in most departments into Imperial, Provincial and Subordinate; and recruitment to the first of these was to be through examinations in England, from the most important of which Indians were excluded either by a racial bar, or almost excluded practically by the rules and regulations under which they were held.⁵ This system came into force from 1895 and has been maintained since to the end of the period under review. The justification advanced for it on behalf of the privileged services by themselves and their admirers, amongst whom might be included more than one Governor General has been briefly noted already in an earlier section. But perhaps it would be better to give it here in the words of one of themselves. "Let there be no hypocrisy," writes Strachey, "about our intention to keep in the hands of our own people those executive posts and there are not very many of them, on which, and on our political and military power, our actual hold of the country depends."* Secondly, "although this system (of competitive examinations) has, on the whole, worked well with Englishmen, it is open even with them to objections and drawbacks, and to think of applying it to the natives of India is nothing less than absurd. Not the least important part of the competitive examination of the young Englishman was passed for him by his forefathers who, as we have a right to assume, have transmitted to him not only their physical courage, but the powers of independent judgment, the decision of character, the habits of thought, and generally those qualities that are necessary for the government of men, and which have given us our Empire."† Thirdly, "I must not

* P. 547. † P. 544.

say this of Englishmen only, for it is also in a great measure true of the more vigorous races of India, although their time has not come for competitive examinations."* "To suppose that the manlier races of India could ever be governed through the feebler foreigners of another Indian country, however intellectually acute, that Sikhs and Pathans, for instance, should submit to be ruled by Bengalis, is to suppose an absurdity."† And, fourthly, the peace established in India is the English peace. "The English in India are the representatives of Peace compelled by Force. The Muhammadans would like to propose to every one the alternative between the Koran, the tribute, and the sword. The Hindus would like to prevent a low-caste man from trying or even testifying against a Brahman; and Muhammadans and Hindus and Sikhs would all alike wish to settle their old accounts and see who is master. No country in the world is more orderly, more quiet, or more peaceful than British India as it is; but if the vigour of the Government should ever be relaxed, if it should lose its essential unity of purpose, and fall into hands either weak or unfaithful, chaos would come again like a flood."⁶

Even while Sir John Strachey, Sir James Stephen and their autocratic fraternity were piecing together this defence of a system that was to them as the breath of their nostrils, the system itself was being profoundly altered by forces which could not be foreseen, still less counter-acted. We will go into that in a moment. Let us first complete our account of these services from the district and divisional authorities upwards to the provincial executives at the summit. These higher grades were filled exclusively by the *corps d'élite*. The young Englishmen selected from the institutions and by the methods indicated above were first posted as assistant collectors, assistant sessions judges, assistant superintendents of police, civil surgeons, assistant district engineers, headmasters, and to similar appointments in all the other departments, and rose step by step each in his department. Almost every one rose to the top of the tree, the revenue men as members of council, or chief commissioners, or lieutenant governors, a few of them even becoming on their retirement, members of the Secretary of State's council, or, the luckiest of them, governors at Madras or Bombay.

* P. 545. † P. 548.

Throughout this official hierarchy of all the services, technical as well as administrative, from the district upto and including the executive council, the I.C.S. man was the recognised leader and uncrowned king; he was the *guru* whom they all looked up to; it was his to tackle problems, read situations, plan policies, solve difficulties; he was the *paterfamilias*, the *dadaji* or *ajoba* (grandfather) whose slightest look or gesture whim or failing were noted by the members of the family, he was to be kept informed about every thing, fully, truthfully, and in good time; not a pie could be spent, not a man could be employed, not a suggestion could be offered to the higher authorities, nor could any discretion be exercised in carrying out their orders without reference to him. The vigour and efficiency, the intelligence and foresight, the tone and sympathy, the popularity and driving power of the administration, such as they were from time to time, were derived ultimately from him. The I.C.S. men were the brains and the will power of the bureaucracy; the I.C.S. men were the day to day *de facto* government in India. The Viceroy and Governors were but short-time figureheads; they came, they hunted, they held darbars and made speeches, they attended council meetings and composed differences, they encouraged sport and rewarded merit and gave themselves to the higher amenities of life; they kept an open table and set the standard for society. Many of them were devoted to the life and the work. Some of them were humourists besides, and a few of them initiated policies or modified them, while one or two rose to the full height of the occasion as Fate placed it before them in a critical quinquennium, but in summing up an era the historian cannot help applying to them and to their I.C.S. bodyguards, the Tennysonian jingle,—Governors came and Governors went, only the I.C.S. men went on for ever.*

Section 30. From Generation to Generation. The improvement of the Civil Service by Cornwallis and Wellesley and the foundation of the Haileybury College have been mentioned in an earlier chapter. The closing of the College and the beginning of the competitive examinations have also been noted. The men who came out to India during the first half of the nineteenth century may be called the first generation of our rulers. The first generation of the competitionwalahs may be taken to end at about 1880; this for our purpose is the second

generation. The third generation came to an end about 1910 with the introduction of the Morley reforms. And we are now in the middle of the fourth generation.

The first generation were the road-makers and the bridge-builders; superstitions and abominations like thuggee and sati, and human sacrifices at flood-time and harvest, and female infanticide, they discovered to be rampant; and they pursued them with the energy of a righteously militant civilisation fighting barbarism.* They created the land revenue and the judicial systems and knew the people of their district in their various social grades as thoroughly as it is possible for foreigners ever to acquire such knowledge. They were lonely men separated from one another, with little of Europe in their bungalows and their tents. They were exiles in the full sense of the term, but exiles with absorbing occupations which evoked every ounce of faculty and required every second of time, and they lived dedicated lives. If the roots of the British conception of a state and an administration have gone deep into the soil of India, if mediaevalism be really going to be uprooted hence and modernity to be really going to grow up to a long and vigorous prime, it is they who have created the miracle, their husbandry their faith and their devotion. The Strachays and the Stephens are perfectly justified in their contention to this extent, that but for this first generation, modern British India could never have blossomed forth.

The second generation saw the cutting of the Suez Canal and the replacement of the sailing vessel by the steamer, and with these began the invasion of India by the Memsahib. There were of course Englishwomen in India almost from the first, but there were hardly any European homes except at the capitals and the big military cantonments, prior to the sixties of the nineteenth century. And gymkhanas and clubs as well as European homes now invaded the mofussil. The spread of the railways tended more and more to bridge the chasm that in the past had separated the mofussil and the capital, and the vogue began of hill stations and of long and frequent furloughs. Codes came to be drawn up, departments grew up fast, secretariats directed all and wanted to know more than all. The individual was dwarfed, the system thrived.

* See for a brief account of this noble work J. W. Kaye, *Administration E. I. Co.* (1853), Part IV, Chs. 2-5.

The individual was very probably much better educated than in the former generation: but it is certain that his own development through his work and surroundings failed to reach the heights that had been then attained. For a change had come over the spirit of his devotion to his work. Because of the more frequent and quicker intercourse with the outside world and because of the European homes and clubs he and his wife had set up, his life was fuller and more civilised than had till then been possible in India. But his discontent with it was the more poignant. For that is human psychology. It is not the man or the class absolutely penniless and at the bottom of helotry who is selfconscious. Kindly nature preserves him from that. It is when the individual or the class has lifted his head a little and can look about, that self-consciousness begets poignant discontent and loud lamentation and cursing. But to return to our subject. The exiles his predecessors, who were exiles indeed, grasped that fact as part of their fate, and so rose superior to it. Their work obtained the full measure of devotion possible for a human being to bestow; and placed as kings over vast masses of alien populations, they conducted themselves as kings indeed. These successors of theirs, on the other hand, just because there was already so much of European in their daily life, wanted to have still more of it, and were discontented because they could not have enough. Their work obtained from them only a fraction of their selves. Moreover, they had now to do it more and more as agents under the direction of superiors, and more and more had to be recorded with reasons as well as done, so that more and more of that portion of their time and their self which these men of the second generation gave to their work, came to be given, pen in hand, at the desk. The written record of the work grew in bulk and improved in quality; the departments multiplied, their network became more and more elaborate as it spread over the land; the system grew and improved from the secretariat point of view, until its own logical development and perfection became an end in itself, by the time that the Strachey and the Stephens were in the seats of the mighty at Simla and Calcutta, at the end of the period here assigned to the second generation.

India, too, the field of their work, had begun to throb with new life. The blood-letting of the sanguinary eighteenth century had reduced the poor blind giant to a state of coma;

But district after district as it passed under the British flag, had rest and peace, the village homes were repaired, the jungle and the wild beasts receded, intercourse between more and more distant parts began at a brisker pace and in larger volume than ever before, security, justice and industry were established on a firmer basis than ever. Education followed, foreign not merely in outward look and form but foreign through and through to the spirit of Indian culture; preaching the supremacy of the individual conscience, the right as well as the duty of individual action and individual judgment, the dignity of the individual soul; an education mundane, political, democratic, recognising nothing higher than the reason of man and the experience of mankind, and conveyed through romantic art, analytical logic, unsettling philosophy, the triumphs of experimental science, and the history of rebellions. That laws and governments were human contrivances, that they were of primary importance for the life and happiness of the people, that self-government was a blessing of incalculable potency, that foreign domination was unjustifiable even when not a curse, that submission to it, however necessary, dwarfed and degraded the spirit of man,—these and similar ideas were new to the Indian mind, but they began to sink deep into it almost from the first. As education has spread, as more and more young Indians have crossed the seas to drink the pure waters of Western culture at the source, and as India has come to know of and been brought into contact with world movements more and more, this thirst for self-government as for the mystical waters of the fabled spring of eternal life has claimed Indian youths in ever growing numbers.

Modern Japan began its career during what we have called the period of the second generation. But India knew little about it until Japan made her way upon China and emerged victorious. Near the end of the second generation occurred the incident of the cotton duties already related and the suspicion that England was exploiting India began, a suspicion which later happenings have solidified into an axiomatic first principle in many minds. Lytton's Press Act, the Ilbert Bill controversy, the attitude of the Civil Service and the Indian Government towards the Congress, the failure of the Congress efforts to get Parliament to reform the Indian constitution, and the Curzonian regime, wounding to the quick by its blatant assertion of a superiority inherent and unal-

terable, because of race, may be mentioned as successive Indian incidents covering the period of the third generation of civilians almost continuously. To these must be added growing economic unrest and increasing appreciation by large masses of the population of the treatment accorded and the attitude rigidly maintained by white colonials towards Indians all over the Empire, but especially in Africa. As to world movements, Indian nationalism was not born when Greece won her freedom early in the century, but the thought and the careers of the outstanding leaders in every subsequent nationalist success or struggle in Europe and the Asiatic upheaval that began with Japan and became more pronounced in the last years of the nineteenth and the first years of the twentieth century, have had an influence on Indian nationalism, which ought not to be overlooked, however difficult it might be for the historian to estimate the degree of that influence.

And, in the meanwhile, were the civilian administrators of this third generation better adapted than their predecessors to cope with an India moving so fast? The influences already noted as affecting the second generation for the worse were still in operation and acted with increasing force in each succeeding decade. The *corps d'élite* became more and more selfconscious, more impatient of criticism as intelligent criticism increased, retired within its shell (the self-sufficient European life and society it had created with its rapid growth in numbers at an increasing number of centres), and became a caste of white Brahmans more exclusive than any caste had ever been even in India. We have seen that the separation of England and India from each other merely because of the distance had become a thing of the past, and thought currents of English politics flooded the minds of the English administrators here also. Jingoism held increasing sway in England from about 1875 onwards for the rest of the century, and many of this third generation of our rulers here were Jingoists. Some amongst them carried this superior attitude of mind to an extreme, called themselves the followers of Nietzsche and posed as super-men. And finally the average of ability, vigour, vision, and understanding was certainly lower than in the second generation, for the best talent of England was no longer attracted to India.¹

If this historical review of the changes that came over the spirit of the I.C.S. and allied services from generation to

generation has any basis at all in fact, any cogency at all in the reason of things, the claims of the Stracheys and the Stephens that the 1858-1920 system of an alien irresponsible bureaucracy is the best possible form of government and administration for India, were not quite admissible even when they were first formulated, and the progressive ferment in India and the simultaneous deterioration of the services, have made them less and less tenable decade by decade. From this point of view it only remains to add, in conclusion, that the authoritative proclamation or pledge of the Secretary of State for India in the House of Commons on the 20th August 1917 came not a moment too soon, that "the policy of H.M.'s Government with which the Government of India are in complete accord is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India."

STRACHEY, Chs. 6 and 25. CHESNEY Ch. 11.
J. CHAILLEY, Administrative Problems, last Chapter.
G. K. GOKHLE: Speeches.
SIR A. RAHIM, Minute of Dissent, Islington Report.
J. RAMSAY MACDONALD, Ch. 8.
SIR V. CHIROL, India Old and New, Ch. 5.
MONTAGU-CHELMSFORD Report.

CHAPTER IV: NOTES.

SECTION 26.

1. For a vigorous criticism of the Curzonian partition see E. S. Montagu's Speeches, 28-2-1912 (at Cambridge), and 22-4-1912 (in parliament). The subject is fully dealt with by Sir Surendranath Banerji, *Notion in Making* Chs. 18 and 28. Mr. C. Y. Chintamani has recently explained in public how it happened that Morley came to treat the partition as a "settled fact." Soon after Morley's appointment, on the Liberal cabinet meeting their first parliament, Sir Henry Cotton moved an amendment to the Address drawing attention to Indian grievances, especially the partition. Morley had sent a warning message to these parliamentary "Friends of India" through Sir W. Wedderburn:—"If you bring up Indian grievances now, I am new to the subject, I have not had time to look into things for

myself, I am ignorant, and in the debate I can only repeat the Government case as the office put it into my hands. And whatever statements I thus make, I shall remain bound by, for the rest of my term as S. of S. for India. (*Times of India*, 8-2-1924).

2. The Coronation Darbar despatch, 25-8-1911: Lord Crewe's reply 1-11-1911; also the speech of E. S. Montagu (then under S. of S. for India) at Cambridge 28-2-1912: as he says, the despatch shows "the general lines of our future policy in India," the "goal, the aim towards which we propose to work, not immediately, nor in a hurry, but gradually."

SECTION 27.

1. Chesney, pp. 57-9, 63-4, 67-9; Dalhousie Rulers of India Series) pp. 184-9. See also Temple, *Men and Events*, Chs. 4 and 5; a bright account sufficiently brief of the non-regulation administration of the Panjab by the Lawrence brothers, which was the best concrete illustration of the system.

See also Kaye, *Administration E. I. Co.*, pt. IV Ch. 1. He notes that where successful the success was due to sympathetic use of much that was best in the native institutions, habits, ideas and character; but that where the experiment failed, as in Sindh until Bartle Frere was appointed head of the province, it meant "the retention of what was oppressive or evil in the old system, and adding much evil of our own." Prichard adds that where successful the success was due to the officers being selected in the first instance and to their promotion not being hampered by red tape. He also observes that "after the first flush" routine asserted itself, and the province fell back (II pp. 156-161). Finally, Ch. 2 of Sir J. Stephens' *Minute on Administration of Justice* (1872) is a valuable comparison of the two systems.

SECTION 28.

1. British India=287 Districts. The average District i.e. district in the abstract=4000 sq. miles in area, inhabited by 9 lakhs of people. Vizapatam (Madras Presidency) is the size of over 4 average districts and has over 30 lakhs of people. Mymensingh (Bengal Presidency) is the size of 14 average districts and has 45 lakhs of people (*Ronaldshay*, p. 120).

2. In N. W. F. P. and British Baluchistan military public works, preponderate and the civil public works are entrusted to the Military works offices.

SECTION 29.

1. He even proposed the appointment to the covenanted service of Raja Rammohan Ray's adopted son, but the idea was abandoned owing

to the "clamour evoked in Calcutta" (Hunter, *India of the Queen and other Essays*, p. xi). It was only when the Calcutta High Court came into being that he was appointed the first Indian judge (Dutt, *Victorian Age* 243).

2. By Mr. C. H. Cameron, President, Council of Education, Calcutta. His proposal is dated the 25th October. Extracts from it and from the opinions on the subject recorded by the Select Committee of the Lords, and the Commons, 1852-8, will be found in Saiyed Mahmud, *History of English Edn. in India* 1781-1893, Ch. 16. See also H. R. James, *Edn. and Statesmanship in India*, 1797-1910, Ch. 6.

3. "In my younger days I was brought up among those who had been in school and college in 1837. They had recollections of the times of Bentinck, Elphinstone and Munro, they had seen Macaulay, Trevelyan and Metcalfe; and a faith in English truth was a part of their beliefs. I have lived since with two succeeding generations of Indians—my contemporaries, . . . and the younger men who were educated in the Nineties,—and I confess I have marked in them a decadence in this faith. They point to unredeemed British pledges; they exclaim against the continued exclusiveness of British administration; they demand as Macaulay had foreseen, some degree of self-government, some share in the control of the administration. Are they wrong?—R. C. Dutt, *Economic History of British India*, p. 430.

4. The East India Associations, founded by Dadabhai Naoroji in England with affiliated branches and associations in India had presented a Memorial to the Secretary of State on the subject in 1867, asking for simultaneous examinations and for scholarships to promising young Indians to enable them to obtain higher education in England. In 1868 H. Fawcett had moved a resolution in the Commons for simultaneous examinations at London, Calcutta, Bombay and Madras. The first Gladstone Government had come into power, December 1868, with the Duke of Argyll as Secretary of State for India.

5. To the examination for the superior posts in the Police Department held in England from 1894, no one was admitted except British Subjects of European descent. Cooper's Hill College was established in England and from 1872 to 1906 men came out from it to fill the higher appointments in the Public Works, Forest and allied departments. India paid the net annual cost of the institution. Yet Indians who could not lay claim to European descent had difficulty in obtaining admission and of the total annually selected from it for service in India, the number of Indians was not to exceed a small percentage. Besides, because Cooper's Hill supplied so many, and so many of the other higher posts were to be filled by Royal Engineers, and still others were treated as merely temporary posts

outside the cadre, which were filled by Europeans and Anglo-Indians selected locally; only a very small number fell annually to the share of the Colleges at Burki, Bombay, Sibpur and Madras. Nor were these colleges developed so as to give the highest technical education; they were confined to the function of supplying merely 'overseers,' as Arts colleges were confined to the function of supplying 'subordinates.' The age limit for the I.C.S. was reduced in 1876 from 21 to 19; this change materially reduced the chances of success of competitors from India. The age limit for the I.M.S. was 27, which was too high for Indians. One reason why young Indians going to England for education came back to India intensely discontented and with their faith in British Justice almost shattered, was that all such facts relating to every Government department were constantly brought before their eyes by their Indian fellow students in England from all parts of India, pursuing various lines of study.

6. P. 557. This is a quotation (condensed) from Sir James Stephen, with which Strachey concludes his book. The G. of I. Resolution on the subject, 24-5-1904, repeats almost the same arguments and phrases. The resolution, was a reply to G. K. Gokhale who had started the topic afresh in his budget speech, 1903. Gokhale's rejoinder to the Resolution will be found in his budget speech, 29-3-1905. See, finally, Mr. Subba Rao's resolution in the Central legislature, 17-3-1911, and the speeches of the mover and Gokhale. The appointment of the Islington Commission followed, September 1912, which reported in August 1915, "the new conditions created by the War made the report obsolete before it was published," (Ram-say Macdonald, p. 112.)

7. The Imperial Gazetteer, the Report of the Decentralisation Commission, and other official publications give generalised descriptions of the duties of the collector-magistrate, which are applicable to the whole of India only in an extremely general way. The variations in the duties from province to province and from decade to decade are more important than the resemblances. The differences in the land revenue system were the most important general factor necessarily involving many variations. Nor were the local self-government, excise, and other systems identical all over India. Just note a single detail. The Bombay civilian spent nearly 200 days every year 'on tour,' the U.P. and the Panjab civilian spent 90 days, while the Bengal civilian, 60 days only (Hunter, *Bombay 1885-1890*, pp. 60-61).

"The functions he has to discharge in these two capacities (as collector and as magistrate) are sufficiently onerous; but he has in addition a great many other miscellaneous duties. After casually observing that 'he has to interest himself in all matters affecting the well-being of the people,' as

official document feels it necessary to add that "for the proper discharge of his many duties, the collector-magistrate must be accessible to and intimately acquainted with the inhabitants of his district." The collector of Mymensingh (population over 4½ millions) would probably think this an excellent joke."

—Ronaldshay, *India, A Bird's-Eye-view*, pp. 120-1.

"No race of public servants in the Empire have done better or more humane work than the district officers in India....with the new conditions (introduced by the Act of 1920) this must change.....As regards the field transferred to the control of ministers, the chief task of the district officers will be to wean the people from appealing to him with their needs or protests, and to induce them to have recourse to their own representatives. In other words he will have to teach them the value of the vote, and how to use it.....The old role of the district officer will disappear as the people become familiar with the new principle of government."—Lord Meston in Ilbert and Meston, *New Constitution of India*, pp. 120-1.

SECTION 30.

1. Moreover the rapid increase in the numbers drawn from England necessarily lowered the average. A well known member of the Calcutta University Commission put the same thing from another point of view when he wrote—India has been for a long time a heavy drain upon the resources of England in brain power" (9-11-1917.) See also Abdul Rahim's Minute of dissent, para. 22 (Islington Commission Report, I p. 401), and comments on the view in W. Archer, *India and the Future*, pp. xxii-xxiii.

CHAPTER V.

LEGISLATIVE COUNCILS TO 1920.

Section 31. The Indian Councils' Act, 1861. The Legislative Council for India created in 1853 had conducted itself like a miniature House of Commons, questioning the executive and its acts with great freedom and forcing it to place even confidential papers on the table. The Indian Executive were obviously at a disadvantage in dealing with such a legislature, not being free to force it, like the cabinet in England, to proceed to a vote of want of confidence, if it dared, nor were they free to use the final argument of resigning and appealing to the country. Sir Charles Wood the author of this legislature of 1853 was obliged to say in 1861, "I have seen a measure which I myself introduced in 1853, with one view, changed by the mode in which it was carried into execution so as to give it an operation totally different from that which I intended. The mischiefs resulting from that change have been great." The Act of 1861, therefore, severely restricted the new bodies it created to legislative matters only, and powers were reserved to the Governor General to make ordinances, which were to be in force for six months. Further the Governor General or the Governor General in Council or a Governor or a Governor in Council had in the past made regulations by executive order for Non-regulation areas and had empowered the chief commissioners to administer them in the spirit of the standing regulations. Questions had subsequently arisen as to the strict legality of these acts. The present Act validated them all.

Moreover this Act restored the legislative power of the Bombay and Madras governments, and constituted a legislative council for each of them, on the same lines as the legislative council of the Governor General. It was further provided that there were to be legislative councils for Bengal, the N.W.P. and Panjab also. Under these provisions Bengal obtained its legislative council in 1862 and the N.W.P. in 1886. The numbers for these local legislatures were to be not less than four nor more than eight, besides the Advocate General of the province. The "additional members" in the central legislature were to be not less than six and not more than twelve. All these additional members were to be nominated, each for

two years, and not less than one-half in the central council nor less than one-third in a provincial council were to be non-officials.

The nomination of non-official members was a departure of historical importance. The experience of the Mutiny had taught the need of a better knowledge and understanding of the opinions, sentiments and prejudices of the people, and it was hoped that Indians of wide experience and great weight coming up to the legislative councils as nominated members would not only enable government to learn how projected measures were likely to strike Indians and how they could be modified so as to suit them better, but that advantage could also be taken of their visit, through the medium of free and informal conversations, of eliciting their opinions and their points of view on various matters of importance. It was soon discovered however that it was not possible to secure this latter advantage. Until the Universities (then just established) produced a class of Indian leaders and representatives of a modern type, the only people available for nominations were Indian Chiefs, their diwans or darbaris, hereditary landed gentry or religious leaders, and government pensioners, who had retired from the highest posts open to Indians. And the representatives of these classes were, in the sixties and seventies of the nineteenth century, too conservative for what the Englishman calls social intercourse, and too cautious, diplomatic and urbane for really free interchange of views. It was second nature to them to divine what it would please the inquirer to hear and in most cases to reply accordingly. The Indian Raja or Diwan of the past had the same difficulty in eliciting the real views of the people,¹ but then they knew the nature and the gravity of the difficulty, and also knew how to put people at their ease and gave the time and the trouble necessary to get to the bottom of their minds. The foreigner, of course, had neither this knowledge nor these arts. It should also be noted, however, that while the Raja of that generation was quite content to leave the Indian world exactly as it had been for hundreds of years, the British ruler was inspired with the dream or the mission of creating a better and a progressive India; he wanted to create it by legislative and executive processes; his conception of the State, both as to the powers it ought to exert on and as to the limits beyond which it ought not to travel on any account was also quite novel to the Indian mind; and the

3. "And though on a former occasion he had been derided when he comforted himself with the idea that in every departure he should propose from the Charter, he should have the consent and concurrence of the Company, he still continued to find great consolation in the reflection that he did no violence to the Company; for no violence could be said to be done by regulations, to every one of which the Company most cheerfully consented."—Pitt's speech. See *Auber* II pp. 1-9, for an interesting summary of the first draft of his Bill, with the remarks of the Directors upon it.

4. Hastings had pointed out—"It is not in nature for five men to share the same power and not to divide into factions, when one man can always make a majority" (*Keith* I 95).

5. Hastings received presents "for the use of the Company." Clive in his second administration "for the use of other persons."

6. Subsequently modified to any two Secretaries of State, the Chancellor of the Exchequer and two Privy Councillors. The "Commissioner named first in the letters patent" was the senior "Commissioner" and he as President practically wielded the whole power of the Board. And by the Charter Act of 1793 instead of two privy councillors any two persons could be appointed upon the Board. Salaries were also granted: to the three Commissioners 5000*l.* a year; to their office establishment, 11000 *l.*

7. This latter obligation was imposed by the Charter Act of 1781.

8. Wellesley, too, would have been recalled somewhere in the middle of his career if he had been in fact, as in outward form, merely a servant of the Directors. But the Court was not sure that the Board would permit his recall, and it was the support of the latter, which maintained him against the growing opposition of the Court. The moment he lost the support of the Board, i.e. its president, Lord Castlereagh, he was recalled.

SECTION 11.

1. In a Council of 4, one of them the Governor General having also the casting vote, with one Councillor supporting him the Governor General with his two votes has a majority of votes on his side. Thus the need for exceptional power mentioned above arises only when all three Councillors differ from him.

SECTION 12.

1. But this addition included, as was natural under the circumstances "an immense quantity of rubbish and trash" (Thurlow, quoted *"Rulers of India"*—Hastings, p. 209).

2. For instance a passage from the petition of Sheffield, abridged:—"If the trade to the East Indies were thrown open, such new and abundant markets would be discovered and established as would enable them to defy every effort to injure them by that sworn enemy to prosperity and the peace of Europe, the present unprincipled ruler of France. If the trade of this United Kingdom were permitted to flow unimpeded over those extensive, luxuriant and opulent regions, to the wealthy, enterprising, honourable, and indefatigable British Merchant no obstacle would prove insurmountable, no prejudice invincible, no difficulty disheartening; wants where he found them, he would supply; where they did not exist, he would create them, by affording the means of gratification." (*Thornton*, IV 216).

3. *Thornton*, IV 241-2. Again in 1833, Sir Charles Forbes said in parliament—"As to trade with India that was to be increased only by that House. Let Ministers begin by reducing the duties upon the commodities of India. A small duty was imposed upon English manufactures; and a heavy one upon Indian commodities. Was that reciprocity? Was that free trade?" (*Id.* IV 253).

4. During the next eighteen years no more than 1324 licences were granted (*Roberts*, p. 278).

SECTION 13.

1. Lord Ellenborough thought that this had amounted to as large a sum on an average, as the sum disbursed as dividends, i.e. £ 630,000 per year for 16 years. Another estimate, that of a professional accountant, put it higher still. (*Thornton*, V 257, 282-5; and *Wilson*, III 483).

2. Thus one consequence of the Charter Act 1833 was:—the Company's factory at Canton was replaced by an English Superintendent, English traders sold opium in ever increasing quantities to China, the Chinese laws prohibiting the import of opium were strengthened, and there followed the Opium War which resulted in England acquiring Hong Kong, and China being forced to throw open five ports to foreign trade. The entire episode is one of the worst blots on European civilization.

3. The Company's capital was £ 6 millions; but they had been paying 10½ % dividends for many years, so this rate was continued as a first charge on the Indian Revenues and the price for buying the Company off—at some future date—in view of the consistently high market value of the Company's stock, was fixed at £ 12 millions.

4. This could only have been carried out fully if the three presidency armies had been amalgamated into one; but that reform was not thought

the 21st November, General Sir Frederick Roberts crossed the Kurram, and began that search for a "scientific frontier," the second Afghan War. The Famine Insurance Fund, raised by means of additional taxation of a most objectionable character, disappeared. Two millions were to be received from England as a loan towards the expenses of the war. Other loans were to be raised in India and England to the tune of thirteen millions and a half. And yet, a general election was also fast approaching, the Lancashire voter had to be placated whatever the cost to India, and Lord Salisbury the Secretary of State ordered a reduction in the cotton import duties, and Lord Lytton introduced the reduction in the budget, overruling a majority of his council.³

The Act of 1858 established the absolute and direct supremacy of parliament in the government of India by putting an end to the East India Company and their Court of Directors. And we have now examined the real effect of that Act in the sphere of legislation, policy and individual administrative acts and omissions. The fundamentals of the English Constitution and the peculiarities of parliamentary procedure have so controlled the working of the Act that it really placed India under an autocratic executive, liable to be influenced by interested parties in England and in India, and unable to protect India from them, except on the rare occasions when the parliament and the people of England asserted themselves on behalf of their great but oriental and politically inert Dependency. Or we might put it in another way. While the E. I. Company was, however nominally, the mistress of British India, the Cabinet parliament and people of England felt, whenever anything happened to compel their attention and to touch their conscience, a moral responsibility for the dumb millions of India. But the Mutiny had this effect that for the future they ceased to be trustees and became themselves the rulers. Ought not the sense of responsibility of the ruler in fact be keener than that of the supreme authority who believes himself to have left the direct charge in other hands? No doubt it ought, but no doubt either, that it rarely is. The power of the Company and their Directors was sensibly curtailed by the Act of 1784; and from 1813 onwards it was merely nominal; we may say, a mere fiction. The Act of 1858 did away with that fiction with the laudable aim of providing a "Better Government." The philosopher might have expected that the change must necessarily work

to the benefit of India. But we have now seen how and why the change in actual working completely belied such expectations, at least for a whole generation. It is a wonderful illustration, on the largest possible scale in the history of the world, of the incalculably beneficial power of mere fictions in political architecture.

MONTAGU-CHELMSFORD Report, Sections 33-36, 169.

MARRIOTT, Chs. 4 and 14.

H. H. THE AGA KHAN: India in Transition, Ch. 19.

Section 21. *The Secretary of State and the Governor General.* These two high officials formed together the double link that joined England to India. The Governor General was the working head of all branches of the administration, and he represented, besides, the Crown of England in India and was therefore also called the Viceroy. He was the highest personage of the State; he was the Government of India incarnate. Whatever the Government of India was empowered or allowed by law and constitutional usage to do was done in the name of the Governor General in Council, and the Governor General could if he chose, personally assert himself with regard to any such matter, however trivial. Innumerable instances can be quoted of his plenary power. The installation of the Nizam in 1884 with Sir Salar Jang's young son Laik Ali as minister and without any favourable treaty about Berar, was very probably a personal act of Lord Ripon's.¹ Lord Curzon carried personal interference in the administration farther than any other Governor General of recent times; his interference in the famine relief administration of more than one province and his punishment of a British regiment for a crime committed by one of its soldiers against a woman of the people may be cited as instances in which his assertion of supreme power did incalculable good. As another illustration of the manner in which this masterful viceroy saw his duty and performed it may be mentioned the fact that he persuaded Principal F. G. Selby to accept the post of Director of Public Instruction in the Bombay Presidency against the latter's own inclinations, and on the high ground that it was a dereliction of the duty an able Englishman owed to the land of his adoption, to hesitate merely on the score of personal tastes, when an opportunity of higher service and utility offered itself. And as a last illustration may be

Lord Hardinge's interference in the U. P. where local Muslim feeling had become excited over the widening of a main road in a city, which if carried out in the ordinary way would have cut off a few square yards of space from a mosque. Of course, no such instances, taken singly or collectively, can imply that the Governor General was an autocrat like a Maharaja or a Nawab. The Government of British India is a reign of law and of customs and precedents which have nearly all the precision and limitations of written law. As the Charter Act of 1793 expressly provided, the Governor General even when setting aside the opinion of his council and acting on his own, had still no powers whatever which the Government of India as legally constituted could not lawfully exercise.

The appointment of the Governor General is made by the Crown; but that is only a formality. The Prime Minister and the Secretary of State for India make the selection. The opinion of an experienced monarch like Queen Victoria or Edward VII or George V would necessarily carry great weight even with the greatest of prime ministers; but the responsibility for the choice rests with the last; and the Secretary of State may carry his point with his chief by a threat of resignation.²

Changes in the Ministry in England do not necessarily involve a resignation by the Governor General. Although the new Ministry might belong to a different party, it might not have an Indian policy different from that of their predecessors. And even if there was such a change, the Governor General appointed by one party might continue to serve, if he had no objection to carry out the new policy. Lord Minto, for instance, was appointed by the unionists, but when the liberals came into power soon after, he continued at his post and helped in the preparation and introduction of the Morley reforms. Lord Northbrook on the other hand, objected both to the forward policy in Afghanistan and the initiative and direction of the Secretary of State in Indian Finance, (which the Beaconsfield Ministry and their Secretary of State, Lord Salisbury, insisted upon), and resigned. His successor Lord Lytton sympathised with the conservative policy, adopted it as his own, and when the liberals attacked the Indian measures of the conservatives as bitterly as their general policy, and, as a result of the well-known Midlothian campaign came into power with an overwhelming majority and the conservative ministry resigned, he too resigned office

along with his political friends.* Lastly, there is the case of Lord Curzon's resignation. This arose out of difference of opinion between him and his commander in chief, Lord Kitchener. The military department of the Government of India had as its head a soldier who was an ordinary member of the Governor General's council, and was the constitutional adviser of the Governor General on all army matters. The Commander in Chief was the head of the Army, but any proposals he had were to be submitted to the Government of India through this Military Department. Lord Kitchener objected to this. To put the matter in constitutional phraseology he was not content with being an "extraordinary" member of the Governor General's council, whom constitutional convention required invariably to vote with the Viceroy; he wanted to be the only responsible adviser of the Government of India in military matters. The Government of India, on the other hand, were unanimously of opinion that the system that existed was absolutely necessary to maintain the supremacy of the civil authorities over the military. The Secretary of State for India and the British Cabinet decided the issue in favour of Lord Kitchener, and Lord Curzon resigned.†

We pass on to a consideration of the powers of the Secretary of State for India and the mutual relations between him and the Governor General. The Secretary of State took the place of the former Board of Control and the East India Company and represented besides, the supreme authority of the British parliament. It was worth noting that parliament has not conferred any individuality upon the Secretary of State as such. The Act of 1858, following the previous enactments about the Board of Control and its President, speaks only of "one of His Majesty's principal Secretaries of State". Thus any of these members of the Cabinet could perform the duties of the Secretary of State for India. This is an excellent example of the way in which the British Constitution combines individual initiative with collective responsibility. And the arrangement has its convenience on exceptional occasions also, e. g., when His Majesty visits India in person or when the Secretary of State for India has to do so himself. The Act made him the heir to all the powers of the Board of control and the East India Company. And by the Charter Act of 1833 he had, whenever he

* Lady B. Balfour: *Lytton's Indian Administration*, p. 490.

† Sir T. Raleigh: *Lord Curzon in India*, pp. xviii to li; Lord Fraser, pp. 415-449.

chooses to exercise it, "full power and authority to superintend direct and control all acts, operations and concerns" "which in anywise related to or concerned the Government of India," and "all grants of salaries, gratuities and allowances and all other payments and charges whatever, out of or upon the said revenues and property," except in so far as parliament had otherwise provided with respect to any portion of this power and authority. The exception, let us add at once, referred only to such powers as had been conferred by parliament on the India Council of overriding the authority of the Secretary of State, and these we shall return to in a later section.

The constitutional conventions with regard to the Secretary of State's powers of superintendence direction and control are a more difficult topic. Under the East India Company Governors General could not wait for orders from England, and had as a rule to take action on their own responsibility even in matters of peace and war. But in the meanwhile science was progressing and the world was shrinking up. After 1858 Governors General could be controlled more effectively and continuously from England. The telegraph made it possible to send brief orders several times a day.* The time consumed in communications by post from one end and detailed instructions from the other also became progressively shorter. But the intention of the legislature was that except in foreign affairs the responsibility for the administration and progress of India was primarily that of the Government of India, and that sufficient initiative was therefore to be left with it. Thus the Government of India continued practically a great independent initiative even in matters of parliamentary legislation. The impulse given by the Mutiny produced several great Acts (which will be discussed in later chapters), and then for a time parliament and the British ministry left India to itself. The age of Palmerston was a quiescent period in England also.† A new era began with the Beaconsfield Ministry (February 1874 to April 1890). And in the eighties also began the pressure of Indian opinion for greater rights and representative legislatures. After a short period of hesitation the Government of India made up their own minds about it. The Services were no longer animated by the enthusiasms of the period from Bentinck

* The Suez Canal was opened in November 1869. Telegraphic communication with England via Turkey from March 1865.
† Dut, England and India; Sir H. Cotton, New India.

to Lawrence. The European settler was no longer a mere pioneer. He had grown in numbers and in wealth, he was socially and politically organised, he held certain great industries in the hollow of his hand and was proceeding to acquire other monopolies, and whereas in a former generation he had leaned upon and followed the lead of the Services, he was now the senior partner of the concern, and it was for the Services to follow where he led the way. In England, too, jingoism gathered force, and yarns like the Bridge Builders and rhymes like the White Man's Burden appeared, showing how genius itself was not always independent of prevailing currents of opinion and emotion. The Government of India capitulated to Anglo Indian opinion from the time of the Ilbert Bill.³ Parliament itself refused in the nineties to move a single inch beyond what such opinion considered absolutely safe. Nothing could be done until England itself changed. This too happened. Sir Henry Campbell-Bannerman came into power in 1905 with a liberal majority behind him of commanding strength. Jingoism perished unwept, unhonoured and unsung in South Africa and elsewhere. The Anglo-Russian Agreement established the essentials of a solid peace in Western Asia.⁴ Hopes ran high in Egypt and in India. The Government of India, however, had not changed. Anglo-India had not changed. Their representatives and organs in the Lords, the Commons and the English press had not changed. Morley's speeches and his letters to Lord Minto reveal the enormous friction against which he had to advance.⁵ The shibboleth of the relative position of the Secretary of State and the Government of India under the constitution was a party cry raised by these reactionaries to maintain their privileged position intact against liberal assault. It required a world event of the unprecedented magnitude of the Great War to bring about the initiation of a radical change.

Lord Salisbury and Lord Morley are instances of Secretaries of State who exerted their constitutional power to the utmost; while, of course, Lord Curzon is the outstanding example of a Governor General whom history must hold personally responsible for a goodly proportion of the acts done by the Government of India during his regime.

ILBERT, Ch. 3, Ss. 2, 13-14; 21, 36, 44, 48.

SIR V. CHIROL, Indian Unrest, Ch. 26,

Section. 22. The Executive Council. We have already traced the history of the Governor-General's (and Governor's) Council from the Regulating Act to the Charter Act of 1853. This last enactment converted the Law member into a full member of Council. By the Charter Act of 1833, this was the only member whose appointment was "subject to the approbation of His Majesty, to be signified in writing by His Royal Sign Manual," counter-signed of course, by the responsible member of the Privy Council. By the Act of 1853, the appointment of all Members of Council, both in the Government of India and the Presidency Governments, was made subject to similar approbation of the Crown. From that date to 1919 the number of the ordinary members of the Governor General's Council has risen from four to six. The Indian Councils Act, 1861, added the fifth member, the Indian Councils Act, 1874, added a sixth, specially for Public Works,¹ and the Indian Councils Act 1904, made him like the other four (excepting the Law member) available for any department. Ever since the Act of 1793, the Commander in Chief has been an extraordinary member of the Council. Of the ordinary members the Law member must be an English or Irish Barrister or a Scotch advocate of not less than five years' standing, and three others must have put in at least ten years in the service of the Crown in India at the time of their appointment. The Act of 1861 provided that these "shall be appointed by the Secretary of State for India in Council with the concurrence of a majority of his Council." The absence of legislative direction as to the qualifications of the other two members has facilitated the appointment of financial experts or of members of the English Civil Service. And from 1909 one Indian has been appointed to the Council.² The first two of the Indians so appointed in succession, Mr. S. P. (now Lord) Sinha and Mr. (now Sir) Ali Imam were Law members, but the third, Sir Sankaran Nair, was given a different department.

Originally, every matter was referred to the whole Council. But the Act of 1861 empowered the Governor General "to make rules and orders for the more convenient transaction of business" by his Council, and these "few words gave to Lord Canning and his successors the means of reforming" the system. Thus arose working by departments with a centralised secretariat at the seat of Government. At the apex of each department was the Secretary to Government in that department. Matters

of routine, where the case fell clearly under established rules and regulations were disposed of by him. All other matters he submitted to the Member of Council in charge of the department, in a form ready for decision and with his own opinion thereon. Many of these the Member disposed of on his own authority, but the rest were submitted to the Governor General. Personal consultations between these three or any two of them were frequent, nor was any of them debarred from informal consultation with any other member. Most of the business of a department was thus settled by these three. But whenever the Governor General or the Member considered further discussion necessary, where more than one department or more than one province were involved, where a provincial Government had to be over-ruled or where fresh legislation or a new departure would be required, the matter was placed before the Council as a whole. Thus individual responsibility and a continuity of policy were combined in an elastic system, but its successful and harmonious working depended to a great extent upon the personality of the Governor General.*

The distribution of the entire work of the administration into departments was not very logically carried out, for at the time of Lord Canning, there were only seven men available for the purpose including the Governor General and the Commander in Chief, and only one more member has been added since. The Governor General himself had charge of the foreign department. In all questions arising out of the relations of India and the Empire with the outside world, that is to say, in all matters of foreign policy strictly so called, the decision rested with the cabinet in England, and the Governor General had to loyally carry out their orders. He was "a 'parliamentary' Governor General responsible to parliament through the medium of the Ministry,"† in more senses than one, some of them rather vague; but his position and his duty in this cardinal matter have been perfectly clear from 1858 onwards. Internal foreign policy is concerned with Indian States, the frontier tribes, and the relations of India with Afghanistan, Persia, the Arabian coast, and the smaller powers on the frontier generally, who have hardly a recognised status in the hierarchy of

* Strachey, p. 67; see the whole discussion, pp. 62-70. Also Canning (Rulers of India) pp. 46, 191-4; Hunter, *Life of Mayo*; Report of the Decentralization Commission.

† Holderness, p. 163.

international law. In dealing with these the Government of India has more latitude. The Governor General consults experts and is in constant communication with the Secretary of State on all these matters also, but in this sphere he can take decisions to some extent on his own responsibility. But here too, it is the policy of the British Cabinet that prevails in the long run. And throughout the period under consideration the powers of the Government of India over Native States have been "exercised in four main directions:—(1) entire control of all external relations of the States; (2) responsibility for the safety and welfare of British subjects and of the subjects of foreign powers; (3) a tacit guarantee to the ruler that he shall not be removed by insurrection or internal disorders; (4) a tacit guarantee to the subjects of the ruler that they shall not be grossly oppressed nor misgoverned."*

The Commander in Chief was since the Curzon Kitchener episode, in sole charge of the Army Department. The Military department upto that date was under a soldier appointed as an ordinary Member of Council, whom during the period of his appointment the constitution relieved of all military duties, kept permanently at the centre of the Government and treated as a civilian.† The Legislative Department was under the Law Member, and besides performing the functions indicated by its title, it performed all the duties of the Government of India in connection with provincial legislation and advised the other departments on legal questions and principles, often dissuading them from courses of action not really within their competence. It also gave final shape and form to such legislative Acts as the Government of India had to perform independently of its legislative council. The Home Department has always been entrusted to an experienced member of the Indian Civil Service. Questions of internal politics such as riots, sedition and anarchy and their prevention, the censorship and control of the press, the administration of the Arms Act, as well as the administration of law and justice, jails, police and the C. I. D., formed an important part of its functions. Thus it touched the administration of the provinces at many points. The Department of Revenue and Agriculture was also for many years under the member in charge of the Home Depart-

* Rushbrook Williams, *Indian Administration*, pp. 44-5. See also *India and the Durbar*, Chs. 3 and 8; Hunter, *Mayo*, I 202-215.
† See *Imperial Gazetteer* IV, pp. 23, 360-5.

ment, but in 1905 these two were separated and Revenue and Agriculture and Public Works were joined together under one member. The Revenue and Agriculture Department, since its reconstitution in 1881, had supervised land revenue administration, agricultural inquiry improvement and education, famine relief, and the improvement of agricultural and co-operative credit. The linking together of this with the Public Works Department was facilitated by the creation at the same time of the Railway Board and the Commerce and Industry Department. The Finance Department which has sometimes been placed under an expert from England, supervised and controlled the general administration of imperial and provincial Finance, the currency, and the heads of 'separate revenue,'—opium, salt, excise, stamps and assessed taxes. Lastly, in moving a Resolution in the Imperial Legislative Council in March 1910, recommending that a beginning be made in the direction of free and compulsory education and that a Commission be appointed to frame definite proposals, the late Mr. G. K. Gokhale³ asked that there should be a separate Secretary for Education in the Home Department in the place of the Director General of Education created by Lord Curzon, and looked forward to a time when there would be also a Member of Council in charge of the Department. Lord Minto by one of his last acts as Governor General responded to this by placing a Member of Council in charge of education,⁴ sanitary and medical administration, and Local self-government, and his successor Lord Hardinge went further still by placing this department under the Indian Member of Council, Sir Sankaran Nair.

The Acts of 1786 and 1793 have been noted in an earlier chapter, which leave the Governor General "a discretionary power of acting (or forbearing to act) without the concurrence of his Council, in cases of high importance and essentially affecting the public interest, safety, tranquillity, and welfare;" the Government of India Act 1870 repeated this provision,⁵ and it has continued in force throughout the period of our review. The proceedings of the Council are very properly kept strictly confidential, and it is not very easy to judge how often this discretionary power has been resorted to as a matter of fact, or what influence it has had on the spirit in which the Governor General on the one hand or the members of council on the other perform their functions. Nor can we rely much, in a question of this character, upon the public utterances of the

high officials concerned, inspired as they must be, more or less, by considerations of policy or of personal reputation or of loyalty to respected colleagues. It is well known that Lord Lytton acted under this provision when in March 1879 he partially exempted cotton imports from customs duty, as has been related above. But in that case every member of the Government knew in advance that the Governor General was only doing what the Secretary of State and the Ministry in power wanted him to do. Has there been any case of the Governor General exercising his discretion and overruling his Council, in which the Home authorities, originally indifferent, supported his action? Such a case would, for obvious reasons, be more instructive than Lord Lytton's to the student of Indian constitutional history. Looking at the matter from a more general point of view, Governors General have been ignorant of India and its problems on their arrival; their Members of Council, on the other hand, have been experienced administrators who have grown grey in the land and risen step by step by years of meritorious toil and achievement; they surround him, they are his eyes and ears as well as hands, the arts of the courtier are not altogether unknown to them, nor are they philosophers or anchorites indifferent to the exercise and increase of power and influence, and it is perfectly natural for the newcomer feeling his way, to rely upon the judgment of these his constitutional advisers. Even when he has been in India sufficiently long to venture to steer the ship of State by his own judgment, cases of a serious difference of principle or of opinion between him and his adviser or advisers would be rare, and rarer still those in which the majority of them went decisively against him. The supreme legislature fully intended that this provision was to be availed of under a high sense of duty in very exceptional cases only, and it may be asserted with confidence that Governors General have respected this intention and not resorted to it lightly or frequently.

The Governors of Madras and Bombay were given Executive Councils in 1784, consisting of two civilians and the Commander in Chief of the army of the presidency. From 1793 the Commander in Chief came to be looked upon as an extraordinary member. A hundred years later the office was abolished and the two presidencies had an executive council from that date of only two members until an Indian member of council was added at the same time that an Indian

member was appointed to the Governor-General's council. The Indian Councils Act, 1909, gave a similar executive council to Bengal, although it was then under a lieutenant Governor; and on the ground that the provincial legislative councils which that Act was creating or reforming would "throw a greater burden on the local Government, not only by reason of the actual increase of work caused by the longer sittings of the legislative councils, but also because there will be considerable responsibility in dealing with their recommendations,"⁷ it provided that other Lieutenant Governors should also have executive councils to help them. But for the creation of such a council it required the sanction of parliament to be obtained by a special procedure, and this made it impossible to obtain under this section an executive council for any other province. The Government of India Act, 1912, converted Bengal into a Governor's province, and provided that Behar and Orissa also was to have an executive council; which thereupon came into existence from August 1912. The Indian Members of Council had in the meanwhile proved their worth; their presence enabled the administrations to know and interpret better "the opinions the sentiments and even the prejudices" of the people; while the new executive councils of Bengal and Behar and Orissa showed that that form of government had "an element of continuity necessarily wanting to a one-man" system.* But parliament frustrated Lord Hardinge's attempt to give an executive council to the U. P. as it has frustrated Lord Minto's.⁸ The reform had to wait until the whole system created in 1855 came to an end by the Government of India Act 1919.

ILBERT Ch. 3, Ss. 36, 38-47, 51-54.

J. RAMSAY MACDONALD: Government of India, Ch. 4.

Section 23. The India Council. We come last to that organ in the complex constitution of the Supreme Government for India which stands lowest in rank and importance. The Act of 1858 created this Council, as we have seen. The Government of India Act 1869, gave the power of filling vacancies in it to the Secretary of State, and the members were to serve for ten years instead of during good behaviour. If the

* Lord Curzon's despatch, 30-7-1914.

Secretary of State wanted to re-appoint any member at the end of the term, he might do so for another five years, but only for special reasons of public advantage, and these reasons were to be laid by him before both houses of parliament.¹ By the Council of India Reduction Act 1889, vacancies were to be left unfilled until the number of members fell to ten. But this was repealed by the Council of India Act 1907, which provided that there were to be, at the discretion of the Secretary of State, not less than ten and not more than fourteen members, and that the period of service was to be seven years instead of ten. Nine out of the members were to possess the qualification of having served or resided in British India for at least ten years and not left it last more than five years before the date of appointment. As there were no other restrictions upon the choice of the Secretary of State, Mr. Morley (as he then was) appointed Mr. K. G. Gupta and Mr. Saiyed Husain Bilgrami as members in August 1907;* principally for two reasons. He had determined that the liberal promises of the free and impartial admission of qualified Indians to offices in government service given as early as 1833 and repeated so solemnly in 1858, were to be fulfilled without any further delay, and he saw clearly that the only practical method of expediting the fulfilment was to make some striking appointments to the highest possible posts. He also wanted the most experienced and the best qualified Indian opinion to exercise an influence from inside the government upon the scheme of reforms then upon the anvil. Lastly, ten years later, with the historical announcement of the 20th August 1917, already under consideration, and with the certainty of having to follow it up as soon as the Great War ended by some radical measure of far-reaching reform, Mr. A. Chamberlain added a third Indian member to the Council on the 26th June 1917.

The Council worked by means of weekly meetings. The members were also appointed to committees, of which there were seven, but these committees could not by themselves decide anything. All matters relating to (1) the appropriation, sale, or mortgage of revenues or property, (2) loans and contracts, (3) alteration in salaries of the highest posts, and in the furlough and sick leave rules of all Government servants, (4) regulations for distributing between the various authorities in India the power of making appointments of Indians to

* See his submission to the King, *Reflections II*, p. 323.

posts reserved to members of the Indian Civil service, were to be decided by the majority. The Council acted as a check upon the Secretary of State throughout this period of sixty years from 1858 to 1920, in these matters only. But even here with regard to the appropriation of revenues and loans, the Council failed to safeguard the interests of India. Expenditure depends upon policy especially upon foreign policy and upon the wars and military establishments it imposes upon a country. The British Ministry decided policy. Wars were entered upon by them; the Council had necessarily no voice or responsibility in the decision. In fact the Secretary of State's orders to the Governor General on such matters and the latter's communications to the former about them, were "secret despatches," and these did not go before the Council at all. And when a war or a forward policy was once entered upon, all the expenditure it involved had to be provided by additional taxation and even by loans, if necessary. The only check upon the Cabinet and the Secretary of State in these vital matters of high policy was the provision introduced by Gladstone into the Act of 1858, as has been noted in the last chapter, that the fact of an order directing the actual commencement of hostilities was to be communicated to parliament, and that the expenses of any military operation beyond the frontiers of British India were not to be defrayed out of Indian revenues, unless it could be shown to the satisfaction of parliament that the operation had been forced upon the Government of India for preventing or repelling actual invasion or under other sudden and urgent necessity.

Again, the total strength of the army to be maintained in India was from time to time decided by the highest executive authority, that is to say, by the British Ministry on the advice of expert commissions. The numbers of the British element out of that total followed as a corollary. And the expense of obtaining, maintaining and equipping these numbers also followed as a further corollary. The people of India, the Government of India and the India Council had to accept the situation as a part of their fate and provide revenues to the required amounts, however high, with loyal alacrity.

Matters not requiring secrecy went before the Council if they were not urgent; but if they were, the Secretary of State was free to dispose of them without reference to the Council.

When placing these communications to the Government of India before the Council, he had only to add a statement specifying the reasons which led him to treat them as matters of urgency. Finally, the Council voted upon all matters which came before it at its weekly meetings. But the vote of the majority was binding only in the cases specified above. In all other cases the Secretary of State might act in accordance with the views of the Council, and as a matter of fact did so as a rule, but whenever he chose to act differently, he was perfectly free to do so.

Thus, the Council had no influence whatever on policy; in matters of administration not directly connected with revenues, expenditure, and high appointments, it was only an advisory body; the members were the constitutional advisers of the Secretary of State selected by him for that purpose because of their experience and expert knowledge; but he was bound by their advice only in those matters of administrative detail specified above. No one can read the debates in both houses of parliament from the beginning of the session in February 1858 to the passing of the third Government of India Bill at the end of July, without feeling convinced that the intention of the supreme legislature was to create in the India Council a body strong enough to safeguard the interests of the people of India; the Government of India was to be spurred on by it to measures of progress, civilisation and prosperity; the Secretary of State was to be restrained by it from any encroachments upon the rights of the people of India and their revenues. The body actually constituted proved, however, to be too weak and ill-constructed to fulfil any such noble functions.

ILBERT Ch. 3, Ss. 3-17, 20, 22-4, 28, 31-2, 80, 83, 89-90, 94-5.

CHAPTER III: NOTES.

SECTION 16.

1. Presidencies recovered legislative power by the Act of 1861. See Ch. 5 below.

SECTION 19.

1. For a sympathetic account of James Wilson see Sir R. Temple, *Men and Events of my Time*. For Indians the measure of Wilson's insight into Indian conditions is given by the following sentence from his budget

speech:—"If we are to have an average duty, it should be average throughout; nor do I attach much importance to the argument that a low duty on yarn and a higher duty on cloth encourages native weaving." His successor S. Laing knew better, and was also more subtle. He held that England was in a fix; she had to allow some measure of protection either to the handloom or to the Mill Industry in India then in its infancy, and that of the two, the first was the lesser evil. And so he reduced once more the duty on cotton twist and yarn. But I had better also quote his words in his budget speech:—"No one can doubt that it (the duty on yarn as Wilson fixed it) is a duty which ought not to be maintained at a rate which might stimulate the growth of a protected interest" (i.e. the infant Mill Industry.) Laing has the distinction of being the first of our budget makers to breathe the phrase "countervailing excise" on Indian production in connection with duties on cotton imports. In his next budget he reduced the duties on piece goods and yarn on the ground that "in the present state of things in Lancashire (i.e. the depression there because of the U.S. Civil War), I should be very unwilling to postpone for a single day any benefit they may get from reduction." "Great Britain has a claim to unrestricted trade with India," "the extension of commerce is the most direct and palpable advantage derived by England from the possession of India," are amongst his ruling ideas. Similar sentiments reappear in the budget speeches of his successors, see, for instance, Strachey's. In 1865 Lord Lawrence and his finance member, Sir C. Trevelyan, tried to levy low export duties on jute and other articles for revenue purposes only, and the Secretary of State vetoed them at once. All that men like Henry Fawcett could do in these matters was to bring the facts to public notice as often and as tellingly as possible.

SECTION 20.

1. For a brief account of this Commission with comments, see R. C. Dutt, *Victorian Age*, pp. 555-561; J. R. Macdonald, *Government of India* pp. 154-158. Re Indian troops employed out of India, the Commission held that "India had no direct and substantial interest in the employment of forces in Europe, in Africa west of the Cape of Good Hope, or in Eastern Asia, but she had such interest in keeping the Suez Canal open and the maintenance of order in Egypt as affecting the Canal (*Impl. Gazetteer*, IV 378). But in apportioning the charges on such occasions, from 1900 to 1914, England has behaved better towards India than India could have claimed for her under this award. See below, Chapter IX.

Gladstone's Government contributed £ 5 millions to India towards the cost (£ 18½ millions; *Moral and Material Progress Statement, 1882-3*, p. 87) of the Afghan War. As Dutt notes "It is the only instance on

record of a practical recognition of the principle that the cost of imperial policy was beyond the Indian frontier, should not be borne by India alone'—p. 488.

2. Mr. C. Wason's amendment was negatived in 1905 by 51 votes in a house of 181; in the first Indian Budget debate under the Liberals in 1906, Mr. Keir Hardie's amendment was negatived by 64 votes in a house of 242. For some letters from Morley to Minto bearing on Morley's speech on this occasion, see *Recollections* II pp. 172-180.

3. H. Fawcett *Indian Finance* Chs. 1 & 2; Dutt *Victorian Era*, 402-15; G. J. Shah, Chs. 6 and 10; etc. The case for Lord Salisbury, Lord Lytton and Sir John Strachey will be found in Lady B. Balfour, *Lytton's Indian Administration*, Ch. 10, and Sir J. Strachey, *Indian Administration and Progress* 4^o, Ch. 12. The only arguments used are (1) a doctrinaire assertion of the benefits of free trade; (2) and this resolution of the H. of C. of April, 4, 1879, is quoted as an unanswerable testimony to the soundness of what has been done. This resolution runs thus:—"That Indian import duty on cotton goods, being unjust alike to the Indian consumer and the English producer, ought to be abolished and this House accepts the recent reduction in these duties as a step towards their total abolition, to which Her Majesty's Government are pledged."

Perhaps the best commentary on the incident as a whole is W. E. Gladstone's speech in the H. of C. on the Revenue Accounts, 12-8-1879. I quote an extract:—"With regard to the remission of the import duties, there seems to me to be something distinctly repugnant in the way it has been done in the time of India's distress and difficulty by the Government of a Party, which has done all in its power to retain every protective duty in this country; and which, from year to year, advises the Crown to assent to Colonial Acts imposing fresh duties upon British manufactures. What an invidious, almost odious, picture of iniquity to exhibit the millions of India! The Free Trade doctrines that we hold so dear that we apply them against the feeling of the Indian people in their utmost rigour and without a grain of mercy, disappear in a moment when the question deals with those whose opinions and interests we cannot lightly tamper with, viz. the free colonists of the Empire. The G. G. says that he cannot see that financial difficulty can in any way be pleaded against what he calls fiscal reform. If that be a true principle of Government, it has been discovered for the first time by the present Viceroy. There has not been a free trade government in this or any other country which has not freely admitted that the state of the revenue is an essential element in the consideration of the application even of the best principles of free trade."

SECTION 21.

1. W. S. Blunt: *India under Ripon*. But the Governor General is his own minister for foreign affairs; see the fuller discussion of the subject further on.

2. Morley, *Recollections*, his letters to Lord Minto of April 29 and June 1, 1910. "My whole point was that the impression made on India by sending your greatest soldier (Lord Kitchener) to follow Reforms would make them look a practical paradox. It would then be for Asquith to say whether he goes with me or not. If he does, then he will have to support that view in the Royal closet. If he does not, then the Indian Secretary will go scampering off, like a young horse." Take another instance. In 1875, Lord Randolph Churchill tendered his resignation as Secretary of State for India, because the Prime Minister without consulting him had transmitted to the Viceroy a suggestion by the Queen that one of her sons should be appointed to the command of the forces in Bombay. The appointment was not made, and Lord R. C. withdrew his resignation. *Lewis*, I p. 42.

3. "22nd December 1883.... Mrs. Ilbert called to ask condolence. She says her husband has been abandoned by every one, and now by Lord Ripon. She blames Lord Ripon for his weakness, not the people at home. Lord Kimberley had written to her husband, urging him to stand firm, but the members of council were frightened out of their wits and Lord R. has followed them."—W. S. Blunt, pp. 96-7. See also Sir V. Chirol, *India*, (the Modern World Series, 1926) p. 85.

4. Morley, *Recollections*, Bk. V Chs. 1 and 2, esp. letter to Lord Minto July 6, 1906. "This country cannot have two foreign policies." This applies to the whole period from 1784 (Pitt's India Act) to 1920. Wellesley overstepped the limits of the foreign policy approved by the Board of Control and lost their support. Curzon (Morley notes more than once) went beyond what the Conservative Cabinet approved in his Tibetan policy. Some few exceptions like that, however, in a long period do not invalidate the truth of the general statement.

The British Cabinet cares less, and less continuously, about the Native Princes of India. In this branch of foreign policy, then, we might expect to find greater liberty of action allowed to the Government of India. But even here the British ministry asserted themselves whenever the Government of India went too far. Dalhousie's policy was reversed by the Proclamation. To Curzon's hectoring manner succeeded Minto's quiet and soothing urbanity and Hardinge's sympathetic friendliness.

5. Those who criticise the small and doubtful outcome of his reforms ought rather to ask themselves whether any other S. of S., inferior to Morley in prestige, influence and experience, would have been able to achieve anything at all. Even against him these reactionaries in possession raised the shibboleth of Whitehall despotism, altogether blind to the fact that if the Indian constitution had been allowed to petrify in the forms they cherished as their birthright, the inevitable result would have been a bloody overthrow of the system within less than a generation.

SECTION 22.

1. The post was not always filled. According to Sir T. Raleigh, Lord Curzon "before he left India, obtained the consent of the Secretary of State" (p. xv) to revive the practice of filling it and there has been no break since.

2. "No Indian Member had ever been appointed.... Innovation in this exclusive practice was evidently of profound significance and so it was felt to be both in India and at home. It removed one of the most conspicuous stamps of inferiority and gave Indians a new and widened share both in framing laws and in influence on daily administration. Resistance to so serious a move was natural and determined. It was more determined at home than among Europeans in India itself." Morley *Recollections*, Bk. V Ch. I. See also his speech in the House of Lords, 23-2-1909 and his letters to Lord Minto 1906 to 1909 *passim*. Lord Lansdowne called it 'a tremendous innovation.' See also Lord Curzon's House of Lords speech 23-2-1909.

3. In the spelling of Indian proper names the official system (known as the Hunterian) has been followed. Some customary spellings, also to be found in official publications as concessions to usage, have been retained. Thus Cawapore (not Kahnpur), Lucknow (not Lakhnau), Mysore (not Mhaisur), Oude (not Andh). But in the following I apply the Hunterian system more strictly than is usual:—

Dehli (not Delhi); Darbar (not Durbar);
Mughal (not Mogul except in the phrase 'grand Mogul');
Mascot (not Muscat); Panjab (not Punjab);
Barma (not Burma); Gokhle (not Gokhale).

In the last case the *a* between the *n* and the *l* is the cause of frequent mispronunciation in North India as well as in England. It was because of the *a* that Sir Wilfrid Lawson, for instance, once perpetrated the following atrocious rhyme (*India* newspaper, 18-5-1906):

"A friend too from India will take up the tale:
Good luck and success to the Hon'ble Gokhale."

In such cases Grant Duff's spelling (Gokhlay, Ranaday for Ranade, etc.) appears to be really the best as the least open to mispronunciation. Lastly of the two Hyderabad, the Sindh City has been spelt with *ai*; the Nizam's capital, as it is invariably spelt by the Nizam Government, i.e. with *y*.

4. November 1910. Gokhle's *Speeches*, pp. 713 and 718. Of course Lord Minto's step was not due altogether to Gokhle's suggestion. The idea had been there ever since the post of Director General of Education was first created 1903 (O. Browning, *Impressions*, p. 160).

5. There was only a slight modification: the Act of 1793 required each member of the Government to record the reasons for his view in every such case: under the later Act this was obligatory only when desired by "two members" of the dissentient majority. But one wonders, whether this change affected at all the number of dissentient minutes. All such minutes could be called for to be laid before parliament.

6. A member of the Governor General's Council was often promoted to be Lieutenant Governor; in this the recommendation of the G. G. was decisive.

7. Letter of the Government of India to the S.S. 1-10-1908. Bengal got its executive Council from November 1910.

8. The obduracy of Parliament excited strong feeling in the U. P. when Lord Harding's demand initiated by the U. P. Lieutenant Governor, Sir J. (now Lord) Meaton (1913), carried no more weight than Lord Minto's, all sections of the population met together in a thoroughly representative conference on the 30th May 1915, affirmed their "conviction that the interest of the U.P. imperatively demanded that they could not be left in charge of a Lieutenant Governor alone," and demanded that the province be made a Governor's presidency, in accordance with the recommendations of the decentralisation commission.

SECTION 23.

1. The debates on this bill in the Lords revealed a difference of opinion as to the powers of financial control assigned to the India Council by parliament in 1858—the so-called financial veto. Lord Salisbury and two ex-Lord Chancellors held that "in reference to every question in which expenditure was involved, i.e. in reference to every question of every kind, the India Council had an absolute and conclusive veto by a bare majority." The Duke of Argyll and the Lord Chancellor in office held that it was "rather a consulting than a controlling body." The latter view prevailed.

of till long after the Mutiny; it was not practicable, either, until the main trunk lines of the Indian railway system had been built.

5. Even after the change (Bentinck's retrenchments) the average income of a civilian ranging from Member of Council to writer (the lowest grade) was still as high as £ 2000 a year (Roberts, p. 302).

6. For proceeding into the more recently acquired and less settled parts of British India, the foreigner still needed a license, but such parts were also to be thrown open from time to time.

7. There was room for difference of opinion here, sometimes involving grave issues. For instance, was the supreme court justified in applying the English statute on forgery (1728) in Nandkumar's case? See Ilbert p. 33 and the same author's *Government of India*, p. 353.

8. For instance, Borrodaile's collection of the caste customs of Gujrat (1827) is a rich mine of information to-day for the student of social customs.

9. The covering despatch says "eagerness for some temporary advantages, the consciousness of power, the pride of a fancied superiority of race, the absence of any adequate check from public opinion, the absence also of the habitual check supplied by the stated and public recurrence of religious observances, and other causes may occasionally lead" to unguarded acts; "much more may acts of outrage or insolence be expected from casual adventurers" and run-aways from Europe "released from the restraints which in this country the over-awing influence of society imposes on all men not totally abandoned."

SECTION 15.

1. It looks as if these were the only matters on which the Board of Control had not interfered with the decisions of the Court of Directors. If so, it was the Secretary of State who succeeded to all the powers of the Board of Control, not the Secretary of State in Council.

2. Dates were fixed for this annual report to parliament which remind one of the dates fixed for the annual meeting of the General Court in Elizabeth's Charter. This is a good illustration of the extremely conservative nature of English law-making.

3. This clause was due to Gladstone—*Merley*, I 598.

4. "Such a document should breathe feelings of generosity, benevolence and religious toleration," and give assurances of the "prosperity

following in the train of civilisation." See Sir T. Martin, *Prince Consort* IV 49; Sir Sidney Lee, *Queen Victoria*, pp. 288-290. The Queen had also written to Lord Canning, "the Indian people should know that there is no hatred to a brown skin, none; but the greatest wish on their Queen's part to see them happy, contented and flourishing."

5. I copy from Charles Ball's *History of the Indian Mutiny*, Vol. II, pp. 525-6, a portion of the comments upon the Proclamation pronounced by two Indian journals of the time:—

The Bombay Standard—If we apprehend rightly the meaning of the Proclamation the promises it conveys of internal and civil reforms will have, in their performance, the greatest influence on the future destinies of this country. We cannot but see in the words Her Majesty is made to use, a solution, an effectual solution, of the difficulty adverted to by Lord Stanley in his last speech, namely, the difficulty of administering from a constitutional country the government of a despotism. In our apprehension, Her Majesty's declaration that the obligations which bind her to all her other subjects shall be fulfilled faithfully and conscientiously with regard to the natives of her Indian territories, seems to imply, at the very least, the grant of such a constitution as those other subjects, all and each, are in the present enjoyment of. . . . We do not wish to imply that a copy of the British Constitution will be given to this country; but we confidently expect that. . . .

THE FRIEND OF INDIA—The Revolution in the Government of India is one, the vastness of which only the next generation will appreciate. It is the principle of our Government, not its external form, which has been changed; and to the mass of men, a new principle is as imperceptible as the soul. . . . India has become part of the British dominions; this is all that has happened; but this is not the insignificant all that the enemies of Kingdome would have them believe. Nothing was changed, save a name, when the Convention announced the abdication of James II. The monarchy was untouched. The prerogative remained unimpaired. The law remained unmodified. . . . A new principle had been introduced, and the consequence was the difference between the England of the Stewarts and the England of Victoria. India has also changed a name; and a century hence, men will date the history of progress from the Proclamation of the Queen.

And indeed the former was unworkable in practice. For instance, it would have reduced the Indian Legislatures to mere registering bodies, for without the previous sanction of the India Council for every financial detail, they could not have legislated at all. And as a matter of fact the previous sanction of the S. S. was obtained during the period 1858-1920 only on the general principles of a bill. See besides the debate, Fawcett, *Indian Finance*, pp. 8-11 and 71.

CHAPTER IV.

PROVINCIAL ADMINISTRATIONS TO 1920.

Section 24. Centralisation and Deconcentration. John Bright spoke of India as being "twenty nations speaking twenty languages". He ridiculed and he denounced the system by which India was governed as inherently incapable of producing good results: "what would be thought," he asked, "if the whole of Europe was under one Governor who knew only the language of the Fiji Islands, and that his subordinates were like himself, only more intelligent than the inhabitants of the Fiji Islands are supposed to be?" His remedy was decentralisation. He proposed "at least five Presidencies in India perfectly equal in rank. The capitals of those Presidencies would probably be Calcutta, Madras, Bombay, Agra and Lahore". Each Presidency was to be treated as a State by itself, "having no connection with any other part of India, and recognised only as a dependency of this country. The Government of every Presidency should correspond with the Secretary for India in England. I shall no doubt be told that there are insuperable difficulties in the way, and I shall be sure to hear of the military difficulty. Now, I do not profess to be an authority on military affairs, but I know that military men often make great mistakes. I would have the army divided, each Presidency having its own army; and I see no danger of any confusion or misunderstanding, when an emergency arose in having them all brought together to carry out the views of the Government."* These ideas could not prevail at the time. The changes thus recommended were too radical to be undertaken just after a cataclysm like the Mutiny, when the primary duty was obviously to bandage and heal the gaping wounds, and restore the old order. But Bright rendered a great public service all the same in pointing out in his own inimitable way that one of the cardinal vices of the old order was over-centralisation. British India had grown up rapidly by a process of accretion beginning originally at three nuclear points quite distinct from one another, Bombay, Madras and Calcutta, with three separate armies and three administrations, similar in organisation and co-equal in status. But by 1772 the great evils inherent in such an arrangement had become

* Speeches in the House 24-6-1858 and 1-8-1859.

to deal with as they pleased, that is to say, still not at their own discretion, but according to rules.

Section. 25. Fifteen Provinces. Let us, at the cost of some repetition, set down in chronological order, the beginning of each provincial administration, and the vicissitudes of status it has passed through. From 1912 onwards British India has been subdivided into fifteen provinces as under:—

I—Three presidencies: Madras, Bombay and Bengal.

II—Four Lieutenant-Governorships—The United Provinces of Agra and Oude, generally called by its short title U. P., the Panjab, Barma, and Behar and Orissa.

III—Eight Chief Commissionerships—Ajmer-Merwara, Coorg, the Andaman and Nicobar Islands, the Central Provinces or C.P., British Baluchistan, the North-West Frontier Province or N.W.F.P., Assam, and Dehli.

I. *The Presidencies*—The Company's factory at Madras was a mere agency until it was raised to a presidency in 1653. The island of Bombay, was handed over to the East India Company in 1665, and the Presidency of Bombay begins really from this date, although we find that the first "Governor of Bombay" had been appointed as early as 1662. The "Presidency of Surat," which had begun from 1612-3, gradually sank into a subordinate position. The Bengal factories were raised into a separate presidency with the head-quarters at Calcutta in 1707. The Regulating Act of 1773 made Madras and Bombay subordinate to Bengal and the Governor and Council at Calcutta were raised into the "Governor General and Council of the Presidency of Fort William in Bengal." The Charter Act of 1833 changed the title into the present one of the "Governor General of India in Council."

The present boundaries of the Madras Presidency practically date from the time of Lord Wellesley, when on the fall of the brave Tiger of Mysore during the storm of Shrirangapattanam (May 4, 1799), a large portion of his dominions was annexed, and on the death of Umdat-ul-Umra, Nawab of the Karnatak (1801), his territories also were brought under the direct administration of the Company. Chengalpat District had been acquired as a jagir in 1763, the Northern Circars had been acquired by a firman from the Mughal Emperor in 1765 and

again by a treaty with the Nizam a little later, but full dominion over them was not obtained till 1823. The territory of the Nawab of Karnul was annexed in 1839.

The Bombay Presidency was built up more gradually. Sindh was annexed in 1843, Aden in 1839, and the other parts of the Presidency had all become British by 1818 as the result of the various wars and treaties with the Marathas.

The Company obtained a clear title over the "lower provinces," when the Mughal Emperor granted to them the Diwani. Benares was annexed in 1775, Orissa and several districts in the north-west in 1803, and Assam, Arakan and Tenasserim in 1826. The Charter Act of 1833 provided for a new Presidency of Agra to be separated from "Bengal." This was altered in 1835 into an authority to appoint a "Lieutenant-Governor of the North-Western Provinces" and a "Deputy Governor of Bengal". But this last provision was altered again by the Charter Act of 1853, which authorised instead the appointment of a "Lieutenant Governor of Bengal". Thus there were Lieutenant-Governors at the head of the presidency of Bengal from 1854 to 1911. In area and population it was too extensive a charge for a single administration. But nothing was done until in 1905 Lord Curzon turned in into two Lieutenant-governorships. His arrangement, however, not only cut the Bengali nationality into two, but also yoked each of the two sections with a backward and more numerous population. The Muslims and Assamese were in a permanent majority in the new eastern province called Eastern Bengal and Assam, and the Biharis and Oriyas similarly out-numbered the Bengalis in the Western Section. Such a partition necessarily gave birth to an unprecedented agitation,¹ and it was given up at the Coronation Darbar on the 12th December 1911, when H. I. M. King George V. announced that—

"We have decided upon the transfer of the seat of the Government of India from Calcutta to the ancient capital Dehli, and simultaneously and as a consequence of that transfer, the creation at as early a date as possible of a Governorship for the Presidency of Bengal, of a new Lieutenant-Governorship in Council administering the areas of Behar, Chhota Nagpur and Orissa, and of a Chief-Commissionership of Assam, with such administrative changes and redistribution of bounda-

ries as Our Governor-General in Council with the approval of our Secretary of State for India in Council may in due course determine."

Thus the presidency of Bengal as we know it now only came into existence on the 1st of April 1912.*

II. *The Lieutenant-Governorships.* The most senior of these is that which is now known as U. P. It was first constituted in 1836 under the Act of 1835 mentioned above. When Oude, annexed in 1856, came to be added to it (1877) the original name of the "North-Western Province" was changed to the "North Western Provinces of Agra and Oude". The present name dates from 1901, when Lord Curzon created a new province beyond the Panjab called the North West Frontier Province.

The Panjab was annexed in 1849 and placed by Lord Dalhousie under a Board of Administration. This soon gave place to a single Chief Commissioner. After the Mutiny Dehli was separated from the N. W. P. and added to the Panjab and the province was placed under a Lieutenant Governor from 1859.

Arakan and the Tenasserim coast were annexed by the treaty of Yandabu (1826), Pegu and Martaban were annexed in 1852, and these provinces of Barma were formed into a Chief Commissionership from 1862. Upper Barma was annexed in 1886, and eleven years later the entire Burmese territory on the eastern frontier of British India was constituted into the province of Barma and placed under a Lieutenant Governor.

The circumstances under which the Lieutenant Governorship of Behar and Orissa came into existence in 1912 have already been indicated above.

III. *The Chief Commissionerships.* Whenever territory was conquered or otherwise acquired it was natural to provide for its administration by annexing it to one of the three presidencies. But in this way the presidency of Bengal grew altogether unwieldy. Lord Dalhousie's expedient was to constitute a Board of Administration for each new accession of

territory. And such a board was soon after replaced by a single head called a Chief Commissioner. An Act passed in 1854 expressly empowered the Governor General in Council with the sanction of the higher authorities in England to take any part of British India under his direct authority and management and provide for its administration in any suitable manner. And the Indian Councils Act, 1870, expressly refers to the heads of such provinces as Chief Commissioners. Dehli was the last of these Chief Commissionerships to be constituted. The announcement at the Coronation Darbar of the transfer of the capital of British India from Calcutta to Dehli has been quoted above. The motive for the change was no mere desire for something spectacular and striking to mark the unique event of H. I. M. the King's visit to India. Lord Hardinge's Government were firmly convinced that steady political progress in India at the pace and in the direction desired by a rapidly awakening people, would necessarily bring about the transformation of the Indian constitution at no distant date into a federation, the provinces becoming representative governments all but autonomous in provincial matters, and the Government of India standing head and shoulders above them all, maintaining its supremacy as well as its impartiality unimpaired in all matters of pan-Indian and Imperial concern.² The emancipation of the Government of India from all merely provincial and local influences was thus a cardinal factor of their policy. Dehli and a few hundred square miles of territory were therefore separated from the Panjab* and given the status of an independent province from the 1st October 1912.

The Chief Commissionership of N. W. F. P. arose out of the necessities of frontier policy. The Mohmands and Afridis, the Orakzais, Waziris and Mahsuds, and the other fierce and barbarous tribes inhabiting the No-Man's Land on our borders from the Gomal Pass in the south to Kashmir in the north,† crossed over into British territory every now and then, for loot or vendetta or mere fun. The unscrupulous gun-running traffic which European greed carried on more or less surreptitiously with Mascat and other places on the Oman and Mekran coasts, gave them a plentiful supply of modern arms and ammunition. The annexation policy of the Forward

* The area taken from the Panjab—528 sq. m.; from the U.P. 45 sq. m.

† For a brief but vivid recent description of these parts—see Lord Ronaldsday's *India a Bird's-Eye-View*. Chs. 4 to 7.

School might have provided a permanent cure for this evil; only, it was too costly for any responsible government to adopt. On the other hand, the Masterly Inactivity Policy of the other school of frontier experts could not possibly be always adhered to, in the face of repeated affronts and raids. Every now and then, moreover, the entire frontier would be in a blaze, and a government that really wanted nothing better than to concentrate itself on problems of famine and plague, railways and irrigation, trade and internal development, and had no earth-hunger or blood-thirst whatever, would still be driven to leave all aside for the moment, and undertake a large scale expedition. This compromise between the two policies just mentioned, came to be known as the Hit and Retire Policy. The tribes would be bled more or less profusely every now and then, all their arms would be seized, and peace would be reestablished on the frontier for a time. But only for a time. The plucky barbarians recovered with amazing rapidity, and the whole series of incidents and events would begin once more and march on again to the inevitable catastrophe of another punitive expedition on a large scale. How to escape this round is one of the most urgent problems of British Indian high policy. The Chitral (1895) and Tirah (1897) expeditions especially necessitated a departure on fresh lines, if only as an experiment. The frontier districts were separated from the Panjab and together with the political charges of the Malkand, the Khyber, Kurram, Tochi, and Wana constituted into the N. W. F. P. (1901), and a policy of economic penetration by irrigation light railways and the expansion of trade has been steadily pursued. "Production without possession, action without self-assertion, development without domination,"* until the savage outgrows his savagery, is indeed a panacea for all intercourse between people in different stages of civilisation, provided only that the people claiming the higher civilisation was capable of practising the principle steadily with absolute sincerity and selflessness.

The remaining Chief-Commissionships were, merely the outcome of conquests or acquisitions of territory in other ways. Whenever any new territory could not be conveniently attached for administrative purposes to one of the provinces, it was natural to provide for it as a chief-commissioner-

* This is one of the aphorisms of Lac Tzu, the Chinese philosopher statesman.

(INDIAN CENSUS REPORT 1921, AND STATESMAN'S YEAR BOOK.)

NAME	Area in 000 sq. m.	Popula- tion in 000000	NAME	Area in 000 sq. m.	Popula- tion in 000000
INDIA	1805.3	318.9	BRITISH EMPIRE	13357	450
British India	1094.3	247	Br. Empire in Europe	121.8	47.6
Assam	53	7.6	United Kingdom	121.6	47.4
Barma	233.7	13.2	Br. Empire in Asia	2126	333
Bengal	76.8	46.7	Ceylon	25.3	4.5
Bihar & O.	83	34	Iraq	143	2.8
Bombay	123.6	19.3	Br. Empire in Africa	3820	12.8
C. P. & B.	100	14	Egypt	12	2.5
Madras	142.3	42.3	Kenya	212	1.7
N. W. F. P.	13.4	2.2	Rhodesia	440	6.9
Panjab & Dehli	100.4	20.7	South Africa	472	5.9
U. P.	106.3	45.4	Sudan	1014	5.4
French & Portug.-India	1.8	.87	Australia	2975	8.8
Native States & Agencies	711	71.94	Canada	3730	1.2
Baroda	8	2.1	New Zealand	105	
Cochin	1.5	.98			
Gwalior	26.4	3.2	ARGENTINA	1153	9.5
Hyderabad	82.7	12.5	BELGIUM	11.7	7.5
Indore	9.5	1	BRAZIL	3285	30.6
Jaipur	16.7	2.34	BULGARIA	40	5
Kashmir	84.3	3.3	CHINA	4279	320
Marwar	35	1.84	DENMARK	17	3.4
Mewar	12.8	1.4	FRANCE	213	40
Mysore	29.5	6	ITALY	120	39
Patiala	6	1.5	NETHERLANDS	261	61
Rewa	13	4	JAPAN	200	2.6
Travancore	7.6		NORWAY	173	9.2
			SIAM	16	4
			SWEDEN	3738	118
			SWITZERLAND	115	10.3
			U. S.		
AFGHANISTAN	257	12	Philippine Isles		
NEPAL	54	5.6			
PERSIA	628	10			

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NOTES TO TABLE—AREA AND POPULATION.

The *white* population of the Br. Emp. in 1921 about 107 millions. For the proportion of white people in the populations of Kenya, Rhodesia, and South Africa see section 67 note 6.

The total *Muslim* population in the world in 1921 about 260 millions, out of whom not less than $\frac{1}{3}$ rd are in the Br. Emp. In India out of every 100 persons 68 are *Hindus*, 22 are *Muslims*, the rest (*Buddhists* and *Jains*, *Christians*, *Sikhs*, *Jews*, *Parsis*, and people not easy to class as to religion) are, all taken together, only 10: 10% of 320 millions is, however, 32 millions, a large number, and the *Barmese Buddhists* constitute a big block inside this miscellaneous class. N.W.F.P., *Baluchistan*, and *Kashmir* taken together constitute the *Muslim block*, and *Muslims* are considerably in excess also in *Sindh*, *Panjab*, and *East Bengal*.

Over 80% of the *Philippines* are *Christians*.

INDIAN ADMINISTRATION.

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ship by itself. Thus *Ajmer-Merwara* was constituted in 1818, *Coorg* in 1834, the *Andaman and Nicobar Islands* in 1858, and *British Baluchistan* in 1887. *Assam* annexed in 1826, was separated as a *Chief-Commissionership* from 1874. At *Lord Curzon's* partition (1905) it was merged in his eastern province. But, as has been noted above, it became a *Chief-Commissionership* again from 1912. Lastly, C. P. included contiguous territories annexed in 1818 and 1854, with two districts added from the N. W. P. in 1861, when it was raised to the status of a *Chief-Commissionership*; and *Berar*—under *British Administration* since 1853, but as a separate unit—has been attached to it from 1903.

Some of the minor *Chief Commissioners* had other duties also. Thus the C.C., N.W.F.P., was also Agent to the Governor General (A.G.G.) for political relations with the frontier tribes between *British India* and *Afghanistan*. The C.C., *Ajmer-Merwara*, was also A.G.G. for *Rajputana*. The C.C., *British Baluchistan*, was also A.G.G. for *Baluchistan*. The C.C. *Coorg*, was also the Resident at *Mysore*. And the C.C., *Andaman and Nicobar Islands*, was also Superintendent of the penal settlement at *Port Blair*.

A. YUSUF ALI, Making of India, Appendix I.

Section 26. Area and Population. In the annexed Table opposite, the provinces with a population under one million are not entered. On the other hand, the *Native States* with a population of one million or more are entered. And as statistical comparisons are often paraded between India or some Indian province and some other country, the right half of the Table gives the area and population of the principal members of the *British Empire* and of some other prominent countries also.

Section 27. Governors, Lt.-Gs., C.Cs. As *Governors General* and *Governors* have been chosen persons of high rank and some experience of public life, either in parliament or in the diplomatic or colonial service of the Crown. Out of the fifteen *Governors General* from *Lord Canning* to *Lord Reading*, *Sir John Lawrence* alone had previous Indian experience as a civilian who had risen rapidly to the highest posts. There have been more *Indian Civilians* and soldiers as *Governors* at

Madras and Bombay; but the last of that class to be appointed as a Governor of Bombay was Sir Richard Temple (1877-1880). The Lieutenant Governors and Chief Commissioners, on the other hand, have all been Indian civilians. It was only by the Government of India Act, 1915 and 1916, that Chief Commissionerships obtained the status of local governments, although as a matter of fact C.P. and Berar is a province quite as important as a Governor's, while the Chief Commissioner of Assam is hardly inferior to a Lieutenant Governor. But these distinctions, petty and anomalous at first sight, wear, perhaps, a new aspect when we look at the matter historically. We have seen that British India grew up by accretion from three nuclear points. A district on annexation would be more or less unsettled. Its administration would have to be, for some time at least, of a semi-military character, and entrusted to energetic individuals armed with plenty of discretion, who must decide quickly and be content with maintaining order and enforcing a rough and ready kind of justice. Local ways and customs, which the people understood and were attached to, must also be allowed to continue in force, in so far as they were not clearly against fundamental principles of humanity or public policy. Out of these obvious needs arose what came to be known as the Non-Regulation system of administration with the Chief Commissioner at its head. As the territory settled down it became a fresh nuclear point, annexations in the vicinity would be added to it, and while these must for a time be subjected to the non-regulation system, the older and more settled districts would be advanced to "regulation" status, and the whole placed under a Lieutenant Governor. The three presidencies had come to be called 'Regulation Provinces', because, upto the Charter Act of 1833 whatever laws were wanted had been issued as Regulations of the president in Council.* This power of legislation by regulations was continued even after the single law member of Council (1833) developed into one or more legislative councils. But these regulations were *ex hypothesi* too elaborate and advanced to be applied to new annexations, and, instead, very much simpler instructions coloured to a large extent by local variations were drawn up for the guidance of the district officers. The fully developed judicial system under the High Court was also unsuitable for these new annexations

* Governor General in Council for Fort William, Governor in Council for Madras and Bombay.

tions until they settled down. The first districts to be actually called 'non-regulation', were the Saugor and Narmada territories, annexed in 1818; and the name and the system were thenceforward applied to every new annexation until it settled down and was brought under the higher type of administration by laws and regulations. Other peculiarities of the non-regulation system were necessarily connected with the one that gave to it its name. The Deputy Commissioner at the head of each District held all the reins of power and administration, executive, judicial, revenue, police, excise and customs, public works, and even education, in his single hand; military officers were freely employed as deputy commissioners and in other civil capacities; and in the subordinate services the separation of departments or even of the judicial duties from others was not carried to the same extent as in the regulation provinces.

ILBERT, Government of India 3^o, Ch. 3, Ss. 37, 49, 55-6; Ch. 2 pp. 141-2.

Section 28. Districts and Divisions: Administrative Departments. The Unit of administration in British India is the District.¹ Several contiguous districts are combined together to form a Division, and on the other hand large districts are subdivided for administrative convenience into Taluks, Tahsils or Mamlats. There are nearly two hundred and seventy districts in British India. In the Bombay Presidency, Bombay City and Aden are not sub-divided; each of them may be called a division by itself. Of the fifteen provinces the three smallest—Coorg, Andamans and Nicobars, and Dehli—are not sub-divided. In Madras the districts are not grouped together into divisions. In Bengal there are no sub-divisions of a district smaller than the sub-district.

Many of the districts have the advantage of being geographical, economic, linguistic, ethnic, and historical as well as administrative units; but of course there also are, as there must be in a vast territory like British India, not a few districts which have been artificially created into administrative units, merely from considerations of convenience. And the arrangements arose primarily in response to the administrative needs in connection with the collection of land revenue, the preservation of internal order and the judicial settlement of

claims and disputes. These are the three Primary Departments, which the government of a mainly agricultural country must organise more or less efficiently; its revenue collectors and land surveyors, its police officers and its judicial officers must be distributed all over the country, having their headquarters amongst the people in convenient centres, from which they could tour about, each in his beat, or to which the people from the surrounding area could easily resort. And these central capital towns with their district areas once established, if the government undertakes other functions which it desires to perform steadily, systematically and uniformly for the entire population, the new departments also follow the same pattern, as far as possible. But, obviously, it is not at all possible for some departments to do so. The taxes on imports and exports have to be collected at the frontiers, as the goods are entering into or leaving the country. The (4) Customs officers must thus be located at the frontiers of the State and in direct subordination to the central executive. (5) Railways and (6) Posts and Telegraphs are other departments which it is better to direct and control centrally. For although the operations of the first penetrate into many districts and those of the second into all, they are, so to speak, so elementary and simple in character, the efficiency and economy of their administration gains by direction and control from one centre and does not suffer at all by mere distance from that centre, however great. The departments of (7) Forests, (8) Irrigation works, and (9) ordinary Public Works stand on a different footing. Forest areas are not equally distributed throughout the land, nor are irrigation facilities. A Province may have so little of either that it would be unnecessary to divide the work into many divisional charges or to subdivide every one of the latter into district charges. In these cases both the divisional and district charges would have to be fewer in number and larger in area than the divisions and districts of the other departments. Or the work of either department may be as heavy almost in every district as that of the ordinary department; thus, Barma is a forest province, while the Panjab is a province of canals. The irrigation work in an entire province or in any large portion of it may be comparatively speaking so little that it could be entrusted as an additional duty to officers of the ordinary Public Works department, which exists in every province, and is organised by way of divisional and district charges, generally coinciding with

the districts and divisions of the revenue department.² (10) Education and (11) Medical and Sanitary administration are other important departments which adhere to the district and division arrangement in their organisation. And the (12) Industries department has been started as a result of the experience of the Great War and in accordance with the recommendations of the Industrial Commission. Thus a model district in British India would have revenue, judicial, police, medical, education and engineering officers stationed and working in it under the supervision of the higher divisional officers and the highest provincial authorities. It would also have postal and telegraph officers working under the supervision of the Government of India officers of the department, and it might or might not have residing and working in it officers of the Railway, Forest, Customs, (13) Army, (14) ecclesiastical, and other departments, according to circumstances. /

Section 29. The Services. Indian youth of the literary castes took to English education with a will the moment it was introduced and the numbers with a fair knowledge of the language and literature of the rulers as well as of modern subjects acquired through that medium increased rapidly. The wonderful application and receptivity of the students acted upon the teachers and upon the administrators and promoters, and both the quality of the instruction provided and the solidity and excellence of the attainments acquired, at least in some subjects, went on improving at a rapid pace. As Sir Henry Mayne remarked of this first generation of Indians who had surrendered themselves body, mind, heart, and soul to the influence of Western culture in the true spirit of Eastern discipleship, "the thing must be seen to be believed. I do not know which was the more astonishing, more striking—the multitude of the students, who if not now, will soon be counted not by the hundred but by the thousand; or the keenness and eagerness which they displayed. For my part, I do not think anything of the kind has been seen by any European University since the Middle Ages."* The employment of qualified Indians in government service in posts of comparatively superior responsibility and emoluments began with Bentinck.¹ Hardinge placed the action of the administration upon a definite principle. "The Governor General

* At the Convocation of the Calcutta University, 1886.

having taken into consideration the existing state of education in Bengal, and being of opinion that it is highly desirable to afford it every reasonable encouragement by holding out to those who have taken advantage of the opportunities afforded them a fair prospect of employment in the Public Service and thereby not only to reward individual merit, but to enable the State to profit as largely and as early as possible by the result of the measures adopted of late years for the instruction of the people, as well by Government as by private individuals and societies, has resolved that in every possible case a preference shall be given in the selection of candidates for public employment to those who have been educated in the institutions thus established, and especially to those who have distinguished themselves therein by a more than ordinary degree of merit and attainment.* And to raise the quality of the education as high as possible in all directions and to standardise it, the establishment of a University was proposed as early as 1845.² Sir Charles Wood's despatch of 1854 and the foundation of the presidential Universities followed in due course. The number of Indians in government employment increased and they came to be appointed by promotion or by direct selection as tahsildars (mamlatdars) and deputy assistant collectors (extra assistant commissioners) and deputy assistant collectors (extra assistant commissioners) and inspectors, munsifs and subordinate judges, engineers, district forest officers, headmasters, deputy inspectors and lecturers, and to equivalent grades in almost all the civil departments. Gratitude, it has been said, is appreciation of benefits small and great, actually received; loyalty, the anticipation of substantial benefits to come; nor is the philosophical analysis presenting these results to be altogether condemned as presenting too mean or one-sided a view of human nature. It all depends upon the character of the benefits contemplated. These need not always be of a purely materialistic type. To seek to elevate one's mother country to a high level of prosperity and civilisation; to look upon the decision of stricken fields and uprooted dynasties as the judgment of over-ruling Providence; to grasp fully and firmly both the halves of this double concept of a Divine Judgment—as a deserved punishment to us for our sins, as our *Karma*, and as a no less deserved reward to the victors, as their *Karma*; to judge the paramount power and its agents by the best actions

* G. I. R. 10-10-1844.

and the best thoughts and aspirations of their best representatives; to accept their professions about working for the prosperity and civilisation of this country as genuine, nay, as inspired, and as doing them infinite credit; to accept their diagnosis of our downfall, at least as a working hypothesis; to exhibit the cosmopolitan fraternity (*bhrai-bhava*) and wide toleration of Hindu culture at its best, by refusing to misunderstand even the excesses of proselytising zeal; to accept the missionaries in spite of their narrowness and prejudices as sincere and active friends with some really effective though novel ideas for the uplift of the country and as helpful checks upon the greed, cruelty and assertiveness natural to executive officers and soldiers armed with unlimited power in a land densely ignorant and prostrate; knowing that half-hearted service was worse than none and that sullen non-cooperation was worse than disloyalty open, active and manly, to serve every representative of the ruling power fully and faithfully in any and every capacity, however low; and finally, to apply themselves with all their might to English education and social reform, the purification of religion from superstitions and from corruptions, the removal of caste and local prejudices and limitations, the creation of a public opinion on public questions, and the training up of the people in the adoption of constitutional methods for the removal of grievances and the progressive improvement of their position from the status of conquered subjects to that of equal citizens: these were the ideas which animated the best Indians of that generation; these were the ideas which enabled them to sow the seeds of Modern India.³ The motives and actions sprouting up out of a thought-bed of this description cannot be classed as mean or self-centred or materialistic or servile or denationalised. To suppose that these men, our grandfathers, merely pocketed their higher salaries and fees, that they merely caught the vices and rudeness of the unwashed sections of Anglo-Saxon humanity, that they merely learned from the foreign tyrants above them how to tyrannise more oppressively over their own countrymen below them, and to question either their warm sentiments of loyalty to the British Raj, or the strong bonds of sympathy that grew up between them and the best of the local representatives of that Raj, is to be altogether blind to recorded history, or to discolour it most unjustifiably by the violent prejudices and passions of a later day.

Raja Rammohan Roy, Lord William Bentinck and their contemporaries created a tradition of mutual sympathy between England and India which passed on as a legacy to the next generation. The excesses of the Mutiny months, excesses quite as inhuman on one side as on the other,* gave it a rude shock. But the almost uniformly firm and noble behaviour throughout that extremely trying period of a few men in the highest positions, like Lord Canning, made it easy for India to forget and to forgive; and the hand of fellowship so graciously extended by England's Queen, a lady whose every word proclaimed her a woman pious, human, loving and loyal to her own conception of her duty, was eagerly and most gratefully and humbly clasped by all India. The first occasion for suspicion and disquietude arose soon after. The Indian Civil Service Act, 1861, made the covenanted service a close service and enumerated the highest civil appointments below the rank of members of the executive council and upto the grade of assistant collectors in the regulated provinces, as reserved for those only who were successful in the open competitive examinations held annually in England under such rules and regulations, as were drawn up by the examination commissioners, approved by the Secretary of State in Council, and not disallowed by parliament. The men selected were placed on a list in order of merit; they were to stay on a year in England studying Indian subjects and were encouraged to spend the period at a University; then they were examined in these subjects and arranged in a final list according to merit. The Secretary of State in Council ceased to have anything to do with their appointment to particular posts or places in India. The selection being made on the result of an open examination, and the subsequent posting and promotions being left to Indian authorities, patronage, jobbery, and political or party bias of every kind were completely excluded. The subjects for examination, the standard for each, the age limits, and other conditions were so arranged and altered from time to time, as to secure "men who had received the best, the most liberal, the most finished education"† available in England. And not satisfied with the express provision that the scheduled posts were reserved for these 'competition-walabs', parliament also provided that if under exceptional circumstances the authorities

* See E. Thompson, *The Other Side of the Medal*.
† Strachey, Ch. 6.

in India had to give any of these posts to an outsider the appointment could only be a temporary one, the India Office were to be informed about it at once, and if they did not approve of it within twelve months, it was to be taken as cancelled. Thus, on the one hand, the highest legislative authority had ordered that no Indian was to be excluded from any government post in India by reason only of his being an Indian, and, on the other hand, as soon as the educational qualifications possible to Indians in India began to approach English university levels, the same authority ordered again that assistant collectorships, assistant sessions judgeships, and higher posts were strictly reserved for those only, who competed within rigid age limits and against the best talent of English universities. This was, as some of the best English statesmen and administrators themselves felt 'evasion,' 'cheating,' 'stultifying the Act and reducing it to a dead letter,' 'breaking to the heart the words of promise uttered to the ear.* The only real remedy was to repeal these sections of the Act of 1861, tear up the schedule, and hold the competitive examination in India alone or rather in India as well as in England. And if this last course had been adopted, the progress of the Indian universities would have been accelerated from that moment, and they would have become in a short decade or two amongst the best universities in the world, so that it would have ceased to be necessary to import many experts into India from outside. The industrial and economic progress of India would also have been accelerated to an incalculable extent.† This course however was not adopted. The practical effect of the steps actually taken was that, as India realised more and more fully the determination of England not to move in this matter beyond a certain point, she felt that the generous promise of the Charter Act and the Queen's proclamation had been torn up instead. This sore feeling did not remain unnoticed; and remedies were attempted. The first was the Government of India Act, 1870,‡ which recognised the expediency of providing "additional facilities for the employment of Natives of proved merit and ability" in some of the posts reserved for the covenanted service, subject to rules framed by the Governor General in Council and sanctioned by the Secretary

* Lord Lytton's note on a confidential despatch of the Government of India to the Secretary of State, May 30, 1878. It has been frequently quoted since.

† For views altogether different, see *Islington Report I*, p. 170.

of State in Council. The rules were made by the Government of India, after repeated pressure from the Secretary of State, in 1879, and thus came into existence the Statutory Civil Service, appointments to which were made for ten years. The experiment proved ill-starred. It could not satisfy Indian public opinion, the C. S. treated it as a poor relation is usually treated by the upstart rich; the men appointed were themselves too few and heterogeneous and scattered, nor had the service sufficient time given to it to develop a tradition and an *esprit de corps*. A fresh start was made on different lines. The Government of India appointed a Public Service Commission in 1886 with Sir Charles Aitchison as president. The result was that government service was split up in most departments into Imperial, Provincial and Subordinate; and recruitment to the first of these was to be through examinations in England, from the most important of which Indians were excluded either by a racial bar, or almost excluded practically by the rules and regulations under which they were held.⁵ This system came into force from 1895 and has been maintained since to the end of the period under review. The justification advanced for it on behalf of the privileged services by themselves and their admirers, amongst whom might be included more than one Governor General has been briefly noted already in an earlier section. But perhaps it would be better to give it here in the words of one of themselves. "Let there be no hypocrisy," writes Strachey, "about our intention to keep in the hands of our own people those executive posts and there are not very many of them, on which, and on our political and military power, our actual hold of the country depends."* Secondly, "although this system (of competitive examinations) has, on the whole, worked well with Englishmen, it is open even with them to objections and drawbacks, and to think of applying it to the natives of India is nothing less than absurd. Not the least important part of the competitive examination of the young Englishman was passed for him by his forefathers who, as we have a right to assume, have transmitted to him not only their physical courage, but the powers of independent judgment, the decision of character, the habits of thought, and generally those qualities that are necessary for the government of men, and which have given us our Empire."† Thirdly, "I must not

* P. 547. † P. 544.

say this of Englishmen only, for it is also in a great measure true of the more vigorous races of India, although their time has not come for competitive examinations."* "To suppose that the manlier races of India could ever be governed through the feebler foreigners of another Indian country, however intellectually acute, that Sikhs and Pathans, for instance, should submit to be ruled by Bengalis, is to suppose an absurdity."† And, fourthly, the peace established in India is the English peace. "The English in India are the representatives of Peace compelled by Force. The Muhammadans would like to propose to every one the alternative between the Koran, the tribute, and the sword. The Hindus would like to prevent a low-caste man from trying or even testifying against a Brahman; and Muhammadans and Hindus and Sikhs would all alike wish to settle their old accounts and see who is master. No country in the world is more orderly, more quiet, or more peaceful than British India as it is; but if the vigour of the Government should ever be relaxed, if it should lose its essential unity of purpose, and fall into hands either weak or unfaithful, chaos would come again like a flood."⁶

Even while Sir John Strachey, Sir James Stephen and their autocratic fraternity were piecing together this defence of a system that was to them as the breath of their nostrils, the system itself was being profoundly altered by forces which could not be foreseen, still less counter-acted. We will go into that in a moment. Let us first complete our account of these services from the district and divisional authorities upwards to the provincial executives at the summit. These higher grades were filled exclusively by the *corps d'elite*. The young Englishmen selected from the institutions and by the methods indicated above were first posted as assistant collectors, assistant sessions judges, assistant superintendents of police, civil surgeons, assistant district engineers, headmasters, and to similar appointments in all the other departments, and rose step by step each in his department. Almost every one rose to the top of the tree, the revenue men as members of council, or chief commissioners, or lieutenant governors, a few of them even becoming on their retirement, members of the Secretary of State's council, or, the luckiest of them, governors at Madras or Bombay.

* P. 545. † P. 548.

CHAPTER III.

THE SUPREME GOVERNMENT.

Section. 16. Meaning of a Constitution. Governments are either absolute or limited. In an absolute government there is no legal limit to what the Head of the Government might do, or order, or permit. Nothing whatever can be called illegal that an absolute monarch does or orders or permits. But only the king of a very barbarous people can be an absolute monarch in fact as well as in mere name and form. The acts and orders of most so called despots have in reality been very strictly circumscribed by the customs and beliefs of their subjects. But of course these traditional and natural restraints upon the powers of a despot in a rude state of society fall far short of that security of the subject, and that liberty of the individual, which we associate with a modern state where the Reign of Law prevails.

Governments in which the powers of the Head are not absolute, but consciously and regularly limited through and by law and custom are also called Constitutional Governments, because the laws, institutions, customs, and conventions which limit and restrain the powers of the titular Head and lay out the procedure by which and the channels along which they flow, are collectively spoken of as the Constitution of the State.

Such constitutional states are further subdivided into States with constitutions that have grown, and States with constitutions which have been made, and the differences between these two types are many and important.

Constitutions of the second variety rest on written documents—Acts of the Supreme Legislature or Declarations of the Supreme Head, or treaties between the smaller states which combine together to form a large composite federal state. These documents attempt a logical and complete view of the whole duty of government and provide for it, by a system of correlated and mutually limited laws, institutions and departments. In such constitutions the executive, the legislative, and the judicial functions of government,—as also the organs entrusted with them, are sometimes clearly separated from one

another, and arranged so as to form mutual checks. The fundamental liberties of the individual citizen are more-over defined and safeguarded as far as legal and administrative provisions and conventions can do so. Some written constitutions also include provisions laying down a special process or machinery by which alone they could be amended. This gives them a rigidity not possessed by the flexible or elastic constitutions which make no distinction between amendments to the constitution and ordinary legislation.

Constitutions that have grown up have none of these features: they are not all written out, not logically constructed, not conceived and constructed as a whole to cover the entire range of governmental functions; they do not clearly differentiate the executive, the legislative and the judicial functions and organs of government from one another; their legislative organs are not limited in power but can and do effect fundamental changes in the constitution whenever necessary, nor are they rigid. They are always in a state of flux, and even before all the changes involved in the last great effort of public opinion have been fully and definitely secured, they are moving on to some other great change.

The Indian Constitution partakes of the merits and defects of both these types. The British Sovereign and Legislature being the ultimate authority in regard to it, its sovereign will is expressed from time to time in the form of Acts from 1858 and previous to that date, of Charters and Acts. And this Sovereign created dependent legislatures in India by the Charter Act of 1833 and later enactments, which have also expressed their own will (within the province allowed to them), in the form of Acts.¹ Thus to this extent our constitution is like a constitution made. But even the whole set of these Charters and Acts and Indian Legislative Acts taken together does not give the whole of the Constitution. The Executive Government has also concurrent Law-making power—at least in so far as the King in Parliament permits its exercise,—so that the regulations, ordinances and resolutions of the Government of India and the Presidency Governments have to be taken along with the above body of laws, in order to arrive at the written law-made constitution of British India. Secondly, the Executive Government has and actively exercises all the residual powers of an absolute sovereign; not mere-

ly the limited powers of a king in a modern European representative democracy, but the unlimited arbitrary powers of an Oriental monarch, which it claims by right of conquest and succession to the last great paramount power in India viz. the Grand Mogul. Thirdly, the charters and Acts and other written expressions of the will of the State mentioned above, are occasional only, each merely attempting to redress a particular grievance, or supply a particular want or correct a particular defect, or mete a particular change or advance in policy, not in a thorough or logical manner but only in a practical way. And lastly, the British people are very gradually learning more and more about India, they are very gradually educating India and preparing it for self-government, they are very gradually responding to epochal changes in the world-situation, and they are very gradually extending the rights and privileges and institutions of a modern civilized self-governing people to India, as a part of their Empire. In these respects, then, our constitution is in a state of growth and flux.

J.A.R. MARRIOT: English Political Institutions, Chs. 1 & 2.

A. V. DICEY: Law of the Constitution, pp. 1-34.

Section 17. Supremacy of Parliament in Legislation. The Act of 1858 created a constitution for British India, which from that date to 1920, remained the same in essentials, in spite of alterations in details. The Supreme Government thus established for India consisted of the Governor General in Council in India, the Secretary of State for India and his Council in England and the King in Parliament over both. The mutual relations of these three are not very easy to grasp, because the legal provisions leave the individuals in office at any time a certain amount of discretion or independence of action according to their own judgment, as it is very desirable that political machinery should. And because of this personal freedom or discretion the two principal officials—the Secretary of State for India and the Governor-General—appeared like Rulers armed with great powers, almost equal and concurrent, except where the two disagreed, or where parliament chose to impose its will. The first question, therefore, with reference to this Supreme Government of India established from 1858, is—What under it, is the nature and extent of the Supremacy of Parliament?

The word 'parliament' is used in various ways. Sometimes it means the Crown and the Ministry and the two houses of parliament all taken together, although when this is meant, the more correct expression to use is 'the king in parliament.' This, of course, is the legal or constituted sovereign over the whole of the British Empire and therefore over India also as included within the Empire. But the question of parliamentary supremacy before us refers not to this formal matter of the final source of all government activity, but to something more definite and restricted. What we have to examine is the nature and extent of the supremacy in Indian affairs of parliament as such, i. e. of the British Legislature.

Under the English constitution the mutual relations between the legislative power and the executive power are peculiar. The Ministry are the executive, the houses of parliament the legislature, but the two are so far from being separate, that, when parliament is sitting, they continuously act and react upon each other. The Ministers are also members of parliament and take the lead in the debates. They have usually so much fresh legislation to get from parliament, and there is so much pressure of other government work of primary importance such as the annual budget, that nearly all the time that parliament can devote to legislation of a public character is controlled by the Ministry. Both in the selection of topics for legislation and in the leading provisions of particular measures, the ministry decide what they want and, the majority supporting them, the parliament or so-called legislature of the British Constitution merely registers their decrees. Thus the Cabinet "is the real law-making organ"* and not the parliament. Of course in these as in all other matters they conduct themselves in full view of public opinion as expressed both in parliament and outside. But this healthy influence of parliamentary and outside criticism on the legislative programme of a ministry is exerted more upon the programme as a whole than upon particular items of it, and in matters on which English citizens and their parliamentary representatives are indifferent, the ministry are left practically free to do anything or nothing at their own sweet will. Again, even if through some circumstance India and Indian affairs come into temporary prominence and some legislation is undertaken, the Opposition have as a rule

* Sidney Low, p. 65.

treated the matter as lying outside party politics. There has usually been, so to say, a working understanding or a tacit conspiracy between the two "front benches" which made it almost impossible for independent members like Henry Fawcett or Charles Bradlaugh, Keir Hardie or Captain Wedgewood, however inspired by a pure sense of duty towards the dumb millions of India, to achieve anything. Thus the supremacy of parliament in the Government of India has been exercised in legislative matters during this period of sixty years from 1858 to 1920, only in and through the Ministry of the day. As we shall see in a later chapter, W. E. Gladstone in 1892 treated this principle of keeping Indian questions even of the highest importance outside "party politics", as a convention too well established or too reasonable in itself to be disturbed.

Section. 18. Supremacy of Parliament in General Policy. Acts of the Administration and the general policy pursued by it come under the executive functions of a government and might be supposed to lie outside the sphere of the legislature i.e. the houses of parliament. But the political organism we call the British Constitution does not exhibit as one of its characteristics the principle of the 'separation of functions'. We have seen how not parliament by itself but parliament as led by the Ministry is the real law-making organ. And the supreme executive functions, too, under this peculiar constitution are discharged in a highly complex manner. The British Ministry which is nominally the executive, is not independent of the legislature but responsible to it even for the discharge of its own proper function. And this responsibility or dependence of the executive takes effect in a variety of ways, in the day to day influence which the ministry and the houses of parliament exert upon one another while parliament is in session. No Ministry can accept office or maintain themselves there, unless supported by a majority of the members of parliament, especially of the house of commons. The English Ministry are an "indirectly selected" and an "informal but permanent caucus of the parliamentary chiefs of the party in power".* The king appoints the ministers, but that is only a formality. The Prime Minister selects the other ministers, but, he too, has little freedom of choice. Most of his colleagues must be veterans who have had careers as long and nearly as distinguished as his own, who were ministers along with him when their

* A. L. Lowell, *Government of England* I 55-56.

party had been in power on one or more occasions in the past. John Bull is a political animal and the incessant political agitation and agitation and canvass going on in parliament and in the country, and coming to a head every now and then in general elections, casts up leaders, who by virtue of their effective participation in that process get selected as ministers of the Crown, when their party obtains a majority in parliament. Thus the legislature and the executive are in sympathy with one another when both begin their career at the inauguration of a new parliament, and the general policy pursued by a ministry with a strong parliamentary majority is as much that of the country and of the legislature, as it is their own. Executive power and political responsibility to parliament and country are thus fused together into a unity, and the general policy pursued by the Secretary of State for India is pursued by him as the agent not only of the Ministry but also of the supreme parliament. Hence, in this section also, the ministry are supreme, parliament merely registers and supports their acts, and this is especially true of matters about which the elector and his representative in parliament are either indifferent or determined to keep them outside the range of party politics. The military burden—in men and money—that India has had to bear; the despatch of Indian troops to China or Malta, Egypt or South Africa or East Africa, France, or the Dardanelles or Mesopotamia; the forward policy in Baluchistan, Afghanistan, Persia, Arabia, Tibet, Barma or Siam, the share imposed upon India of the expenditure in each case, and the resulting annexations or withdrawals; the naval squadrons in the East and the naval bases and stations and policing in the Orient—all such matters inseparable from high policy,—which in an elementary manual one can barely mention in a rough list like this, have been thus decided throughout this period from 1858 to 1920 by the British Ministry and the Secretary of State for India, and the parliament as such has done very little indeed to exercise any check as the trustees, under Providence, of Indian interests.

In this sphere, too, independent members have now and then raised their voices, but it was only on one occasion, 1879-80, that the Indian policy of the Government of the day was checked and then reversed; and even this single instance cannot be claimed as an exception in which parliament asserted its supremacy as such. The check and reversal in Indian frontier policy was brought about as part and parcel of an entire rever-

sal of the foreign policy of the conservative party under Lord Beaconsfield by the liberal party under Gladstone, who first opposed them in parliament and then brought about a general election in which they secured an overwhelming majority.*

MARRIOTT, Chs. 4 and 11.

SIDNEY LOW, *Governance of England*. Chs. 4 and 5.

Section. 19. Supremacy of Parliament in Fiscal Policy.
The economic history of British India as affected by the financial policy of the East India Company falls into two well-marked periods, (i) 1765 to 1833, and (ii) 1833 to 1857. During the first period the Company developed their own trade and shipping, without thought or concern about the effects of their measures upon the people of India. An increasing volume of trade at a large rate of profit was their sole conception of prosperity and success. During the latter half of this period they also adopted measures favouring the increase of agricultural production and the preservation of peace and order. But this is the barest minimum any civilised government must needs provide for its own existence, and does not affect the substantial accuracy of the above description as a broad statement. The aims of the company government during the second period were wider: instead of their own profit and prosperity, their measures were now directed to win out of India, as a "plantation", the greatest possible gains for the trade shipping and industries of England as a whole. The Charters enjoined the Company to attend to this, to do nothing whatever that might be injurious or even questionable from this point of view, and we find that as English conceptions of what best conduced to England's own profit and development in trade shipping and industries altered from time to time, the Company government in India introduced corresponding changes into their regulations and practices from decade to decade. As English thought developed rapidly in the direction of "free trade", the Indian system of customs, inland transit duties and other regulations (which the Company had inherited from the Mughals), were also altered, without any thought being wasted on the indirect and cumulative consequences of such a revolution on the prosperity of India herself. These seventeenth and eighteenth century regulations were a heavy burden and a great nuisance. They were

* Morley, *Gladstone*, Bk. VII.

the heritage of a world of undeveloped communications and innumerable political boundaries. But they had the prime virtue of securing the local market to the local industries, and no national government would have cut them down by means of a few strokes in quick succession. Change at a slower pace supplemented by adequate measures to help the industrial communities to tide over the transition, would have secured the gradual growth of a better balanced and more efficient economy for the country as a whole. The East India Company, however, neither saw this nor attended to it; it was not their job; it was no one else's either. And the indigenous industries of India, the growth of centuries, which had already suffered severely from the anarchy that followed the death of Aurangzeb, quietly lay down, each in its own home, and expired at the first breath of Western competition. The Company's exports of Indian fabrics and wares to England were progressively won over for the products of English factories by 'free trade'. That is the economic history of India in a single sentence. The rulers too did not at all realise that they were committing any wrong: to see to the interests of England, as England herself saw them, was their sole duty, in a conquered "plantation," inhabited by aliens in creed, blood, language, social habits and culture. Nor did they require any evidence or proof of their success, beyond the "prosperity" of their finances and their trade, as thus visualised. Even this was not always forthcoming. There were recurring deficits, and periods of slack trade and brisk trade alternated. The truth is, in spite of every effort on the part of England to avoid wars and annexations, India wanted England to swallow and digest her as quickly as possible. India compelled her to do so: the Company hardly regained their breath after one war, when they had to enter upon another. Thus forced to advance rapidly until the natural boundaries of the entire continent were reached, England did her duty, but on one condition: to this vast enterprise of the conquest of an entire continent, she contributed not a single farthing. It was all carried through at India's own expense. Moreover, on completion and within less than a decade, the Sepoy Mutiny broke out. England suppressed it of course, but India had to bear the expenses of this operation also, as a matter of course. The abolition of the East India Company, and the transfer of British India to the crown by an Act of Parliament was not an adequate reason to make an exception

in the settled policy of England towards India in this cardinal matter. Not to levy a farthing of tribute from any part and not to contribute a farthing towards its running expenses, is one of the fundamental principles of England's policy towards her far-flung world-wide Empire.

In 1858-1860 the finances of the Indian Government were naturally in a perilous and chaotic state. Solvency and order had to be evolved. The expenditure had to be cut down; but as so high a proportion of the charges was fixed or beyond the power of the Government in India to curtail, not much relief was possible in this direction; and the only alternative was to increase the revenue. Here, too, the principal item, land revenue, was a permanently fixed charge over extensive areas. The tariff of 1859,* therefore, raised the import duties for British as well as foreign goods to 10% *ad valorem*, with cotton twist and yarn as exceptions (5%); it raised the duties on articles of luxury to 20% *ad valorem*; and it levied a general duty of 3% *ad valorem* on exports, with the solitary exception of grain which was charged higher. The lists of articles to be imported or exported free of duty were small. It is from this point that we have to study the fiscal policy of India under the Crown, with special reference to the nature and effects of the influence of parliament upon it. An increase of revenue had to be somehow obtained, and that was the sole object of the above tariff; protection to any native industry was not aimed at, even when the tendency of some of the duties was protective to some extent, that was not at all the object with which they were levied. Such a tariff, however, did not please the European chambers of commerce in India, or the financial member of the Governor General's Council, James Wilson,¹ specially deputed from England to benefit India by his expert knowledge, or the Secretary of State for India in England. Doctrinaire free trade would not stand it. The free lists were extended. The general rate for articles of luxury was dispensed with: high rates were specially retained only for some of the articles such as wines. The concession to cotton yarn and twist was removed. The general import rate was reduced a little later to 7½% (1864). In 1867, the principle of having free lists and charging the general rate on all other articles (with special rates for articles specific-

* Act VII of 1859.

ly named), was given up. All articles were allowed to enter or leave the country freely, except such as were named, on each of which was to be levied the duty specifically mentioned.* The inevitable consequence was,—the gross sea customs revenue which had increased to over three millions in 1860-61 and could easily have been doubled† in a few years, without the slightest injury to any one, fell off steadily from that point, and the taxes on salt and on the administration of justice had to be raised to an oppressive extent, and no less oppressive land cesses and license taxes had to be added to the burdens on the people. The administration of India under the supremacy of parliament became more civilised than it had been under the company, but it imposed burdens upon the people of one of the poorest countries in the world, "two and a half times"‡ heavier than did the Government of Parliament itself upon its own subjects in far richer England.

R. C. DUTT: Economic History of British India, India in the Victorian Age.

N. J. SHAH: History of Indian Tariffs.

C. N. VAKIL: Our Fiscal Policy.

Section. 20. Supremacy of Parliament—Miscellaneous. Particular acts of the Administration, as distinct from general policy, come under the supervision, criticism and control of parliament in a variety of ways, when, as a result of the question or debate or vote, the particular matter is remedied or the officer concerned dealt with as might be necessary, after full opportunity has been afforded to the Executive to place before parliament all that could be urged in explanation, extenuation or defence. The opportunities for thus bringing pressure upon the executive are manifold. There is first the address in answer to the King's speech at the opening of the session; then the questions day by day give a chance if not for direct criticism, at least for calling the ministers to account; then there are the motions to adjourn; the private members' motions; the debates on going into the Committees of Supply

* Act XVII of 1867. † C. N. Vakil, *Our Fiscal Policy*, p. ‡ Dadabhai Nowroji's estimate in 1873; Dutt, *India in the Victorian Age*, p. 325.

and Ways and Means; the discussions in the Committee of Supply itself; the debates on the Consolidated Fund Resolutions, on the Appropriation Bill, on the Budget, and on the motion to adjourn for the holidays, and finally, the formal motions of want of confidence.* Now, it is not possible in a brief and elementary book like this to enter upon a detailed examination of how these various opportunities have been availed of in parliament with reference to Indian topics, during such a long period as sixty years; and to point out, as a result, how even in this branch of the subject the supremacy of parliament has, as a matter of fact, been merely nominal. All that can be attempted is to offer some select illustrations.

A recent instance of the motion to adjourn the house for the consideration of an urgent matter, is the debate on the report of the Mesopotamia Commission, which occupied two days in both the houses.† The inquiry had revealed that the soldiers had suffered indescribable privations and many valuable lives had been lost; the transport services had not been adequate for months and the medical arrangements had been disgracefully meagre, and had, moreover, broken down. The Commission had censured certain departments and also certain high officials by name, such as the Secretary of State for India, the Governor General, the Commander in Chief in India, and the Military member of the India Council. The publication of the report of June 26th excited a passionate outburst all over England, and it was because of that circumstance and that alone, that the debate compelled the executive government to take action, and important results followed. The Secretary of State for India was the official who was technically bound to take all the blame upon himself, except such as could be judicially proved against particular individuals for specific actions or omissions, and Mr. Chamberlain announced to the House of Commons at a very early stage in the debate that he had actually resigned. Lord Hardinge also resigned, but at that moment he had long ceased to be Governor General, and was holding a subordinate position as permanent secretary at the Foreign Office. No political responsibility is ever attached under the constitution to civil servants even of the highest rank; nor could a censure based upon the way in which he had discharged his duties as Governor General in a particular epi-

* Lowell, I 328-9. † July 12 & 13, 1917.

sode be held to affect his competence for this later post; and his resignation was not accepted. Lastly, the Commander in Chief and the other Military officers were dealt with by the Army Council.

Private Members' motions for specific executive action were never very numerous in parliament. We may note some instances. In 1889, the House of Commons passed a resolution directing the Government of India to modify their excise policy so as to discourage intemperance. Messrs. W. S. Caine and S. Smith led the way in this important question, and the result has been both fuller information on the excise administration to parliament and some check upon the tendency of executive departments to attach too much importance to mere increase of revenue. Another resolution the same year condemned the India Government for encouraging the consumption of opium in India, a vote that was repeated two years later. But the Government appointed a Royal Commission with Lord Brassey as President, which reported in 1895 in favour of the existing system and so no change was made.* As a last instance might be noted Mr. H. Paul's resolution of the 3rd of June 1893, that the examinations for the Indian Civil Service and other nonmilitary services should in future be held simultaneously in India as well as England. The Government, however, collected against it "the opinions of Indian officials, which were almost wholly adverse to the change,"† developed the cult of an irreducible minimum of Europeans as indispensable for efficiency and demanded by the masses as well as by the more virile but less literary races of India, and did nothing.

On the 12th February 1895, Dadabhai Naoroji moved an amendment to add to the Address a humble prayer to the effect that the British Exchequer should bear a fair and equitable portion of the expenditure incurred by India both in "the employment of Europeans in the British Indian Services", and "on all military and political operations beyond the boundaries of India."‡ This led to the appointment of a Royal Commission with Lord Welby as president, but it did not report till 1900, nor did it make any 'fair and equitable' recommendations as to the standing military burdens of India for the heavy

§ Strachey Ch. 10. † Lowell, I 328. Madras was the only provincial government not against the change. ‡ Poverty and Un-British Rule, pp. 204-206.

extra expenses imposed upon her from time to time by reason of wars of annexation or of Imperial policy.¹ Everyone was disappointed at the result, from Sir Henry Fowler downwards. What was worse, the Commission did recommend that England should make to India an annual contribution of £50,000 in aid of the charge for the India Office; and this no English Government Liberal or Conservative was then prepared to concede.

The fundamental objection to such proposals is that to adopt them would be to bring that part of the expenditure of the Government of India regularly before the House of Commons in Committee of Supply; that would be to subject Indian policy and administration regularly and directly to the review of parliament; whereas, although parliament is of course ultimately the supreme authority even as regards Indian policy and administration, checks and obstacles have been deliberately interposed between the Indian Executive and parliament, the intention or the effect being to leave the Indian policy of a Ministry which possesses the general confidence of parliament, free from the full force of its regular and detailed control. Parliament is of course the supreme authority whenever it chooses to assert itself; but the constitution it deliberately framed for India in 1858 was that as a general rule it did not so choose.

Hence it followed that, to pass on to another of our illustrations, it is not parliament that settles the Indian budget. That was settled by the Governor General in Council, obtaining such fresh sanctions as might be necessary in any year from the Secretary of State and Council. The so-called Indian Budget Debate that took place in the House of Commons on the motion (that the Speaker do now leave the Chair) to go into Committee on the East India Revenue Accounts, was "a purely academic discussion which had no effect whatever upon events in India, conducted after the events that were being discussed had taken place."* That was why the debate took place before empty benches. That was why a busy ministry and a parliament with far more than it could dispose of, fixed it year after year near the end of the session, generally after the Appropriation Bill had been read a second time. It was not even obligatory to have it every year, and during the

* E. S. Montagu in the Mesopotamian Debate 12-7-1917. See ante Sec. 15, Note 2.

Great War it was altogether omitted more than once. But that was also the reason why members of parliament who wanted to reform this constitution of India, hit upon the expedient of an amendment to the Indian Budget motion, that "in view of the responsibility of parliament in reference to the Government of India and in order to provide for a more effective control over Indian questions, it was expedient to place the salary of the Secretary of State for India on the Estimates." Such an amendment was proposed several times, but no Ministry liberal or conservative could allow it to pass unless it was also prepared to alter fundamentally the character of the constitution of India as it had been fixed by the Act of 1858.

For our last illustration, let us look at the pressure which Lancashire repeatedly exerted through parliament upon the Government of India. The Secretary of State was asked by memorials and deputations and by means of motions and resolutions in parliament to increase the quantity and improve the quality of the cotton grown in India, to push on the extension of railways in lean years as well as in fat, to pay more and more regard to the condition of the labourer working in the textile factories of India, and above all, to avoid any such taxation and policy as might, in the Indian market, leave to the local manufacturers of cloth (whether in villages plying hand-loom or in power-driven factories in cities), their natural advantage over that exported for their benefit by Lancashire. This was the special brand of the humanitarian freetrade gospel *a la* Lancashire, warranted to bestow upon the Indian masses the triune blessing of the cheapest clothing, the highest real wages, and the most reliable famine relief. Hansard records so many discussions and resolutions on this subject, that it is not easy to make a choice. Perhaps the most characteristic instance is the motion of the 10th July 1877, demanding the immediate repeal of the import duties on cotton goods (5% *ad valorem*) imposed by the Indian Tariff Act of 1875. The Conservative Government was in office; they resisted it but only succeeded in inducing the house to add a qualification to the effect that "repeal was to take place without delay, as soon as the financial condition of India will permit." But just then a famine was raging in India. The budget of 1878 provided for an annual saving of a million and a half as a Famine Insurance Fund by means of increased taxation. Lastly on

questions which puzzled him at every step were in consequence questions which few Indians of that day could have understood in all their bearings. In one word, the nomination of Indians² to the Legislative councils was a bold step in advance of the time. It is necessary to understand this to realise how fast India has progressed, or rather, how utterly unprepared India was for Western political methods and institutions in 1861. A chronicler of that time, echoing the impressions current amongst well-informed contemporaries, has remarked that "during the last thirty years India has so much changed that except for the colour of the people, and perhaps the climate, you would hardly recognise it as the same."³ And the change has gone on at an increasing pace, decade by decade.

The business to be transacted at the council meetings was expressly limited to the consideration and enactment of legislative measures, no motion was allowed except in reference to a bill, which was being introduced or under consideration; no measure was allowed to be introduced by a private member, except with the previous sanction of the Governor General, that might affect the national debt, or the public revenues, or impose any charge upon revenue, or affect the military and naval forces, or their discipline, or the religion or religious rights and usages of any section of the people. The rules of procedure were left to the executive. The power of parliament to legislate for India was reserved; the council was not to legislate so as to repeal or in any way affect any parliamentary legislation about India; nor so as to affect the authority of parliament, or the sovereignty or dominion of the Crown over British India, or the allegiance of any subject to the Crown. Laws passed by the Council were not to have validity if the Governor General withheld his assent to them. Laws passed but reserved by the Governor General for the pleasure of the Crown were not to have validity until the assent of the Crown had been notified through the Secretary of State in Council. And laws assented to by the Governor General went into force but became null and void again, if the Crown through the Secretary of State in Council disallowed them. These limitations and restrictions, may be summed up into two cardinal statements. Though establishing these legislatures the authorities in England were careful not to relax in the slightest degree the subordination to themselves of the executives in India. They were also careful to guard against all possibility of the new

organs weakening these executives in any way whatever. The councils had a standing official majority, and a preponderance of the executive out of all proportion to that majority. They were merely advisory bodies and even their function of humbly tendering advice was rigidly circumscribed. People expecting a legislature to be in some degree independent of the executive and able to exercise some check upon it, not merely by the indirect process of compelling the executive itself to reconsider matters but in some ostensible manner, were naturally disappointed with it and thought its title a misnomer.* The forms, delays, discussions, inquiries, and publicity necessary to good law-making were introduced but the will behind the laws that came to be made was the will of the executive. And, in consequence, parliament was able to hand over to the executive, within the bounds of its delegated authority, plenary powers of legislation. The Indian legislative council had power to make laws for all persons, all courts, and all places and things in British India; for Indian subjects, soldiers and camp-followers in any part of the world, and for British Indian subjects and government servants anywhere in India.† And these laws superseded laws and regulations made by any other authority in India. The powers of the local legislatures were restricted in the same way as those of the central council; they were further debarred from legislating about the tariff, currency, posts and telegraphs, patents and copyright, the Indian Penal Code, and other matters exclusively under the control of the central executive; and the laws passed by them and assented to by the Governor were not to have validity until also assented to by the Governor General. Finally, the practice soon grew up for the Government of India and the provincial governments to refer a bill to the Secretary of State and the government of India respectively and to obtain their assent to the principle involved in it, before its introduction into the legislative council.⁴

MUKHARJI, I 191-222: the text and Sir Charles Wood's speech, 6-6-1861.

ILBERT, pp. 99-103 and Ch. 3, Part VI.

MONTAGU-CHELMSFORD Report Sa. 54-65.

* Pritchard, I, pp. 113-4, 119-121, II pp. 225-6.
† Some of these powers were added later.

Section 32. The Indian Councils Act, 1892. Although exceptional men like Raja Rammohan Roy had begun to appear, the Indian people outside Bengal and the bigger towns were still, in the decade of the Mutiny, what we have called them in an earlier chapter, dumb and altogether oriental or mediaeval in their outlook. But English education spread fast, a "native" press began its political mission in province after province, a new literature was born in one vernacular and aims, and the English language and railways began to transform and unify Indian thought, aspiration and outlook. The number swelled to hundreds in every province of men who began to envisage the Indian political problem as a whole, to criticise the actions and resolutions of the executive from day to day, and to follow events in the outside world also and estimate their bearings. The proceedings of the English parliament and the vicissitudes of the party struggles there came to be a topic of absorbing interest to growing numbers in every Indian town. Above all, there was the increasing pressure from above of a foreign bureaucracy getting more and more unsympathetic and supercilious, and there also were two masses of the population in the Indian continent—the Muslim in the North the Maratha in the Deccan, who cherished memories of the bygone days of their own power and glory. India's demand that England do fulfil her deliberate legislative promises and solemn royal pledges, began as a continuous petition urged in a voice ever growing in volume and rising in pitch, from about the seventies. And, curiously enough, the first Indian, who came to be recognised and revered as the spokesman of India was the exceptionally modest, simple-minded and inoffensive Dadabhai Naoroji. Another short decade and the local political simmerings gave rise to presidency organisations, and out of them leapt into the forefront the all India annual gathering of the Indian National Congress. By the material test of numbers, resources, structure, or even out-put of work, it looked a negligible, an almighty to put forth as its accredited representative. But the average Civilian would have done well to see, as did the few Humes, Wedderburns and Cottons who formed a dwindling minority in the order, that the new institution was endowed with life and growth, and that the better mind of India would be behind it more and more.

The Indian National Congress asked for representative legislatures with wider functions from the very beginning of its career in December 1885. If the Government of India were ever inclined to favour the idea of a real transfer of power, however limited, to the people and their elected representatives, it could only have been for a very short time. But they were not unfavourable to elected representatives. And they as well as the Anglo Indian opinion set forth by chambers of commerce and other bodies, desired that greater and more regular opportunities should be afforded to the people to state their grievances and seek information, and to the executive to explain policy and reply to criticisms and attacks due to ignorance and misunderstanding. At the Jubilee celebrations, February 1887, Lord Dufferin indicated that Government were thinking of enlarging the imperial council and widening its functions. He appointed a committee to frame proposals, and these were submitted to the Secretary of State in 1888. Lord Lansdowne, who succeeded, submitted similar proposals in the following year. It was obvious that nothing could be done without a fresh parliamentary Act, as the Act of 1861 had provided for nominated members only and laid down strict restrictions as to numbers and powers. The Indian National Congress organised public opinion on the subject both here and in England, and asked that half the members of each legislature should be elected representatives, that the annual budget should be regularly submitted to the legislatures, that the members should be allowed to interpellate government, and that the Panjab should also have its legislature.¹ Charles Bradlaugh was present at the Bombay sessions of the Indian National Congress (December 1889) and introduced a bill on the subject into the House of Commons early in the following year. The Secretary of State also introduced a bill on the same subject in the House of Lords in the same session. Both were crowded out by other parliamentary business. The Secretary of State made a second attempt in 1891, without success. At length at the third attempt in 1892 the bill, as it had been amended by the House of Lords in 1890, became law. The principle of election was not embodied in the Act, as Lord Cross would not have it. During its passage through the House of Commons it excited keen interest. The following extract from the speech of Mr. (subsequently Lord) Curzon, then Under Secretary of State for India, at the second reading of the Bill, puts the whole matter briefly and clearly,

Mr. Curzon: "Coming to the concluding question, the mode in which these additional members were to be appointed, he noticed that the Hon. member for North Manchester (Mr. Maclean) had on the paper an amendment declaring that no reform of the Indian Councils which does not embody the elective principle could prove satisfactory. But the Bill, he had to point out, does not exclude some such principle, be the method election, or selection, or delegation, or whatever particular phrase they liked to employ. The fourth sub-section of clause I runs as follows:—

"The Governor General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor General, Governors, and Lieutenant Governors respectively, and prescribe the manner in which such regulations shall be carried into effect."

Lord Kimberley himself had elsewhere in an earlier stage of this Bill, expressed himself with reference to this clause as follows:—"I express my own satisfaction because I regard this as to a certain extent an admission of the elective principle....I myself believe that under this clause it would be possible for the Governor General to make arrangements by which certain persons may be presented to him, having been chosen by election, if the Governor General should find that such a system can be established."

Mr. Maclean: "Does the Government accept that view?"

Mr. Curzon: "Undoubtedly, Sir; the opinions expressed by Lord Kimberley are also shared by the Secretary of State."

Gladstone* in winding up the debate for his party agreed that the wording of the sub-section was so peculiar that it could not but mean an intention, a genuine and sincere intention, to leave room for the adoption of the principle of election, if it was at all found possible to do so. If so, the question arose should parliament prescribe election in so many words, or should it leave the matter to the discretion of the

* See Section 17, ante; Lord Kimberley as former Secretary of State for India when the liberals were in power spoke for his party in the Lords.

Governor-General in Council? This question Gladstone decided against Maclean and his liberal pro-Indian friends and in favour of the Government of India. Hence, although he said he felt "justified in looking forward not merely to a nominal but to a real living representation of the people of India," he deprecated a division, he felt it might convey a wrong impression, and concluded, "I certainly could not take part in any division hostile or apparently hostile to the Bill....We should do well to allow this Bill to receive the unanimous assent of the House."

On the more important issue of powers and functions, the Act only widened the opportunities of non-official members for "criticism, suggestion, remonstrance, and inquiry." So ended the first effort of educated India. Since 1861 a whole generation had passed by; a generation during which Universities and law courts had grown up from their first small beginnings into the most cherished of the modern institutions that England had sympathetically planted in India; a generation during which English had become the common language in India of the upper ten thousand, during which English literature and English history and politics were studied with an utter reverence beyond description and Indian youths were crossing the *Kala Pan*; in ever increasing numbers to drink of the fountain at the source. This spirit, this attitude of India towards England, has gone, never to return. The failure of parliament to seize the psychological moment and make a genuine beginning, however small, of representative institutions in India has changed all that, once for all.

However, the leading Congressmen both in India and in England bowed to the inevitable. The new Act gave—

- (1) Somewhat larger councils, and also, gradually, councils for some provinces hitherto without them.

The maximum number of "additional members" for the central council was raised from 12 to 16. For the provincial councils the maximum was fixed at 20 in the case of Madras, Bombay and Bengal, and 15 for U. P. Councils were established later for the Panjab and Barma (1897) with 9 additional members.²

- (2) The right of interpellation.

Any member might ask a question, if it was a request for information only, if its wording was not argumentative, hypothetical or defamatory, after due notice; the president might disallow any such question; and lastly, there was to be no discussion on the reply.

(3). The right to discuss the annual *financial statement*.

A printed copy was to be supplied to every member some days in advance, and at the meeting any member might discuss and comment upon any part of it, and offer suggestions, and the financial member, heads of departments (if nominated additional members), and the president might reply and wind up the debate. Though no resolution could be formally proposed or the house divided upon it, this was a great step in advance of the practice that had obtained, in the past thirty years; during which the Government had often contented themselves with placing the annual budget before the country merely in the form of a minute published in the *Gazette of India*.

Under the 4th sub-section of clause 1, quoted above, rules were framed under which ten non-officials (and not eight only) were nominated to the Governor General's Council; viz. these recommended, i. e. elected for the purpose, by the Calcutta Chamber of Commerce (1), and by the non-official additional members of the provincial councils (one each from Madras, Bombay, Bengal and U. P. and later from the Panjab, Barma, and Eastern Bengal and Assam also), and those others selected by the Governor General with a view to the legislative business before the council, and the due representation of all classes. To have nominated more than ten non-officials would have exposed the council to the risk of a non-official majority.

In the Bombay Council, under the rules framed, eight of the non-official members were nominated on the recommendation of the Bombay Corporation, the Bombay University, Municipalities, District Boards, and other bodies. The Governor nominated other non-officials also and the total number of the non-officials was to be at least 10 out of 20. The Bombay Government soon ceased to nominate the full complement of additional official members (10), so that for several years before 1909, their legislature was working with a non-official majority. The regulations for the "nomination" of non-off-

cials at Madras and Calcutta were similar; but in the last province, on a revision in 1908, one seat was given to the Zamindars.

MUKHARJI, I 228-245: the text and extracts from the speeches of Mr. Curzon and Mr. Gladstone.

ILBERT, p. 107 and Ch. 3, part VI.

MONTAGU-CHELMSFORD Report, Ss. 66-71.

Section 33. The Indian Councils Act, 1909. In 1813 and 1833 we have seen the influence of the thought currents predominant in England as modifying the policy of England towards India. Lord Ripon, again, during his viceroyalty was but the agent of English liberalism in trying to rear the plant of public life in India by his Local Self-Government Act of 1882. For the twenty years that followed the conservative party was in the ascendant in England, and it was a period of stagnation in India.* We have just seen how the principle of election was not introduced in the Act of 1892, although the Government of India was not against it. During the latter part of this period and especially after 1905 India was, as Gokhale said in the central council, "drifting into chaos."¹ But the liberal party won a sweeping victory in the general election of December 1905, and John Morley became Secretary of State for India in Sir Henry Campbell-Bannerman's ministry. His first measures had to be repressive,² as Lord Curzon's regime and especially his partition of Bengal had given rise to widespread discontent, organising itself both above the ground and under. But he very soon came to the conclusion that a further step in advance was also necessary, such as would render the administration progressively sympathetic and give the people themselves a growing influence and a larger voice in the deliberations by means of which a modern state shaped its public policy. The friction and delays he overcame were immense, in order to be able to overcome them at all he had to reduce his scheme to the indispensable minimum, to claim for its character, tendency and effects very much less than was justly due to it, and to keep his own authorship of it in the background, and his rip-

* *Dutt, England and India.*

statesmanship shone at its best in this strategy. Larger employment of Indians in the higher posts upto the highest, and decentralisation on an extensive and effective scale so that local self-government organs would be really self-governing and the provinces would develop from mere agencies and administrations into governments, were as essential parts of his scheme as the enlargement of the legislatures and their elevation from the position of mere advisory adjuncts to that of essential limbs of the government, wielding an influence, certain to grow full soon into real if not directing power. But he retired from the helm before the recommendations of the Decentralisation Commission could be worked out and even before the Islington Public Service Commission was appointed. Even his scheme for the legislatures the Government of India modified in the fundamental particular of communal electorates. And they weakened it as far as possible by means of rules and regulations drawn up under the Act. Still it is not too much to say that the vessel of state was drifting on to disaster when Morley took the helm and it was his foresight, firmness, and liberalism, coupled with the unique respect and confidence he inspired in the minds of all concerned (from the cabinet and the radical and labour M. P's in England, down to the leaders amongst the Civil Service as well as the moderates, and the Muslim and nationalist parties in India), which enabled him to make a fresh start, to make even the Civil Service realise that a central bureaucracy and Curzonian manners were evils of the first magnitude, and that, moreover, repression alone or in excess of a proved specific need, would never be tolerated by parliament or by England as their settled policy towards India. Thus it is not too much to say that to him belongs in an exceptional degree the credit of saving the cause of progressive constitutional reform in India.

The bill was introduced into parliament on February 17 and received the royal assent on May 25, 1909. It took the form of an Act amending previous enactments on the subject, and left a great deal to be provided by regulations and rules, which the executive connected with the particular legislature was to frame and the next higher authority was to sanction. All such proclamations, regulations and rules other than rules made by a Lieutenant Governor for the more convenient transaction of business in his Council, were also to be laid before parliament as soon as made. The Act provided that amongst

the additional members there were to be both nominated and elected members, and fixed their maximum at sixty for the council of the Governor General, fifty for the council of each of the major provinces, and thirty for the rest.³ And the Act further provided that rules shall be made authorising at these councils (a) the discussion of (i) the annual financial statement, and (ii) any matter of general public interest, and (b) the asking of supplementary questions, under prescribed conditions and restrictions.

The Secretary of State in Council had pointed out in his despatch (No. 193, 27-11-1908) that in the provincial legislature an official majority might be dispensed with, but that a substantial official majority must be permanently maintained in the central body. Under the rules and regulations the councils were so constructed from the first as to carry out both these principles.

The elected members of the central council were returned by (a) the non-official members of the provincial councils of Madras, Bombay, Bengal, and U. P., two each, and those of the other five provinces, one each; (b) the landholders of Madras, Bombay, Bengal, U. P., Bihar and Orissa, and C. P., one each; (c) the Muslims of the same five provinces, excepting C. P., one each, and another by Muslims of U. P. or of Bengal at alternate elections; and (d) by the two Chambers of Commerce of Bombay and Bengal: Total 27.

The twenty-eight elected members of the Bengal council were, under the regulations, returned by (a) the municipalities, district and local boards, and Muslims 5 each; (b) the landholders of the four divisions, excepting Chittagong, one each; (c) the municipalities or landholders of the Chittagong division, one member at alternate elections; (d) the Calcutta corporation, the elected commissioners of the same corporation, the Calcutta University, the Calcutta Trades Association, the tea-planters, and the Chittagong Port Commissioners, one each; and (e) two by the Bengal Chamber of Commerce.

Barma was treated exceptionally. The Chamber of Commerce elected one member, but the Government nominated four members to represent the Barmese, two to represent the Indians and Chinese in Barma, and two to represent other sections.

The details about the elected members in the other provinces are tabulated in a note.⁴

None but British subjects were eligible for election. Officials, females, bankrupts and insolvents, persons judicially found to be of unsound mind, and persons under twentyfive years of age were disqualified. And persons dismissed from government service,⁵ legal practitioners deprived of their sanads, persons sentenced to imprisonment exceeding six months, or transportation, or ordered to find security for good behaviour, and finally persons whose election the Governor General in Council, in view of their reputation and antecedents, declared to be contrary to the public interest, were also to be held disqualified, unless and until in any particular case the Governor General in Council waived the disqualification by a written order. Females, minors and persons of unsound mind were also disqualified for voting at the elections. The elected members were to serve for three years, but the members nominated to the councils by the government might be nominated for any shorter term. In constituting the electorates various methods had to be adopted, according to local conditions, and even so, not a few of the electorates were experimental, some of them were avowedly provisional until better ones could be devised and there were also cases, e. g. the Panjab Muslims and landholders, and the various sections of the Barmese population, in which no electorates were formed at all, and selected representatives were nominated to the councils. Most of the electorates were indirect. And in the direct electorates of Muslims and landholders, the qualifications required for a vote varied greatly from province to province.

Critics of the Act of 1892 have observed that although the principle of election was not adapted in words it was adopted as a fact.* Critics of the Act of 1909 have observed that though the principle of election was adopted in words, the legislatures created were such as could not be accepted as representative in any real sense.† Both criticisms rest upon facts obvious to all. Enlightened Indian opinion felt nevertheless that the Act of 1909 was a great step in advance of the Act

* Report I. C. B., S. 60. † Report I. C. B. S. 83; *Dyarchy*, pp. 360-3.

of 1892. Political freedom, as the West understood it, was unthinkable without representative legislatures; without bodies composed of elected representatives of the people. In 1853, 1858 and 1861, it was held impossible to constitute such bodies in India. Indian political effort concentrated more and more upon getting this judgment quashed. Citizens, in the Western sense, were primary voters whose representatives in constituted assemblies controlled the executive government in general policy and daily administration; this and this alone was political freedom; this and this alone was true civilian citizenship. Indian political opinion aspired to that citizenship, at first in British India itself, and then in the British Empire as a whole. It failed in the attempt in 1892, but succeeded in 1909. The acceptance of the principle by parliament was, from the Indian point of view, the main battle. At last was made the longed-for start, and the only destination possible was the status of "the king's equal subjects."*

It is too mechanical a view of political moments to judge them by the new scaffolding. The meaning of an advance is as a rule better indicated in the new functions assigned, the new goal set. No change was made, none was intended,† nor even expected,‡ in the essential subordination of the legislatures to the executive. Lord Morley emphasized this repeatedly. It does not follow, however, that his critics, from Lord Curzon downwards, were incorrect in pointing out, that though he "assured us that he had no ambition to set up any sort of parliamentary system in India, or even to share in the beginning of that operation, it will inevitably be the consequence of his act".‡ Lord Morley certainly desired an association of the representatives of the people with the executive; an increasing association as the representation improved and the representatives acquired experience and outgrew the stage of negative irresponsible criticism; when or how this was to grow into influence and pressure, and that into parliamentary control, he left to the future. Through what events—enlargements of the electorates, deadlocks in the legislatures, conflicts between the provincial and central governments—this future might have been shaped or how soon, it is impossible to tell,

* Lord Morley used the phrase in his speech, 23-2-1903; Gokhale quoted it enthusiastically in his budget speech, 25-3-1909.
† Reform Despatch (No. 193, 27-11-08, para. 22).
‡ Curzon's speech, 2nd reading Debate, 23-2-03.

for in less than five years, the Great War burst upon the world, and altered everything.

The association that was desired was rendered possible by an increase in the criticising and deliberative functions of the legislatures. Members could now follow up their interpellation by a supplementary question though under the same stringent safeguards as formerly. They could move resolutions, in so far as allowed by the president, and on subjects of public interest not excluded from the competence of Indian legislatures by the Act of 1861, nor *subjudice* at the moment, nor affecting the relations of the government with a foreign State or a Native State. In the debates that followed, speakers were subjected to a time limit, amendments were allowed, and a resolution if carried, had according to the letter of the regulations no more effect than a recommendation. But of the 168 resolutions moved in the central legislature from 1910 to 1917, 24 were accepted by the executive and 68 were withdrawn by the members either because the debate showed the inadvisability of pressing them, or because the executive undertook a sympathetic reconsideration of the matter. Seventy-three of the Resolutions might "be described as fruitless. In not a few instances substantial results were obtained". "The view taken at the time that this concession was perhaps the most important of all the changes, was (thus) justified by experience".*

It is impossible to arrange the various parts of a complex scheme in the order of their importance and effectiveness. All the parts were designed to help materially in the desired dilution of irresponsible autocracy with popular influence. Where enumeration or other mechanical tests can be applied, the result can be stated in statistical or other definite forms; but it does not follow that the results were inferior in the case of those other parts of the scheme, the operations of which were not easily amenable to mechanical analysis.

Even under the old constitution of the legislature the debate on the budget had, in the central council, afforded to the diplomatic and resourceful persuasiveness of Gokhale an excellent means to bring popular opinion to bear upon the finan-

* Report I. C. R. S. 94. For resolutions in the provincial legislature see S. 98.

cial policy of the government. What he was thus able to achieve from 1902 to 1909 is all the more noteworthy when we remember that his greatest triumphs were won while Indian policy and finance were under the guidance of two such dominating personalities as Lord Curzon and Lord Kitchner.⁷ Under the Act of 1909 the opportunities conceded to the representatives of the people to influence the budget were multiplied. The regulations, as finally modified in 1918, provided for a general debate on the preliminary estimates, called the financial statement, followed by a debate on such resolutions as the members might move, and, when all such resolutions were disposed of, by an explanation of the various parts of the statement under convenient heads or groups of heads. At this stage also resolutions were permitted on certain heads of revenue and of expenditure. And, finally, the Budget proper was presented to the council on or before the 24th March, when again the Financial Member, the official members in charge of particular heads, and the President might enlighten the council on the differences between the final and the preliminary figures, on the reasons for the adoption or rejection of the resolutions, and on other topics. In the provincial councils, the preliminary statement was submitted to a committee of the council composed of official and non-official members in equal numbers. The provincial government then drew up a revised statement in the light of the discussions in this committee, submitted it to the Government of India for provisional approval, and then presented it to the council as a whole; the proceedings thereafter were of the same character as in the central legislature.

One more feature of these new councils has to be noted. A representative is a man whom a constituency sends on their behalf to an assembly because of their general confidence in him. He knows their particular views, but in the assembly he is perfectly free to decide for himself how he is to vote.⁸ A delegate, on the other hand, is a mere agent and holds himself bound to vote in accordance with the views of his constituency, even though his own opinion of what the interests of the nation as a whole required might be different. How were the official members to speak and to vote in these assemblies, and the non-official members nominated by Government? From 1861 to 1892 the non-official members were free to speak and to vote according to their own judgment, for although they owed their

nomination to the government, it was understood that they were nominated as the best men who could be found to voice the feelings and opinions of the people in the legislature. The members of the executive council on the other hand, were the government; although any of them might differ strongly from his colleagues, and although he might have exerted himself to the utmost in the privacy of the executive council to influence and alter their views, when a measure came before the legislature as a government measure, he was bound to act and to vote with his colleagues. This was not however always realised, and, as a matter of fact, "when divisions in the councils were recorded, it was by no means unusual that official members were as much divided among themselves as the non-officials."⁹ Hence it was, that the question, how the officials who were not members of the executive government were to act and to vote, did not arise during this period in an acute form.

The reform of 1892 brought not only enlarged councils, but a new class of member: the 'nominated' non-official who was for all practical purposes an elected member. He began to undertake the role of 'His Majesty's Opposition', and his example also acted upon the non-official member who was only nominated. Moreover, the provincial official in the central legislature spoke up for his own province, and in the provincial legislature, often voiced local or departmental views as distinguished from the secretariat or government views. Modern civilised governments even when autocracies in fact are in appearance governments by persuasion, and must, in the long run, command the intellectual ascendancy of better information, larger views and more solid arguments than their critics, and the formal ascendancy over them of a majority of some kind at the back of their decisions. The debates grew in interest, and the voting, when there was any, could not always be left merely to the balance of the argument and the good sense of the members. Government urged that all the officials were bound in honour to support them both in the debates and the voting, but especially the latter. There were protests against this from time to time, but as a rule, the sense of discipline and solidarity prevailed. Thus arose the 'official bloc'. This however was not enough. Government by persuasion necessarily needs honest and independent support, high in quality even if small in quantity. Official support even when absolutely honest and independent is generally discounted as merely official. A change of heart, a policy such as

would beget trust and co-operation, a spontaneous leadership of the people putting forth measures, both administrative and legislative, such as would remedy or remove grievances, elevate the status of the people, and secure their material and moral progress in increasing volume, would be the noblest way of winning such honest and independent support. In other words, a benevolent despot or a philosopher-king such as Plato dreamed of is theoretically the best means to bridge over the period of transition from a despotism to a democracy. But autocracies in power are rarely able to adopt such a policy of gradual and progressive self-effacement, or to pursue it steadily for long. And, in any case, in the concrete world as it is, neither are the issues so plain, nor are the remedies so easy. Is the goal of a democratic government and society the best goal for us? People differ. Best or middling or worst, is it practicable, can it be attained? There are again differences of opinion, thoroughly honest and passionately held. Granted for the sake of argument that we can all agree as to the goal, honest differences of opinion would again emerge at every step as to the rate at which we should or could advance in that direction, and as to the concrete measures to be adopted at any time. And faced with such differences of opinion in a legislative assembly, the members of the executive government whose duty it is to obtain a majority for their measures, and who, besides, are not in a position to accept an adverse majority vote as a decision bringing them a release from responsibility, are inevitably driven by the pressure of the situation, to adopt various arts to secure what they need so badly, viz, a majority clinging more or less uniformly to their own side and containing at least some elements in it (occasionally, if not always) of really honest and independent support. Thus we discover, as the situation develops, the non-official European members, nominated or elected, usually casting their votes with the official bloc; the executive government exercising their power of nomination so as to obtain representatives of the people or of some section who are also 'safe' and pliant; and executive officials manipulating elections and constituencies in various ways, more or less indirect. Soon precedents create practices, these again win recognition as rules, and express orders follow, general or occasional, published for all to read or confidential. "In plain words, moderates" and non-party men both amongst officials and non-officials, Indians and Europeans, "are forced into the camp of extremists.... Wherever this system has been long continued, Government by 'influence'

has set in, degenerating into government by intrigue and ending in government by corruption."* The only remedy is Government by executives really responsible to representative legislatures.

To avoid misunderstanding, we have to add in conclusion, that the above is a description of evil tendencies necessarily inherent in every system of elected legislatures not armed with control over the executive. The more representative the legislature, the more certain is the degradation of politics, unless and until the executive—through deadlocks, conflicts, dictatorships, and other incidents—drops its autocratic character and becomes responsible, until the political sovereignty is transferred as a matter of fact to the active minded amongst the people, whatever the changes adopted in the form of the constitution. The course of political development in India could not entirely escape this tendency to degradation. That it was escaped, however, to a great extent, was due to several circumstances. The Indian legislatures from 1892 to 1909 though containing representatives who were really elected, were in numbers mere toy assemblies, nor could they claim a representative character. And when larger and more representative legislatures were introduced by the reforms of 1909, they had, luckily for India, but a short span of life. In less than five years the Great War was upon us, and brought about a radical change of constitution. The system of 1858 was cast aside, India ceased to be a dependency ruled from above, the principle of partnership was accepted for her relations with the other members of the Empire, the principle of responsible government was accepted for her internal constitution, and the only questions which remained for consideration were, how far these principles were to be applied immediately, and through what stages they were to be further developed to a full logical consummation.

MUKHARJI, I pp. 245-385: the text, extracts from minutes, despatches, speeches, resolutions, and the Central Council Regulations as amended upto 7-2-1918.

ILBERT, pp. 102-125 and Appendices I, II and V.
MORLEY, Indian Speeches (Macmillan, also Natesan); also, *Recollections*, Bk. V.

CURTIS, *Dyarchy*, pp. 368-380.

MONTAGU-CHELMSFORD Report Ch. 4.

* *Dyarchy*, p. 372.

CHAPTER V: NOTES.

SECTION 31.

1. The analogy of the Indian Raja's 'court' will be found in Sir Bartle Frere's minute of 1860 on the subject. (Extract in *Mukharji*, I p. XXIII. Sir Syed Ahmed had also observed in his pamphlet on the Causes of the Mutiny that there was nothing in the Indian Government "to warn us of dangers before they burst," and had asked that there should be Indian members on the legislature (*Ramsay MacDonald*, p. 8).

2. Non-official Europeans of the mercantile and settler classes were also nominated; these men, too, were then little better than exponents and champions of their own class interests and privileges.

3. I. T. Prichard, *Indian Administration*, 1859-62, 2 Vols, 1 p. 131. See also his introductory chapter. For an earlier witness see Kaye, *Administration E. I. Co.* (1853):—"The physical improvement of the country and the moral improvement of the people are advancing, under our eyes, with a rapidity which would fill the bygone generation of Indian administrators with as much astonishment as the ancient race of soldiers would experience at the sight of the magnificent dimensions of our Indian Empire" (p. 267).

4. For a favourable estimate of the Laws enacted by these subordinate legislatures see Hunter, *Maye*.

SECTION 32.

1. First I. N. Congress, Resolution III; II Congress, Resolutions II-V; III Congress, Resolutions II, N; IV Congress, Resolution I; V. Congress (1889) Resolution II; VI Congress, Resolutions I and VIII; VII Congress Resolutions II, XII, XIII. Bradlaugh died January 30, 1891.

2. When Eastern Bengal and Assam was separated from Bengal (1905) it was given a council with 15 additional members for legislative purposes. Panjab and Barma were treated as 'minor' or 'backward' provinces i.e. the legislatures there established were of the 1861 pattern.

SECTION 33.

1. The Prime Minister (Mr. Asquith) referred to this statement in the debate on the second reading (April 1909) and added: "I do not say

CHAPTER VI.

COURTS AND POLICE.

Section 34. Under the Company. From lawmaking organs we pass on to courts whose function it is to apply and administer the laws, and then to the police, the protectors of the people from criminals. The presidency towns had Mayors' Courts from 1726, and their powers had been enhanced under revised letters patent in 1753;¹ the president and council formed a court of appeal and final appeals in cases involving sums exceeding Rs. 4,000/ lay to the King in Council. There also were wherever the Company were Zamindars, zamindari courts, and in Bengal, soon after the acquisition of the Diwani, civil and criminal courts, with the *sadr* *adalats* at the top, had been taken over by the Company. Then followed, in Bengal, the Supreme Court by royal charter (26-3-1774). The conflict between the indigenous courts and the Supreme Court was moderated by a working compromise and by amending legislation. Lord Cornwallis reorganising the system established district courts, provincial courts of appeal, and the *sadr* or highest and ultimate courts for civil cases as well as criminal trials. "Every civil servant has looked upon 1793 as the commencement of a new era. The Cornwallis Code, whether for revenue, police, criminal and civil justice or other functions, defined and set bounds to authority, created procedure, guarded against the miscarriage of justice, and has been the basis of every attempt to introduce law and order into each successive acquisition of districts and kingdoms." And, above all, he introduced the principle of the supremacy of law by laying down the rule that "the official acts of the Collectors might be challenged. In the civil courts, that Government itself might be sued like any private individual, and that such suits could only be cognizable by judges who had no direct or personal interest in enforcing the claims of Government". This foreign autocracy thus "divested itself of the power of infringing in its executive capacity the rights and privileges which it had conferred in its legislative capacity".* *Recorders' courts* succeeded Mayors' courts at Madras and Bombay in 1798, to be replaced in turn by supreme courts, at Madras in 1801, and at Bombay in 1824. District, provincial and *sadr* Courts, criminal and civil, were

* Cornwallis, pp. 94-7.

created in both presidencies as they acquired territories by wars and treaties, and on the Bengal system; and as subsequent governors-general introduced changes in Bengal, they were adopted in these presidencies also. Thus district judges became district and sessions judges with criminal as well as civil powers, collectors and their higher assistants became magistrates,² and the intermediate provincial courts between the district and the *sadr* courts were abolished. Then followed the charter of 1833. The expectation that Englishmen would resort to India in numbers, had its influence upon parliament; and a codification of law, a standardisation of procedure and a single system of courts were seen to be necessary. Law Commissioners and a Law Member of Council were accordingly appointed and the best men available were chosen for the posts. But, as George Campbell (who later rose to be Lieutenant Governor of Bengal) justly remarked, England then had hardly any jurists amongst her lawyers.³ Macaulay, he admitted, had great and versatile talents, but he added, "in these days of division of labour it may be doubted whether any man can become master of many great subjects; and assuredly of all tasks requiring the perfection of human skill, one of the most difficult is that of forming codes of law for a great country, strange to us, in which much that is indigenous had become disorganised, and little had been done to analyse the mass of old and new laws and customs." And if Macaulay was no jurist, "the men of Indian experience (added to the Commission) again were no jurists"* either. No wonder, the Indian Penal Code and the codes of Criminal and Civil Procedure, which they set about to compile took many years and even when completed excited a certain amount of quite legitimate opposition and dissatisfaction.⁴ The Code of Civil Procedure became law in 1859 and the Code of Criminal procedure in 1861; both have been repeatedly amended and improved since; the Indian Penal Code became law in 1860.

Section 35. The Indian High Courts. The Indian High Courts Act, 1861, abolished the supreme and *sadr* courts and established High Courts instead, one for each presidency; their original jurisdiction, civil and criminal, was limited to the presidency towns, but they were otherwise constituted the highest judicial authorities in and for their presidency, superintending the work of all the other courts, and regulating

* P. 220.

their practice. The Judges were to be appointed by the Crown, one-third of the number including the Chief Justice were to be barristers and another third were to be members of the covenanted civil service. The Act also empowered a fourth high court to be established, and the Allahabad High Court thus came into existence in 1866.

The Indian High Courts Act, 1911, increased the maximum number of judges from sixteen to twenty, provided that 'additional' judges could also be appointed, each for a period of two years, and empowered the creation of other high courts as they might be needed. This enabled the Bihar and Orissa High Court to be established in 1916 and the Panjab High Court in 1919. Chief Courts and Judicial Commissioners' Courts derive their authority from Indian legislation.

These are the highest law courts in British India. Appeals from them to England are appeals to the King in Council, that is to the Judicial Committee of the Privy Council. The conditions of such appeal are regulated by the charters of the High Courts and the Procedure Codes.

The High Court judges, additional judges, chief court judges, judicial commissioners, and additional judicial commissioners in British India numbered seventy-three at the end of 1920; and sixteen of these posts, including one chief judgeship, were held by Hindus, five by Muhammadans and one by a Barman. This total of twenty-two includes two Hindus belonging to the I. C. S., five Hindu barristers and three Muhammadan barristers; only twelve out of seventy-three posts have as yet fallen to Indians who could not have risen to them as civilians or as barristers-at-law.* This little analysis of the facts is interesting in view of the repeated admissions of the bureaucracy that "natives have shown themselves eminently qualified for the performance of judicial duties" that "the largest possible share in the administration" should be given to them, and that "in some branches of the service there is almost no limit to the share of public employment which they might properly receive".† Again, "the names of Dwarka Nath Mitter in Bengal, Muttuswami Ayyar in Madras and Ranade in Bombay need only be mentioned to prove that Indians have

* Compiled from the *Indian Year Book*, 1921. † Strachey, p. 546.

occupied seats on the benches of the chartered High Courts with distinction."* And yet we find at the end of 1920 that the actual figures reveal the magnificent proportion of twelve out of seventy-three, nine Hindus, two Muhammadans and one Barman.‡

MUKHARJI I, pp. 386-430.

ILBERT, Ch. 3, part IX.

Section 36. Lower Courts, Civil and Criminal. For the administration of criminal justice there are (1) third class magistrates' courts with power to inflict a fine upto Rs. fifty and imprisonment for one month; (2) second class magistrates' courts with power to fine upto rupees two hundred and sentence to prison for six months; (3) first class magistrates' courts which can fine upto Rs. one thousand and sentence to prison for two years;‡ and higher than these (4) sessions courts, as a rule one for each district, which can inflict any punishment authorised by law, subject, in the case of capital sentences, to confirmation by the High (or Chief or Judicial Commissioner's) Court. The amount of the punishment mentioned indicates but roughly the various offences which each of the courts can try. The offence of trespass, for instance, varies from a simple house trespass to housebreaking and trespass by armed men who might also cause, before they leave the house they enter wrongfully, grievous hurt or worse to one or more of the people they find there. The first offence any third class magistrate can try, the last would have to be committed to the sessions. The powers of the magistrates vary also with the nature of the offence. Defamation, for instance, is not so serious an offence as theft, but while a third class magistrate has power to try a man on a charge of defamation, since it is far more difficult to decide in such cases whether the offence was really committed and what should be held to be the degree of the guilt. Again, offences against the state such as sedition stand in a category of their own. The lower magistrates might not have the courage and independence necessary to acquit a man when it is the state that brings up a charge against him; or even if some of them possess these qualities,

* Gazetteer IV, p. 152.

few of them would be given that credit by the accused or by the general public. A first class magistrate is therefore the lowest court empowered to deal with such cases.* These illustrations show that the powers and mutual relations of these courts cannot be settled on a simple logical plan, but various considerations have to be practically balanced, and a system such as will work has to be put in force by the supreme legislature of the land. For British India it is the Criminal Procedure Code that lays down the system, going into a deal of detail for the purpose. It also views a criminal trial from beginning to end and prescribes what the judge and the accused, the prosecutor and the defence pleader, the witness, the assessor and the juror, must and what each must not, as also what each might and might not, do throughout the trial. Every detail prescribed, prohibited, or permitted, is carefully designed for the protection of innocence and the furtherance of justice.

The magistrate has a double personality. To judge the accused judicially and impartially about the crime he is charged with and on the evidence produced and admitted is only one part of his functions. Besides this judicial capacity he has another, which might be called investigatory. Magistrate and police have to work together in the prevention and removal of public nuisances, the prevention of crime, and the bringing up of the accused to stand his trial; and while performing these duties magistrates have to act as checks upon ignorant police zeal or inveterate police mal-practices, and to see that the police do not behave illegally or harass people for nothing. The police must have certain powers for the adequate performance of the necessary functions which a complex modern society finds itself forced to entrust to them. But these powers are there with the police, as poison drugs are there in the doctor's medicine chest; only the right drug is to be used, only on the right occasion, only in the right manner, only upon the right person, only in the minimum dose, and only for the minimum period of time. The doctor knows the potency of the drug, the rigid limitations fettering his discretion on every side, the risks of the slightest negligence, and he has no temptation to overlook these, indeed, every motive to observe them with all possible care and caution. The policeman's case is entirely different. The policeman's pursuit of crimes and

* Criminal Law Amendment Act, 1903.

criminals and suspected characters and obscure situations and shady circumstances might itself easily become the worst of crimes against law and peace and order. The watchdog might destroy the peace of mind of the poor flock long before he actually preys upon them. Hence it is that the law links up the magistrate with the policeman at almost every step in the latter's performance of his duty; the magistrate is so to speak a heart and a conscience superimposed upon the policeman, which the latter is bound to report to and to consult and to obey; which of its own accord asserts itself every now and then and compels its eyes and ears, hands and legs—the police man—to better fuller prompter obedience. This is the essence of the complex relationships which the law of civilised societies sets up between their magistrates and their police officers; relationships described in quite a maze of technicalities and unavoidably involving not a little latitude of discretion in the mutual behaviour of the two parties. Lastly, a man is moulded by the work to which he sets his hand, and by the particular class of people he has to deal with and outwit. To the policeman the people around him are either criminals or people who could, if they only would, help him in the performance of his duties against criminals. And the magistrate has to restrain this police temper and attitude of mind at every step. The magistrate, in his capacity as an investigatory or preventive officer, need not quite adopt the principle which is obligatory upon the judge, that every one is innocent until proved guilty—he has to handle matters long before they are ripe enough for submission to a judge,—but still from the point of view of society at large, he would perform his duties all the better, if he goes on the maxim that policemen are bunglers, and so, if whenever in doubt, he gives his decision against the policeman and in favour of the citizen hauled up before him.²

The magistrates in the presidency towns are called presidency magistrates, their grades, powers and mutual relations are different. There are also honorary magistrates and justices of the peace. In some provinces the village headmen and police patels are petty magistrates or quasi-magistrates; in cantonments, again, the difference of system is not confined merely to details and names of the posts; in N. W. F. P. and British Baluchistan local institutions, like jirgas (council of elders), are utilised; but the essence of the matter is as it has been described above in broad outline.

The system of civil courts can be dealt with more briefly. (1) There are arbitration courts for the simpler cases, but these are far from popular. (2) For petty money suits there are Small Causes Courts where experienced judges give quick decisions at small trouble to the parties. The powers of these courts are greater in presidency towns than in mofussil areas. (3) Presidency towns have also insolvent debtors' courts since 1848. (4) The Madras City Civil Court Act, 1892, created a City Civil Court which can deal with suits of a value not exceeding Rs. 2,500, with strictly limited powers of amercement of property in execution of decrees. Such courts should be established for all the larger towns. And we have the courts of (5) the district judge (in some places also an additional or assistant judge), (6) the first class subordinate judge and (7) the second class subordinate judge for the mofussil, and (8) the High Court itself, in its original jurisdiction for civil suits in the presidency towns. Each court has a fixed status and can entertain suits arising in a certain area and not exceeding a certain value. Every suit goes to the lowest court competent to try it but may be taken or transferred to any other court of equal or higher status.

Appeals are allowed very liberally both in criminal and in the civil cases. First appeals are generally to the next higher court; second appeals go to the High Court and for really important suits the party feeling aggrieved can, under certain circumstances, go up even to the Privy Council. The High Court can also order reviews, revisions or retrials. And special points of law may be referred by a lower to the High Court for decision, in cases in which no appeal lies.

This system grew up as a result of various influences. The Supreme Court, the Chief Court, and the High Court, when introduced, were each in advance of the requirements of the country, the feeling was that government owed to the people a better administration of justice than had till then been provided, these new institutions were the instruments through which the reformation was to come about, and it was natural to allow people to profit by the new blessing as much as possible. Secondly, the codes of Civil and Criminal Procedure when first introduced were also a big step in advance. Even in the regulated provinces, "the evidence was (till then) taken by uneducated *mohurrirs* and read over to

the judge, whose judgment was afterwards written by the *sarishadar*. The judge thus tried after a fashion perhaps five or six cases at once. Such a system was not "simple substantial justice unfettered by forms, but it seems to me a mere imitation of justice in which the correctness of the judgment must have been very much a matter of chance".* But that no system was what the district magistrates and judges all over the country had been accustomed to, and it was felt that some years at least must elapse and a fresh set accustomed to the stricter system of the new procedure must grow up, until the courts could be fully trusted and left as a rule to themselves. Thirdly, when from the time of Lord William Bentinck Indians who had obtained some instruction in law came to be appointed as munsifs and subordinate judges, the people in the beginning looked at them askance, and they wanted a decision from the Huzur, either the Magistrate or the Judge. Lastly, the judge has to decide after all according to the evidence; unless the evidence is full and fairly reliable, no conceivable system can educe a right decision out of it. Now, in the old days which are delineated for us in the writings of the age of Sleeman and Meadows Taylor, the Englishman went into the village community or the bazar; the craftguild the temple or the fair, he appeared on the spot only a little while after the dispute arose, and the complainant, the defendant, their witnesses, the elders and repositories of custom, the learned in the law, public opinion and social and religious influences, were all there, every detail came out and was checked, and in that full glare of the Indian sun beating equally upon all, the gods whom Indians acknowledged were also present, the pieties and chivalries Indians responded to were also felt, the complainant was fain to reduce his complaint and the defendant to admit his crime or negligence as far as possible, and the Englishman had the happy privilege of being the universally trusted medium, through whom the good sense of the community as a whole corrected its more violent and erratic members, and maintained peace and executed justice. These idyllic conditions, however, could not last. The heroic dawn of shikaris and *budmash* hunters who were also Daniels was transitory, and gave place to a morning during which the administration of justice was given over to the *mohurrir* and the *sarishadar*. The educated munsif and subordinate judge were a vast improvement upon these, but in the meanwhile, that other vital condition of securing

* Sir J. Stephen's *Minute*, Ch. 2.

full and fairly reliable evidence, had somehow slipped out of the fingers of our foreign centralisers. Not that they were not aware of this. Campbell noted in 1852,—*

"The longer we possess any province the more common and grave does perjury become, and the more difficult to deal with. The judicial oath, as it is used, does not in the very least affect the evidence. And yet this is not because the religious sanction of an oath is unknown to the people. On the contrary, it was nowhere stronger; and this is another of the changes caused by our system. In a new country amongst the Jats of the North, I found that a solemn oath was astonishingly binding".

They existed in full force in the pre-British days, the headmen, their solemn oaths, and their influence with the people. They survived into the British system for some time, but they did not suit the British centralisation of all authority and influence into British hands, and lingering on for a space long or short, according to the sturdiness of the people, disappeared throughout British India. One consequence was, in Sir J. Stephen's words, that the "people appeared to regard falsehood in an European court as absolutely no crime or sin at all". And it is to this that Sir J. Stephen himself principally attributes the liberality shown by the codes in respect of appeals.†

One of the considerations repeatedly advanced in the official literature on the subject is that the absence of a press and of a strong bar in India left the careless incompetent or corrupt judge without any check, and it was therefore necessary to give the client an extensive right of appeal. This was perfectly true in the sixties of the nineteenth century. It was also the case that the laws and the procedure then recently enacted were not very familiar to the Indian and Civilian judges of the day. The need to centralise was also at the time paramount. Lastly, a new conception of law, a new ideal of the supremacy of law had to be introduced amongst an alien people. Thus, historically speaking, the new system of the administration of justice had ample justification. There might be reasonable difference of opinion about some of its features, and more of its details, but its fundamental principles

* P. 486. † Ch. 3; Ch. 5, etc.

and the broad outlines of the organisation by which they were applied to the functions undertaken could hardly be impugned.

But like the political constitution created for the governance of India at the same time, this judicial system has been maintained almost unchanged throughout the period from 1858 to 1920. Why? Reasons for improvements were accumulating fast decade by decade. The judges, the lawyers and the people had all progressed at a phenomenal rate during the interval; but the system remained as it had been planned when introduced, although many of the grounds on which some of its most questionable features were defended then were admittedly of a purely temporary character.

The blame must rest to some extent at least upon Indian lawyers and barristers and judges as a class. The Indian bar has not yet developed sufficient corporate sentiment to enforce a high standard of professional morality or to restrain and reclaim and reduce the number and the influence of the black sheep among them. If the people have taken full advantage of the right of appeal, if they have failed to get the full benefit out of the facilities for arbitration allowed by law, if they can still be charged with litigiousness and an insufficient regard for truth and fair play, and a readiness to adopt any means to gain their suit or gratify their grudge, the lawyers without whose advice they dare not take a single step in such matters, cannot be acquitted of all blame. Indian lawyers have proved themselves good citizens and excellent patriots and rendered most invaluable services to their country politically and socially. Let them prove themselves equally good citizens and patriots even as lawyers.

It might be objected that 'public spirit even as lawyers' is but a phrase, and that 'restraining, reclaiming and reducing the numbers and influence of black sheep' is rather a tall order. So we might give a little space to another concrete suggestion or two, but equally far-reaching in character. "Of what use" asks Sir F. Lely "is the extinction of bribery if it is replaced by stamps and fees to pleaders? I have myself seen the accounts of legal expenditure incurred by a small landholder in fighting through all the courts for his son who was charged with murder. The total amount was Rs.

7,882-8-0,3 which of course meant hopeless debt."* The stamps and the charges for certified copies of papers etc.⁴ are matters, for government and it is of course scandalous that government should charge so much in this poor country on all such counts in criminal and civil cases as not only to recover the costs of their extremely topheavy dilatory and wasteful department, but even to make a net income. The plea that high costs check litigiousness is a mere sophism and is twin-sister of the plea that high excise rates check drunkenness. But the 'fees to pleaders'? No one wants criminal lawyers to abate a pie of their gains from forgers, gamblers, and other pests of society; honest men with the instincts of gentlemen should feel a reluctance to try to defend such people and would be perfectly justified in charging fancy rates for such unpleasant though necessary tasks. But amongst the accused there always are a number of people who are really innocent, and moreover, really deserving of sympathy and help. Have lawyers as a class ever attempted to distinguish such cases and treat them differentially? How can they expect the public to show real sympathy for them as a class, if the only social rule they habitually follow is to make the maximum profit out of their neighbour's difficulties and misfortunes? Lastly, it is in the hands of the practising rank and file of the profession, much more than in the hands of legislature and judiciary combined, to give the country, in Dalhousie's pithy words, "a system of justice which will satisfy common sense". How can they expect the public to feel sympathy for them as a class while in the performance of their daily duties they behave as ministers and guardians of mere forms and ceremonial rather than of substantial justice?

CHAILLEY, Bk. II, Chs. 4. and 5.

H. H. the AGA KHAN, India in Transition: Ch. 11.

Section 37. Separation of Functions. In the ryotwari provinces the officers of the revenue department are also the 'judicial courts' from whom people have to try to get redress against themselves. Again, in the Bombay Presidency, if a ryot felt after a new settlement of the revenue that his assessment had been fixed too high his only remedy was a

* Suggestions, p. 27.

petition to the Revenue Department, which forwarded it 'for report' to the Survey Department and there was no reply.¹

The joint Select Committee of the houses of parliament appointed to consider Mr. Montagu's Government of India Bill, 1919, observe in their Report—

"That the imposition of new burdens should be gradually brought more within the purview of the legislature. And in particular, they advise that the process of revising the land revenue settlements ought to be brought under closer regulation by statute as soon as possible. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the wellbeing of the revenue payers."*

The claim of the Government of India has all along been that the right to land revenue was an immemorial right of the State in India, that they succeeded to it by conquest, that the Indian States whom they replaced were autocracies who did not tax people by legislation, and that this was one of those prerogatives of the Indian State which was theirs independently of parliament or of the legislatures set up by parliament. But the Government of India Act, 1920, has cut away these foundations from under them. A new era is beginning. The recommendation of the joint committee quoted above will have to be carried out at no distant date. And the popular legislatures who will make the enactments will also consider at the same time, whether the ryot having a grievance against the revenue and survey departments should have arbitration courts to go to, manned by the elders of the people, or at least judicial courts manned by officers independent of those departments, or whether the present system was to continue unchanged.

A question that has excited far greater controversy is the union of executive and magisterial functions, which distinguishes the organisation of the district administration. The principal revenue officers of the district are also magistrates, and in their magisterial and administrative capacity

* P. 12.

are the subordinates of the head of the district, who is both Collector and District Magistrate. This "strange union of the functions of constable and magistrate, public prosecutor and criminal judge, revenue collector and appeal court in revenue cases"² has been repeatedly condemned from the time of Lord Cornwallis. Mr. (afterwards Sir) J. Grant condemned it in 1854, pointing out that it had become all the more objectionable since the judicial powers of magistrates had been "raised six times higher than they were in the days of Lord Cornwallis." The Court of Directors advised a little later (Despatch No. 41, judicial, September 1856) that the administration of the land revenue should be separated from the police, and that the management of the police should be taken out of the hands of the magistrate. But the Police Commission of 1860 came to the conclusion that the union, however anomalous and indefensible, was in the circumstances of India, unavoidable, as a practical and temporary convenience, at least in the exceptional case of the district officers. Act V of 1861 thereupon gave fresh legislative authority for a system which has continued ever since. In the debate on the second reading, Sir Bartle Frere said on behalf of the government, "it was one thing to lay down a principle, and another to act upon it at once and entirely, when it was opposed to the existing system, to all existing forms of procedure, and to prejudices of long standing....He hoped that at no distant period the principle would be acted upon throughout India as completely as his hon. friend could desire." The hope, remarks the weighty memorial from which the above quotations have been taken, has yet to be fulfilled.

It is impossible to find space for a history, however brief, of the efforts made by Indian public opinion to get this union of functions altered. But gradually the ruling bureaucracy have themselves become divided on the subject. Thus, in the budget debate in the central council in 1908 Sir Harvey Adamson, the member of council in charge of the Home Department, admitted:—

"The exercise of control over the subordinate magistrates by whom the great bulk of criminal cases are tried, is the point where the present system is defective. If the control is exercised by the officer who is responsible for the peace of the district, there is the constant danger that the subordinate magis-

tracy may be unconsciously guided by other than purely judicial considerations....It is not enough that the administration of justice should be pure; it can never be the bedrock of our rule unless it is also above suspicion."³

The theoretical case in favour of a separation can hardly be put more strongly.

Another important fact is that the union does not prevail to the same extent all over British India. "In the presidency towns separation is an established fact. In Madras it already exists in the lower grades. In Bengal where there is already complete separation so far as the provincial civil service is concerned,⁴ additional district magistrates have been established in certain areas. Administrative exigencies will doubtless carry the process of separation further, stage by stage."⁵

In the new era that is dawning we may reasonably look forward to a reformed police department, the higher posts manned in increasing number by Indians with a high sense of public duty; the numbers of Indians in the Indian Civil Service itself will also increase simultaneously. Under these circumstances, the question of a separation will enter upon a new phase altogether. As the analysis in an earlier section will have shown, the crux of the problem is the amount of power which must be given to the police for the prevention and investigation of crime: the problem is how to restrain abuses of that power. If the superior ranks of the police and their superiors, the half a dozen men at the head of the executive administration of a district—know the people, sympathise with their aspirations, and can inspire trust in the minds of the popular leaders and representatives of the district, the popular demand that the power to check abuses of these powers be handed over to the judiciary, and the departmental demand, that the executive officers be also armed with the judicial functions of trying accused persons, will both weaken in force; and honorary magistrates will at the same time increase in numbers and influence, and can also be entrusted with wider and higher functions than at present.

J. RAMSAY MACDONALD, Ch. 14.
CHESNEY, Ch. 9.

* *Islington Report*, I 194—6.

Section 38. Privileged Position of European British Subjects. It has been remarked times without number that under the Hindu Law Brahmans had privileges intolerable in any civilised community and that under the Muhammadan law non-Muslims had equally intolerable disabilities. But let him alone cast stones that is himself really above reproach. Every empire-builder has sinned more or less against liberty and justice and humanity and for a longer or shorter period. The only difference is that while some have done so frankly and openly, others have done so otherwise, and it is purely a matter of opinion and standpoint whether to look upon this additional feature as mere hypocrisy, and even so, whether to regard it as giving the sin a deeper tinge or rather as the homage that vice renders to virtue. Much more important and infinitely more helpful it is to study in the first place all the circumstances under which the original injustice arises, and in the second place the historical process by which the initial sin is slowly but surely attenuated and refined away. By handling the facts in this large and connected manner constitutional history reveals the higher truth, the higher justice, as it is in process of development, increases the strength, accelerates the pace and improves the quality of that development, and best performs its civilising mission of spreading broad-minded toleration, fraternal understanding, and political patience linked with a reasonable and continuously upward political endeavour towards the ideal.

The Europeans who accepted the Company's service and came to India were placed under the Company's jurisdiction from the very first charter, and the extent of this jurisdiction was increased and defined more fully by later charters as experience indicated the directions in which such additional powers were necessary. The independent European appearing within the geographical limits assigned to the Company was a transgressor of the monopoly legally assigned to it and the Company could confiscate his goods, seize his person and bring him back to England.¹ The next step was, the Company was empowered to set up courts so constituted that there was to be at least one lawyer sitting on them. These were followed by Mayors' courts and by the appointment of the president and members of his council as justices of the peace. The subsequent stages have been already described in preceding sections.

With the charter of 1813 the number of European British subjects settling in India increased; the Company gave them every facility for settling down permanently as planters and in similar capacities. A Eurasian community had also been springing up at a fairly rapid rate. Lord Cornwallis, we have seen, had organised the administration of justice systematically and improved the personnel. Haileybury and Addiscombe had begun to send out civil and military officers of a far better type and Wellesley and his contemporaries had inspired them with higher ideals. The district judges were in every case* to be officers belonging to the covenanted service, and the educated Indians whom Bentinck had begun to appoint under them were doing excellent work and showing a remarkable moral advance upon the older class of Indians in the Company's service. Under these circumstances government took the first step towards reducing the exceptional position of the European British subject, by passing an Act which has come to be known in Anglo-Indian history as Macaulay's Black Act, 1836.

In the presidency towns the European British subject had no privileges, as all alike were under the jurisdiction of the Supreme Court. In the mofussil, however, they could bring civil suits against Indians, but if Indians brought such suits against them they could plead that the local court had no jurisdiction over them. This meant that the Indian had no legal remedy unless, however small the amount, he could move in his behalf a court that was far off, and very slow and costly besides.² It was this state of things that Macaulay's Act XI of 1836 put to an end. The opposition to the measure was confined to the European inhabitants of Calcutta and was of a character that could be ignored.†

As soon as the penal and criminal procedure codes had been passed (1860-61) a similar reform to bring this privileged class under the same criminal courts as the rest of the population became possible. The amalgamation of the sadr and supreme courts into the High Court deprived the community of the strongest technical ground in favour of the exceptional immunity they had enjoyed. And their brutal behaviour at the time of the indigo riots (1860-1) had shown how urgently

* The provincial courts were abolished, 1831.
† Trevelyan, *Life and Letters of M.*, Ch. 6, pp. 287-9.

a reform was needed. But during the generation that had gone by, they had increased in numbers and in influence; the old antagonism between the Company's servants and other Europeans had become a thing of the past; the recent experience of the Mutiny had created a fraternal feeling which had drowned for the moment the pride of the true blue European;³ and Englishmen, and Englishwomen too, were in the first flush of a new hope just dawning before their eyes, that here, even in this land of exile, they might build up dear little Englands, in many a place, where they could lead all by themselves just the same life as in the home-land. One condition appeared necessary to the realisation of so sweet a dream: the complete exclusion of Indians with equal legal rights from these green little areas scattered all over this vast country: that condition, however, was the *sine qua non*. Nor was it, they thought, really much to ask of the Indian, in return for all they had done and were going to do for him, to allow them such exclusive enjoyment of just a few patches like that out of his vast country, some of which, moreover, he, left to himself, would never have cared to occupy.⁴

But their predecessors, before whose eyes a possibility like this had never dawned, had had other dreams and visions in the course of their strenuous lives, which they had given out from the house-tops. Eloquent speakers had given expression to them from their places in parliament, and parliament and Crown had turned them into solemn laws and sacred promises which had been communicated to Indians in the most public manner with every circumstance of impressive pomp and binding ceremonial. Even when parliament passed that schedule which created the covenanted servants into a closed service, they would not debar Indians as Indians from competing at the examinations; and the spirit of the times was such that a committee of the first members of the India Council actually recommended that the competitive examinations should be held simultaneously both in India and in England, and that "in justice to the Natives three colloquial oriental languages should be added to the three modern European languages" in the examination.⁵ And though that report was not acted upon, it was even forgotten, parliament and ministers were, they perceived, not going to let well alone. Noticing that a decade had gone by and Indians had found it very hard indeed to enter the covenanted service,⁶ the Duke of Argyll provided in the Act of

1870, "additional facilities for the employment of natives of proved merit and ability" in some of the highest posts listed in the schedule, without their having to succeed at the examination in England. The Englishmen in possession in India delayed taking action upon this as long as possible, but they knew it could not be suppressed altogether as had been the report of 1860. Hence what they attempted was to nullify it in effect in an indirect way. It is a very instructive case of executive ingenuity trying to get round legislative liberality. The Criminal Procedure Code was then under consideration for various amendments,—there was no King in Israel,—Lord Mayo had just been assassinated, and the officiating governor general, whatever his own views, had not the power to set aside a majority of the council, and these peculiar circumstances were seized, and section 443 of the Code was drafted so as to make it impossible for an Indian even though a member of the covenanted service and a district magistrate, to try any charge in the mofussil against a European British subject. The immunity the European had enjoyed ever since Mir Jaffar's fateful conspiracy, and outside Calcutta even after the Supreme Court had been established, was thus surrendered, and he was made amenable to the criminal law even in the mofussil, but on condition that the officer trying him was himself a European. The introduction of this racial bar created a smaller body of pure Europeans with full powers inside the body of covenanted civilians, whom the supreme legislature wanted to dilute with the introduction of Indians to their ranks. The motive was the spirit of exclusion and superiority which was growing up fast under the influence of the Memsahib and of such natural but greedy measureless and impossible dreams as have been sketched above. And the bar was put up in such a manner that these Indians, though brought to their high offices by the supreme legislature and their own merits, would yet feel their racially inferior position prepetually as an unbearable indignity. The manner in which this amendment was passed was as remarkable as its provisions. It was passed by seven votes against five, but the five dissentient votes were the votes of a majority of the executive council, each of whom also spoke in support of his vote. The officiating governor general (Lord Napier of Murchistoun) and Sir B. Ellis said the new section was a stigma on the educated native of India. The Lieutenant Governor of Bengal (Sir George Campbell), the Commander in Chief, and Sir

Richard Temple said that Indian members of the covenanted service should be accepted as real members of it. But Sir John Strachey and Sir James Stephen had their majority and they triumphed.

In another ten years the number of Indians in the covenanted service increased to nine; six in Bengal, two in Bombay and one in the U.P., the statutory civilians appointed from 1879 raised the total to thirty-three and under the Act of 1870 it was expected that these numbers would go on increasing until Indians filled one-sixth of the covenanted appointments. Besides, the racial bar had already created difficulties in the way of promoting three of these to appointments which they had from every other point of view fully deserved.* The Bengal Government, where the difficulty had first arisen, proposed that the racial bar should be removed and all district magistrates and sessions judges, Indian as well as European, should have the same criminal jurisdiction over European British subjects. All other governments concurred, with the single exception of Coorg, and thus arose the *Ilbert Bill*, which was referred to the Secretary of State in Council, and, approved by them, was introduced into the legislative council by Lord Ripon's government in 1883. The European community all over India at once rose up against it as one man, and started an agitation unprecedented in its violence. Indians had not dreamt that apparently reasonable and self-restrained people should, when excited by mass feeling, be so carried away by pride of race and contempt for the children of the soil. The provincial governments urged that racial feelings should be somehow pacified at any rate for the moment, the executive council gave way,⁷ suggestions for a compromise which had been received from Bombay and in one particular from Madras were acted upon, and when the Bill became law as Act II of 1884, it provided that European British subjects might be tried by district magistrates or sessions judges, whether Indian or European, but they could in every case, however trivial, claim a jury, half of whom at least were to be Europeans or Americans. The bar against Indian covenanted or statutory civilians was thus removed, but only by the creation of a new privilege in favour of the

* Life of R. C. Dutt, Ch. 4.

European British subject, a privilege peculiar to India, for no Englishman can claim a jury in England itself in a magistrate's court. Kristo Das Pal, Syed Amir Ali, and Raja Shiva Prasad pointed out in the course of the debates that this would in many cases mean a failure of justice. A jury is a suitable instrument in the administration of justice only when its sympathy for the accused is moderated by a sympathy for the injured party and a patriotic regard for the true interests of the general public. Anglo-Indian juries have not been exemplary juries in this sense, and there have been one knows not how many hundred cases in which, while the injured Indians have died or suffered grievously, the juries have not been able to see anything beyond simple hurt or mere accident. Lord Ripon, however, while admitting that if failure of justice occurred to any extent under the new Act, "it would undoubtedly be an intolerable evil, did not think such fears well founded," and no successor of his has yet found it possible to reopen the subject.

PROCEEDINGS, G. G's LEGISLATIVE COUNCIL,
1871-2, 1883-4.

K. T. SHAH, Government of India, Ch. 7.

H. P. MODY, Sir Pherozeshah Mehta, I Ch. 8.

C. Y. CHINTAMANI, Sir P. Mehta's Speeches, pp. 158-169, 174-181.

Section 39. Police. The Police Department began in 1782, when Lord Cornwallis took away the police functions of the zamindars and entrusted them to the District Magistrates. Several darogas were appointed for each district, each daroga had twenty to fifty armed men under him, and this civil force apprehended offenders and brought them up to the district magistrate for trial. In Madras and in Bombay, on the other hand, the indigenous system of the village *patel* and the village watchman was continued. The presidency towns were the first to obtain a special police force for the preservation of peace and the arrest of offenders, Calcutta leading the way in 1829. For the mofussil Sir Charles Napier organised a semi-military force for police functions in Sindh, placing it under officers directly subordinate to the district magistrates. This was almost the only success of his adminis-

tration of the province. His system was copied in Bombay and the Panjab, after the Mutiny it was introduced into Agra and Madras (1859), and the Police Act of 1861 made it uniform all over British India. And the special department for the suppression of Thuggee (1830), to which the function of suppressing and extirpating Dakaity had also been assigned (1839), took its place inside the larger organisation. This special branch was not abolished until 1904, when under the recommendations of the Police Commission of 1902-03, a new branch was started instead, the Criminal Investigation Department, well-known by its shorter title, the C. I. D. Every province has an Inspector General of Police; under him are Deputy Inspectors General, one for each division or circle. The entire police force in a district is under the District Superintendent, who in the performance of his duties behaves as a subordinate of the District Magistrate. And each district is subdivided into several charges, each under an Assistant Superintendent. Upto this grade in the department all the officers were in the period under review European British subjects, and the great majority, moreover, selected as the result of the annual competitive examination held for the purpose in England from 1894. Below this imperial service the Police Commission just mentioned created the provincial branch, the officers of the highest grade being called Deputy Superintendents, entrusted with practically the same functions as the Assistant Superintendents. Each of the talukas under the charge of an Assistant or Deputy Superintendent is subdivided into circles with an Inspector directly responsible for it. And the lowest unit of the organisation is the area entrusted to a Sub-Inspector who is the lowest police officer. Under him are the rank and file of constables. The police force of the presidency towns is organised on similar lines, though some of the grades are styled differently. The Railway Police and the C. I. D. are branches organised on parallel lines. And some of the provinces, Barma, Assam, the Panjab, and N. W. F. P. have military police in addition to the ordinary civil force.

Apart from the village watchmen, the police force numbered under a lakh and a half upto 1880. Better training arrangements were made soon after, and the proportion of officers was raised. In 1901 the force numbered 163,000 men under 517 European officers. Then came the Police Commission and the reforms recommended by it. The numbers of the

ordinary civil force rose by 1911 to one hundred and ninety thousand, under 650 European and 234 Indian officers (Deputy Superintendents) and the pay was improved, though, as often in India, not adequately for the lower ranks. By 1920 the numbers had grown to over two lakhs, and the Deputy Superintendents and higher officers were just over one thousand. Ninetyone *per cent.* of the Madras police can read and write, but taking India and Barma as a whole, half the numbers are illiterate. "Until the wages can be improved, there seems little hope of attracting into the rank and file the type of man required to raise the reputation of the force, or to improve its efficiency". *

The official chronicler just quoted notes what indeed is a patent fact, and one of our most serious problems, viz. the utter distrust of the average man in India for the policeman, and his aversion to help the policeman either in the maintenance of tranquillity or in the detection of crime. This state of things can only be mended very gradually; and nothing can be done at all until the highest posts in the force are manned by Indians, whom because of their birth status and qualifications their countrymen would instinctively trust and respect. Dishonest inefficient and otherwise undesirable men have also to be steadily weeded out from the entire force, and a friendly and sympathetic attitude towards all classes of the people is to be enforced by every means as the first of their duties. With Indians in the highest posts in the district, and necessarily, therefore, with Indians also all down the line in the revenue, judicial and police departments, the problem can be tackled with confidence, and even the villager would come to look upon the policeman as a friend and a protector, in less time than an observer today might hope for.

CHAPTER VI: NOTES.

SECTION 34.

1. Prior to 1726 a court consisting of a lawyer and two of the Co.'s servants decided suits under the Charter of 1663. The Charter of 1753 provided that the Courts were to entertain only such suits between Indians as the parties of their own free will submitted for their decision. This limitation

* R. Williams, *India in 1923-24*, p. 74; and *India in 1924-25*, pp. 86-93.

tion had no practical effect in Bombay Island, a colony of Indians brought together and fostered by the Company. (Hibert, p. 354; Mahabir Ch. 5.)

2. In Bombay, Madras and the N. W. P. (as also in the Non-Regulation provinces, of course) one and the same officer was from the first and throughout both Collector and Magistrate. In Bengal proper there were various changes of system—Ramsay Macdonald, p. 201.

3. *Modern India and its Government* (1852). Chs. 11 and 12 are a valuable survey of the judicial system, its results and its defects up to 1852; they also include an independent estimate of the work done by the Law Commission and its successors upto that date.

4. "The draft (of the Penal Code) was strenuously criticised by many of the Judges in India"—*Gazetteer*, IV p. 138. For a very different way of stating the facts see Sir James Stephen's well-known rodomontade:—"The long delay had the singular but most beneficial result of" subjecting the work of a Macaulay to "a minutely careful revision" by a Sir Barnes Peacock; "an ideal code ought to be drawn up by a Bacon and settled by a Coke" (Strachey p. 103). It is impossible not to smile at this; Macaulay was no more a Bacon than was Sir Barnes, a Coke. But these civilians have created at least for their own worship a hagiolatry of their own,—which has had its day.

SECTION 35.

1. The rules, forms, scale of fees, etc. were, before they went into force, to receive the sanction of the Governor General (or Governor) in Council.
2. There has been fair progress during the last five years.

SECTION 36.

1. Their powers were greater in non-regulation areas, but the tendency is to remove these and all other distinctions between non-regulation and regulation areas.
2. G. C. Whitworth, *Rajkumar Law Lectures* Lects. 16-22; a very simple and lucid account for the beginner of the nature and purpose of criminal law, law courts and procedure.
3. By no means an unusual amount. Again, in civil suits about houses and lands, the costs often exceed the value of the property in dispute several times over.

4. In the higher courts the judges' ignorance of the vernacular adds to the cost of litigation in the multilingual provinces.

SECTION 37.

1. Sir F. Lely, *Suggestions*, p. 51. "It was too like appealing to a judge against his own decree. The disinclination to stir up the mud after the work has once been fairly well done was natural, but should not be allowed to weigh against the honour of government even in small things. Herein is a weak place which must be made good."

2. From the Memorial on the subject to the S. S. for India submitted in 1899, by Lord Hobhouse, Sir Richard Garth and others; quoted in extenso in Abdur Rahim's Minute of Dissent, *Islington Commission Report*. The memorial was one of the results of the persistent efforts of the Indian National Congress to enlighten and organise opinion in England and India on the subject.

3. Quoted in Abdur Rahim's minute. Lord Curzon wished the question "to be taken up and dealt with in my time," but it was one of the questions he could not handle as he had to resign his post soon after he began his second term of office. *Raleigh*, I p. 137. Sir Surendranath Banerji moved a resolution on the subject in the central legislature, March 1913: see *Legislative Council Proceedings*, and for what happened subsequently, *making of a Nation*, Ch. 29.

4. Evidently, Bombay is herein behind both Madras and Bengal; here the union prevails in the subordinate as well as the provincial grades, for revenue officers of both grades are armed with magisterial powers, and as Sir M. Choubal pointed out in his dissenting Minute, their legal training (excepting those few men amongst them who had a law degree) left much to be desired. *Islington Report*, I. 237-8.

SECTION 38.

1. Act III of 1864 still empowers Indian governments to order any foreigner out of British India and compel obedience—Hibert, p. 88.

2. For the ruinous costliness of the Supreme Courts of Calcutta and Madras see a quotation from Macaulay's minute on the subject of the Black Act—Strachey, p. 117.

3. Chailley shows the perspicacity of the French intellect in noting that Englishmen "only regard as real English those who are so twice over."

by blood and by surroundings. This distinction does not appear in the laws but it exists all the same." The children of English parents brought up and educated in India are "treated as English of India and esteemed inferior to the English of England" (pp. 534-5). According to the legal definition, a master-piece of jingo classification for which India has to thank Sir J. Stephen, a European British subject is a British subject born, naturalised or domiciled anywhere in the Empire except Asia and Africa,—counter exceptions: Cape Colony and Natal—or any child or grand-child of any such person by legitimate descent. As Chailley has commented, the definition "would include a Zulu!" (p. 460). And we might add that it is quite impossible to say offhand whether General Smuts, for instance, would be included.

4. Simla, for instance, which the army officers discovered, and Sir John Lawrence began regularly to make the seat of the Government of India for several months every year.

5. Sir J. Willoughby, Sir E. Perry and Messrs. Mangles, Macnaughten and Arbuthnot were the Committee: the report is dated January 20, 1860 Ramsay MacDonald, pp. 102-3.

6. S. Tagore was the first successful Indian, for several years after him no one else succeeded.

7. Blunt, *India under Ripon*, p. 96. The passage from his Diary (December 22nd) has been quoted above, section 21, Note 3.

CHAPTER VII.

LAND REVENUE.

Section 40. Village India. From the law courts with their shrewd unreliable witnesses, contentious lawyers and the judge, mild and slow, under the *pankha*, and from the police, ill educated and underpaid, we pass on to the villager and his fields, his children growing up in squalor almost like cattle, his cattle sharing the same room and the same affection as his children, and the dust and the glare over all India is primarily agricultural. Of the population of India over seventy *per cent.* live directly by agricultural occupations, and at least fifteen *per cent.* more by occupations nearly allied to agriculture. The same broad feature reappears when we find that of the total population, eighty-five millions live in four hundred and thirty thousand villages, each sheltering less than five hundred souls, and sixty millions more live in seventy-seven thousand villages, each sheltering from five hundred to one thousand souls only.¹ In the whole of this vast land there are not two thousand places with a population each of five thousands or more. This is all the more surprising when we find how densely the people are crowded together in large parts of the country. Bengal has an average density of 413 to the square mile, with a maximum density of 656; U. P. has an average density of 445, with a maximum of 751; and it would be absurd to put down in figures the density of population in a place like Bombay. The predominantly agricultural character of the country stands revealed once more when we find that the population living by textile and similar industries is not ten millions, by commerce, transport and building occupations, not yet eight millions, and by mines, metals, glassware, earthenware, etc. not yet five millions.

Section 41. Pre-British Land Revenue. In ancient times the village community inhabiting each of the Indian villages was selfgoverning. The small percentage of the non-agriculturists included in the village, such as potters, carpenters, barbers, druggists, priests, etc., rendered important services to the villagers, and were paid in kind for each service rendered, or by periodical shares in the crops or by an assignment of fields in the village. The state and its officials were also paid in kind by shares in the crops. We find in the ancient

books, 1/12th, 1/8th, 1/4th and 1/3rd mentioned as the legitimate share of the state.¹ Irrigated crops and other rich crops were taxed at a higher rate. The cultivable land was also arranged in classes according to quality, and the superior lands bore higher rates. Lastly, the organisation of the primitive Indian State was quasi-feudal, so that some of its officials were paid by the state relinquishing to them its own share of the produce in one or more of the villages. Thus what we now call land revenue and jagirs or zamindari have existed in India from times immemorial. Money payments instead of shares of the harvest, and assessments uniformly levied for a whole cycle of years, were also known in pre-Muhammadan times. In fact, the celebrated land revenue settlements from the earlier settlement of Sher Shah, and his was only a systematic organisation of the indigenous system that had prevailed for ages in the Gangetic plain. And, later, when the Mughal Empire extended this system to the Khandesh Berar and Ahmednagar Subahs, it was varied and improved to suit those districts in accordance with the earlier system of Malik Ambar, which itself was the lineal descendant of the settlements of the old Yadava, Rashtrakuta, Vijayanagar and Chola kingdoms.

When the East India Company succeeded by conquest and treaty right to the position of the sovereign, first in Bengal and later in other parts of India, they found that land revenue, land cesses, customs, and a few monopolies like that of salt, were the only recognised and traditional modes for the state to derive a regular income from the population. This system had many merits when administered by a strong state like the Mughal Empire. But with the decay and downfall of that empire, as also of the kingdoms that had succeeded it in every part of India, all regular administration vanished, and there was corruption and oppression everywhere. All records, all rights, all customs, all checks, all co-ordination had disappeared. The officials of the state and the money lenders who advanced to the state the proceeds of whole districts and then tried to recoup themselves from the villages, squeezed the villagers all they could, while paying as little into the state coffers as possible. The villagers also resisted payment as much as possible. Predatory bands large and small ranged over the country at all seasons, and India (which had

prospered wonderfully for a century from about 1575 to 1675) had already by 1750 sunk back into the depths of poverty. Extensive provinces were becoming overgrown with jungle, famines were frequent, wars were incessant and population and cultivation were shrinking up at an alarming rate. With each province, as the East India Company came into possession, its first duties as ruler were (1) to guard the frontiers, (2) to suppress and prevent internal disorders, and (3) to settle the population on the land as quickly as possible, in order that agriculture, industry, trade, population and wealth, might revive.

Section 42. The Permanent Settlement. The East India Company undertook the revenue administration of the Lower Provinces in 1765. They found that the Nawabs had handed over the collection of the revenue from the villages to the highest bidders at annual auctions. The Company kept up this system of farming, in spite of its grave defects, for seven years; but in 1772, when they had acquired some knowledge and insight into the matter, they made a settlement for a period of five years. This, however, turned out a failure and annual settlements were resumed, until in 1789, they made a settlement for a period of ten years. And this settlement was, by a proclamation of the twenty-second of March 1793,* declared perpetual. This is the well-known Permanent Settlement of Bengal, and as, under it, a zamindar, and not the ryot actually tilling the soil, is responsible to the state for the annual land revenue from his zamindari, it is also known as the zamindari system. In 1795 the system was extended to Benares and in 1802 to parts of the Madras Presidency. Altogether about one-fifth of the assessed area of British India is under the zamindari system.¹

Bengal is a land altogether dominated by its great rivers. On account of their floods, the fields in Bengal have an ever-shifting character; a twenty or thirty years' settlement there is out of the question. On the other hand, for a fresh and equitable settlement every three or five years, a detailed survey would be necessary every time and the Company's establishments in those days were quite unequal to such a vast and technical undertaking. The famine of 1770 had been

* Reissued a little later as a Regulation I of 1793.

an awful calamity, large areas were still jungle, and both agriculture and commerce appeared to the best observers to be in a state of rapid decay. To the Company in those days a regular and certain income practically without any trouble to collect it was of incalculable value. To create such an income it was absolutely necessary to bestow on the zamindars valuable property rights in the land. It was also thought advisable to strike the imagination of the people of India from one end of the continent to the other by conferring on the subjects of the Company in Bengal such rights as no ruler of India had ever granted in the past. Nor is this merely a surmise. The Court of Directors were fully aware that under the Mughal the Zamindars had "a certain species of hereditary occupancy, but the sovereign nowhere appears to have bound himself by any law or compact not to deprive them of it, and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object.... Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism. We are on the contrary for establishing real, permanent, valuable landed rights in our provinces; for conferring that right upon the zamindars; but it is just that the nature of this concession should be known, and that our subjects should see they receive from the enlightened principles of a British Government what they never enjoyed under the happiest of their own." And again, "in giving our opinion on the amount of the settlement we have been not a little influenced by the conviction that true policy requires us to hold this remote dependent dominion under as moderate a taxation as will consist with the ends of our Government."² And it was also intended that the subordinate rights of the tenants under the zamindars were to be safeguarded. The historical outcome of these various influences was the permanent zamindari settlement of Bengal. Under the system the land is the property of the zamindar. He could sell, mortgage, and bequeath it at will. The only defect in his full ownership was that the state had a charge upon it of a certain annual revenue, to be paid on a fixed date; this the state solemnly pledged itself never to increase at all; but if the zamindar failed to pay it punctually, the state was empowered to sell off the estate by auction. The zamindar was to realise rents from his cultivators;

he had to grant them written agreements, and was to respect their customary rights and privileges, nor was he to exact extortionate rents from them or oppress them.

As noted above, Benares and some of the northern districts of the Madras presidency were also placed under the Permanent Settlement. The total rents the zamindars were expected to realise from their cultivators at the time the system was introduced, were set down at about Rs. five and a half crores; and the settlement was, that out of this they were to pay to the state as land revenue ten-elevenths, or Rs. five crores, keeping only half a crore to themselves. But population was expected to increase and cultivation to extend, and the zamindars were to find their gain in stimulating this process energetically, for all the extra rents they thus obtained were to remain in their own pockets. This expectation had been justified by the event. During the decades that have gone by, cultivation has extended, population has increased, and Bengal especially has prospered to such an extent, that the zamindars now receive from the tenants let us say Rs. twenty-five crores.³ And the state is debarred by its solemn pledges from taking from them a pie more than the originally fixed five crores. Thus the zamindars now derive an annual income of Rs. twenty crores, a sum that is forty times the original income. In Hindu and Muslim law brothers are equal sharers in the property of their father, and so the permanent settlement has created in the part of India where it prevails, a strong and well-to-do middle class.

Section 43. Tenant Right. From the first there were layers of intermediaries between the zamindar at the top and the mass of cultivators actually tilling the fields of the estate at the bottom. As it came to be realised that the peace and security established by British rule were of a more durable and thorough-going character than ever before within historical memory, the number and variety of these intermediary tenure-holders under rights acquired from those immediately above them went on increasing. In fact, the extension of cultivation and the settlement of the increasing population on waste areas within the zamindari went on through the legal and contractual medium of the creation of a pyramid of intermediaries. At each stage, the layer of intermediaries immediately above the actual cultivators supplied the active

and energetic managers,—all intermediaries above them were mostly absentees,—and these forceful newcomers to whom was due the increasing production, took out of the cultivators all they could extract from them, in order to have for themselves as large an income as possible, in excess of what they had contracted to pay to the layer of intermediaries immediately above. Secondly, in the old unquiet days of armed bands roaming unchecked and living on the fat of the land and destroying far more than they actually consumed, zamindar and kumbi were tied together for the defence of all they held dear, life and children, cattle and property, homestead and honour; bonds of loyal attachment and camaraderie were forged, strong enough to link the generations together. The piping times of peace followed, these higher bonds rusted and crumbled, and the cash nexus remained the only bond between zamindar and intermediary, intermediary and cultivator. Population increased, all available areas being filled up the pressure of the teeming people on the land began, and rack-renting was the inevitable outcome. This cycle prevails always and everywhere: it has the uniformity of a law of nature: the first stage is the establishment of a strong stable government enforcing a fair system of agricultural economy; the second stage is increasing prosperity; the third stage is widespread irremediable poverty: men multiply and Lakshmi (the goddess of prosperity) departs. A predominantly agricultural land which cannot annex fresh areas, which does not develop mining, industry and more scientific agriculture, and where the people go on multiplying, cannot escape this cycle. It is a simple enough proposition, stated in this abstract fashion; it sounds almost a truism; and yet we have to turn it over and over and grasp it firmly from many stand-points, for it is one of the masterkeys to the economic history of India, to the poverty that has been the portion of our motherland for centuries upon centuries.

The only real remedies are (1) imperialism and colonisation, (2) mining and industry, (3) increasing knowledge of and command over the forces of nature resulting in progressive improvements in the arts, including agriculture, and (4) moral and customary checks on the fecundity of the race, securing a higher rate of increase in health, energy, knowledge, co-operation, and organisation, than in mere numbers. All else are not real radical remedies, but if we take large views looking

at several generations together at one glance, mere palliatives, though even as palliatives they have incalculable value:—they check social discontent and disharmony; they protect the weak against the strong; and the patient, the poor suffering society—gets a little more time, during which to develop if it can, one or more of the real radical remedies.

One of the most indispensable of these palliatives is the protection of the agriculturist from the growing exactions of the higher layers of the community. These higher layers—these intermediaries, the legal system has placed in the position of monopolists of a commodity, the land, of which there is only a limited supply. Hence the state which created and supports the system is bound in equity to frame further legislation, with the object of safeguarding the right of the agriculturist to a living wage; and the moral right of the state to do this and so to limit the monopoly of the intermediaries, is clear as daylight, where the state has itself solemnly limited its own exactions from the topmost layer of zamindars by a permanent settlement. The title to preach and enforce abstinence in the public interest inheres in those only who themselves set the example.

These are the fundamentals of the question. The details of the original and amending Acts* are infinite, and naturally produced immense varieties of opinion and voluminous controversies. These are for the specialist. Here we can only note the main results in broad outline. The cultivators are grouped into classes, tenants at will, tenants at fixed rates of rent, and occupancy tenants. Any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent. Obviously it is a class that goes on increasing and already over eighty *per cent.* of the cultivators are occupancy tenants. No enhancement of rent is allowed at shorter intervals than five years, and even then only by consent or by decree of court on good cause shown. Any tenant can apply and get all the incidents of his tenancy judicially determined. A complete record of rights is aimed at, and once prepared it is kept upto date, the entries in it are taken as correct unless any of them is judicially proved to be

* Bengal Tenancy Act X of 1859, VIII of 1885, III of 1898, I of 1907 are the principal.

erroneous, and the landlord is helped to recover arrears by summary procedure.

Cannot these civil courts imposing justice from above be replaced by arbitration *samitis* composed of the elected elders of the community, the judge who at present constitutes the court merely taking the position of the paid and responsible adviser, convener and recorder of the panchayat? If necessary he might be given the power to recommend that either party be allowed to appeal to a court composed of qualified servants of the state, one such court might be established for each division, and this appellate court might also have full powers of inspection and revision of judgments even without a formal appeal. It is only by institutions of this character that a real democracy can be gradually built up out of our rural communities.

B. H. BADEN POWELL, *Land Revenue in British India*, pp. 33-52, 131, 133-45, 154-68.

RAY, *Land Revenue Administration*, pp. 1-57.

J. SARKAR, *Economics of British India*, pp. 119, 123-130, 221-237.

Section 44. Temporary Settlements. The Bengal settlement took the land in big areas and fixed three features with regard to each; its outer boundaries, its zamindar, the amount of land revenue he was to pay for it. But even while this settlement was being worked out and declared permanent, a school of revenue officers had arisen, with Shore at their head, who were convinced that both the rights of the state and the duties it owed to the people required a more detailed mastery of the subject in its various complexities. The land they saw must be thoroughly surveyed and mapped out, and the various soils classified, field by field. In the second place, there must be a record of the shifting pyramid of rights from that of the landlord at the apex to those of the actual tillers of the soil at the bottom. And in the third place, these masses of ascertained facts should be further viewed from time to time in the light of the history of the locality, the rise and fall of prices, the variations in the rainfall and the seasons, the increase in population communications and commerce,

the slowly changing water-level, the increase or decrease in the number of wells and other means of irrigation, and other factors too numerous to detail. They wanted to leave the cultivator a fair remuneration for his labour, and they also admitted that both cultivator and landlord were entitled to a fair rate of profit for the improvements they made, but the state, they held was justly entitled to a share of the surplus, whatever it was. As the century advanced they began to plan large schemes of bridges and roads, irrigation works, and, later, railways; and it was plain that these projects required large resources, but that they would benefit the people to such an extent, that the state was perfectly justified in asking the people to hand over to it a part of these extra gains as they materialised, since they were the result of the improvements the state itself was bringing into existence at such an enormous outlay, which had to be paid for in the long run out of the additional wealth it had thus helped to produce. On the other hand, to revise the land revenue demand every year or even every few years was out of the question; the gain would be small, the trouble and the cost enormous, and the feeling of insecurity created and the discontent would outweigh the increase in the revenue, whatever it was. Thus arose the conviction that a permanent settlement was a temptation to be resisted at all costs; that short term settlements were also to be avoided as impolitic except in areas which were highly unsettled and contained much untilled waste; that settlements unalterable for about a generation, but subject to a thorough revision then, were the ideal compromise. This, at any rate, is the notion underlying the land revenue systems of the remaining four-fifths of British India. They exhibit local peculiarities some of the most important of which we shall go into presently, but their temporary character is the feature common to them all, and we have tried to sketch the point of view from which it appeared to the authors to be the only reasonable course to adopt.

But the problem which they thus tried to grapple with was far more complex than the one they had attempted in Bengal. To estimate the value of the net agricultural income of an area that is a geographical and economic unit is not an easy task; to strike an average for several years is only a mathematical inference the value or substantial accuracy of which was bound to be far less than that of the original premises,

viz. the estimates year by year; to distribute it amongst the various grades of soil would be another mathematical inference still less accurate; and finally to apportion it estate by estate, village by village, and field by field, was to prolong the chain of abstract deductive reasoning several steps further. No wonder the first efforts were utter failures almost everywhere. No wonder the effort to establish a fair settlement on general principles had to be given up everywhere. No wonder, that settlement officers and government had to fall back everywhere on crude empirical methods easy to apply and intelligible to the people. The claim that it was a really fair and equitable settlement can be granted only in a limited sense. The government had strength enough to enforce it, the people were mild and pliant enough to accept it as part of their fate. Each villager knew how much he would have to pay year by year for a certain period by instalments falling due on fixed dates; and there was far less corruption and oppression of the people by the underlings than ever before. These items should be entered on the credit side of the system. On the debit side has to be entered the underlying assumption that a healthy social structure only needed cultivators, improving landlords and moneylenders, traders and labourers, and such other secondary classes, shepherds, shoemakers, shopkeepers, etc., as could live upon these primary classes by serving them. It was a truncated conception of society altogether; and it is all the more remarkable that this should not have been perceived, since there is no doubt whatever that our rulers wanted not only a peaceful and industrious community, but one that was also prosperous and progressive. The demand for permanent settlements which rose up once more as the century advanced, which was pressed by some of the ablest and most experienced officers of the government, and led to a controversy that continued down to the eighties, had really behind it the feeling that a society mainly agricultural could not possibly be healthy, prosperous and progressive, unless there was left room in it for an agricultural middle class, whose resources, intelligence and leadership could alone create and sustain progressive agriculture. But by that time the government had realised that they too were in the grip of an inexorable fate; that India was a very poor country, that it was subject to colossal recurring calamities, that the number of taxes they could impose were very very few, nor were they really free to increase any of them beyond a certain low limit;

and under these circumstances they were naturally unwilling to forego whatever extra income the land revenue brought to the treasury by its own "natural and normal expansion".

Section 45. Village Settlements. These temporary settlements fall into two broadly distinguishable classes; village or village community settlements and ryotwari* settlements. The first prevail all over Hindustan, the Panjab and the C. P.; the second are the distinguishing feature of the Madras and Bombay system.

Village community settlements were first developed in the Agra province. In that cock-pit of India, communal feeling is still strong and so are hereditary and local loyalties, although a century and more of British rule has gone far to weaken them. The village lands were, the English found, looked upon as a whole and owned and managed by the villagers or some one section of them as a community. This community was the joint landlord, even when there were as in some parts, hereditary over-lords who, without being so powerful as jurisdictional chiefs, had still the right to obtain substantial shares of the produce. When this share of the overlord was larger, he was styled landlord; when smaller, taluqdar. So the lands in the Agra province were to be settled with landlord and village community or taluqdar and village community, or with the village community by itself. And as already hinted, in many villages more than one community were staying together, one of these as the proprietor community, the other or others as tenant communities under the first. The landlord and taluqdar families had also families of dependents settled as tenants on their family estates. Benares district had the same social structure; but Jonathan Duncan, although he was supposed to know Indian ideas and customs so well his English comrades dubbed him a Brahman,† could make nothing of it; a community as a joint landlord was an idea altogether too recondite for our foreign rulers in those days; and the Bengal zamindari system was imposed upon the district, and this the people had to submit to. However, though Duncan was puzzled, he noted some of the main facts, the Anglo-Saxon intellect is honest and persistent even if slow, and by 1833 a start on right lines was made. We shall not trace the history

* Ryot—the individual cultivator. † Kays, p. 558.

of the system as it grew up, but proceed at once to a very brief account of what it became when fully developed. The peculiarity of the U. P. land system is the large number of tenants who are not mere tenants at will but have customary hereditary rights partly personal, but mainly according to the community to which a tenant belongs and the custom of the locality. In making a land revenue settlement the first thing is to make out a rent roll showing against the name of each tenant the land he holds and the rent he pays for it, partly to such an individual where there was one, and partly to a village community. But as can be inferred from what has been so far stated, few of the rents were fair rents at the time of the original settlement. The tenantry were either treated as friends and almost as equals by the landlords, in which case the actual rents were light, or they were treated as an undesirable legacy of the past, in which case the rents were heavy. This depended only partly upon the qualities and status of the tenantry themselves; the relative strength and position in the locality of the proprietor community had also something to do with it. Hence, it was not enough to make the rent roll. Some method of estimating the net produce was also necessary. That ascertained, part of it could be left with the cultivator himself, and the balance could be distributed between the two or three superior sharers, the state and the village community, and, where he existed, the landlord or taluqdar also, on a uniform system. Can the net produce, however, be estimated at all? Can this be done for an area so large as a taluka? And can we moreover strike an average that would answer, for such a period as thirty or twenty years at a stretch, and convert it into a cash amount? As we have seen in a former section, the whole process is too deductive. The vagaries of nature, the personal qualities of the cultivator, both as an individual and as a member of a particular caste inheriting certain traits, and also accidents pure and simple, play too large a part in influencing the result, field by field and village by village, to enable us to obtain anything beyond a very rough guess. And it is this conclusion, arrived at by a process defective at many points, which must be imposed upon cultivator and landlord, by the superior will of the state or the community as a whole. We may still call the land revenue settlement of one area fair and of another not so fair. There may be a certain rough and relative justification for such judgments. But that is all. Nor can we ever attain a fair land revenue

system for the whole of India. Again dynamically, the parts in which agricultural wealth grows might contribute higher percentages and yet come really to be taxed lighter; the parts which remain stationary might continue to contribute the same percentage of the produce and yet might feel it a heavier burden than before; the parts which are deteriorating, might be taxed at a lower percentage, and yet find it impossible to pay even that. Such being the complexities of the case, no real friend of the state can ever claim for it that it has never erred,—and error herein spells oppression, for it is the view of the state about a locality's capacity to bear a certain enhancement which, right or wrong, is necessarily imposed upon the people,—or that it has invariably behaved sympathetically in the matter. Every student of the subject and every citizen must grasp these essential complexities for, of course, no one can foresee the time when a state in India—manned whether by foreigners or by the children of the soil—will be able to do without taxing agricultural incomes.

To arrive at the gross produce, we have to rely mainly upon classification of soils. Five specific classes have been determined: (1) alluvial or permanently improved, (2) black cotton soil, (3) red ferruginous, (4) calcareous, and (5) arenaceous or nearly all sand. Soils are recognised in each species, and as a rule every field is assigned to one or other class in a series of fourteen from class I to class XIV. The relative fertilities of the classes in any taluka are ascertained by actual experiments and by taking the general experience of the cultivators. It would be sufficient to take, as an illustration, only three varieties of soil. Take four villages of equal size, say 1000 acres; let village A have the three varieties of soil in equal proportions; let village B, C, and D have half its soil of the first, the second, and the third variety respectively, and let the other two varieties of soil make up the rest of each village in equal proportions. Assume finally that the productive capacities of the three varieties of soil are in the locality in the ratio of 36: 24: 12. We thus arrive at figures which we might call the total units of productivity of each village as in the following table:—

Village.	Soil Class I Coeffici- ent 36	Soil Class II Coeffici- ent 24	Soil Class III Coeffici- ent 12	Units of Produc- tivity.
A	1/3	1/3	1/3	12, 8, 4=24
B	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	18, 6, 3=27
C	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	9, 12, 3=24
D	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	9, 6, 6=21

If we can further assume that for any period each unit of productivity would mean Rs. 500, our figures show that the gross income of village A or C from its fields is Rs. 12,000; village B, Rs. 13,500; and village D Rs. 10,500. This calculation would have to be modified in various ways before the final figures can be arrived at; we can here mention only two of the grounds:—(1) the particular crop usually sown on a particular kind of soil in a locality, and (2) the facilities for a water supply independent of rainfall, such as wells, or a tank, or a canal.

Net produce is the gross produce reduced by the proper expenses the cultivator must incur in order to obtain it. This again, is a statement easy to make in the abstract but far from easy to apply in practice. And a fair rent, a fair over-lord share, and a fair state tax or land revenue have all to come out of the net produce, and whatever remains remains with the cultivator, for him to spend on his social and religious needs, according to his station in life, or to invest or hoard in order that he might have some staying power against the rain-less day, or so to utilise as to increase his real efficiency as a productive member of society. How he behaves with regard to this surplus when he has any, and when he anticipates any in the near future, is also a very important factor. For, in the long run, it will react upon the net produce and all its sharers. That education which can really teach him to behave properly towards it, to work for it with a will, to make prudent anticipations about it, and to utilise it properly when he gets it, is the type of education that he needs most, and that it is one of the most urgent needs of Indian society to provide for him, if possible. When he has this surplus, however small. Must every cultivator always have a surplus? Must no land revenue be taken in cases in which there is no surplus? Is

there any reason why the land revenue should be foregone unless the rent too, is foregone? When the rent and the land revenue were shares of the grain heap, the reduction of both upto zero happened automatically. But in our modern and more complex society with a money economy pervading all relations of life, we must all, even the cultivators, look before and after, and part at any rate of the fat surplus of the bounteous year must be held over for the lean year. In the case of the poorest lands in the hands of the worst cultivators, there might not be any surplus except in the very best years; a better state of things could emerge here only as the lands and the cultivators are improved; which implies a sinking of capital in them, in indefinite amounts and for indefinite periods, and with only a sporting chance of any success;—capital brought over, of course, from some outside source. This might not be always possible. Nor, in the meanwhile, could the land be allowed to fall out of cultivation, or the cultivators, such as they are, relieved of this occupation, in which they are doing something, at least, towards leading a useful life. Such fringes to the economic web there always are even in the richest countries, and if there are parts in India, which, so to speak, are all fringe, and very tattered at that, is it the fault of the government? Is it not rather a part of our fate? And a part, too, that will demand not a little pluck to face.

In the U. P., however, the net produce figures were of primary importance only for the first settlements. They enabled the rent roll actuals to be checked, fair rents to be estimated, and the shares of landlord, taluqdar and state to be worked out on the basis of the last. But tenants and owners were in the meanwhile allowed to alter rents; if they could not agree amongst themselves, rent courts independent of the settlement and revenue department were set up to which they could go, and there, influence and money and pertinacity had their innings. But the courts improved, the rents mounted up or down approaching real competitive levels and even from the first revision settlements, the rent rolls became the real basis of the land revenue settlement and the net produce calculations became only a subordinate check. Finally, the rule first adopted at the Saharanpur settlement in 1855, that the land revenue should not exceed fifty *per cent.* of the rent, worked in the direction of lowering land revenue percentages, for, as the rents the settlement officers considered came more and more to be

the actual rents, and not some other figure largely inferential, which they denominated 'fair' rents.

The Panjab settlement differed from that of the U. P. because there were hardly any landlords or taluqdars and comparatively few tenants in that province. But there are in that province many cultivators, who, though technically proprietors, till lands in which they have only a part share, and in those cases produce shares or money equivalents are paid to each proprietor to the extent of his share, the cultivating proprietor obtaining more than his share because of his labour and capital. Thus here, too, there are rents as a matter of fact although not known by that name. In the fully developed parts the term of the settlement is thirty years, as in the U. P. but it is twenty elsewhere. And in what are known as precarious tracts forming about one-eighth of the total cultivated area, where the rain cannot be depended upon, there is little water from other sources, and the soil is inferior, land revenue at a low rate is charged only on the area actually cropped in any year. Land alienation is also regulated by stringent laws (Punjab Act XIII of 1900, amended in 1907). A non-agriculturist who might have become owner of cultivable land can sell it freely; so can an agriculturist to another in the same village; but other alienations require the permission of the Deputy Commissioner—just as in a Native State the permission of the Chief is generally required. And since mortgages with possession might lead to transfer of ownership, they are also carefully scrutinised and restricted. Twenty years' possession by the mortgagee is, moreover, taken to terminate all claim, however high the amount borrowed.

The C. P. settlements are also for a period of twenty years, the overlords there are known as Malguzars and the settlement fixes not only the land revenue but all the rents as well (C. P. Act XI of 1898). Tenants are protected in all these provinces by Acts inspired by the same spirit as the Tenancy Acts for Bengal which have been already mentioned, but the details are different from province to province. In the C. P., for instance, there is a specially privileged class of 'absolute occupancy tenant' whose rents cannot be raised at all except by the settlement officer at a revision settlement, and who cannot be ejected "(practically) for any cause whatever".

BADEN POWELL, pp. 171-198.

RAY, pp. 110-135.

INDIAN LAND REVENUE POLICY, being the Government of India Resolution of 16-1-1902.

Section 46. Ryotwari Settlements. The Madras and Bombay system is called ryotwari as opposed to the zamindari, or single landlord, and mahalwari, or joint landlord, systems described above. But the ryot or the cultivator in the system, though recognised as a hereditary occupant with a full title subject only to the payment of the government demand, is really treated under it as (in the logician's phrase) an 'inseparable accident' of the field or 'survey number' or the fraction of it that he tills. The land revenue demand attaches to the survey number, and whoever occupies it or any part of it does so on condition of regularly paying its dues to the government. After various false starts, a proper beginning of this system was made in Madras from 1817-20 and in Bombay from 1835. In Madras the calculation of the net produce is claimed to be the basis on which the settlement rests. The Bombay government have been perfectly frank about it from the first; they have admitted that though net produce calculations are made and are used as a guide, still other considerations also enter into the result, and the controlling factors are—first, an estimate of the total demand a taluka could bear, and second, a distribution of it as equitable as possible amongst the villages of the taluka, and amongst the fields of each village, in the determination of which the classification of soils, the usual crop in particular localities on particular soils, and the water facilities are the guiding considerations. Under the Bombay system the classification of soils is rather elaborate. Irrigated land, rice land, garden land, and dry land with two crops or with one are the main distinctions. And the dry land is further distinguished into black, red, or light soil, of these seven, seven and five sorts respectively are noted, based principally upon the depth of the soil, each 'one anna lower for valuation purposes than the one above it'; and, further, seven accidental defects are recognised, the presence of which in any field would lower its place in the scale by one point or even by two. Lastly, the whole system being empirical, limits to enhancements have from the second revisions come to be fixed by a simple rule, that at a revision the demand

from the taluka as a whole should not be raised by more than a third of the expiring settlement, that from a village by more than two-thirds, and that from a single holding was not to be more than doubled except under very exceptional circumstances. Nor were the increases to be realised in full from the first year of the new settlement. Only four annas in the rupee (i.e. one quarter of the increase) was demanded for the first two or three years and the balance was similarly added on in three further instalments (of four annas each) at similar intervals. The Madras system differs in this; there, one-fourth of the increase is added on the first year, and under certain circumstances, one-eleventh of the balance is added on regularly from the second year to the twelfth, while the general rule is to add one-eighth every year from the second. In both provinces, there is of course a thorough survey and detailed maps and registers for every village based upon it.

Few agricultural communities can escape indebtedness, which grows at first imperceptibly, but accumulates decade by decade until it attains alarming proportions, and brings serious evils in its train. The legal system established in British India allowed the cultivator the fullest power to borrow against his property in his holding, and he went on borrowing until the moneylender refused to lend any more and filed a civil suit for recovery of the loans with interest. The courts in many cases allowed the claims, with the result that the cultivator's holding was sold out, and land began to pass from the hands of its hereditary owners into those of moneylenders. This was a serious evil, for where the moneylending classes are not agriculturists and the dispossessed agriculturists have no other means of livelihood, these latter have to stick on to their holdings and would consent to any fancy rents and other irregular exactions besides in order to do so, thus becoming reduced to mere tenants at will at less than starvation wages. "The number of suits for debt in the courts of the Poona district doubled between 1867 and 1873, and the applications for execution of decrees increased from twelve thousand in 1868 to twenty-eight thousand in 1873".* Mat-ters came to a head in 1875; the agriculturists in four Deccan districts attacked the moneylenders, burnt all their account

* G. Keatinge, *Rural Economy in Bomb. Deccan*, pp. 85-9.

books and bonds, and were guilty of some other acts of violence. The Deccan Agriculturists' Relief Act, 1879, was passed as a remedy. Under the Act the civil court in hearing a suit between agriculturist and moneylender, takes the side of the agriculturist, disallows usurious interest, insists upon the fullest accounts interpreting every omission in favour of the agriculturist, and scrutinises every detail in order to go behind the contract to the equities of the case. Village registrars are provided in order that contracts might be made in their presence, and conciliators are appointed to effect equitable settlements of disputes out of court. Finally when the court allows a claim, it fixes at the same time instalments convenient to the debtor to enable him to gradually free himself from his burden, without losing his land. The Act has been found fairly successful as a palliative and has been extended to other parts of the province.¹ A rapid extension of rural cooperative credit and of cooperative societies to enable the agriculturist to pay off the usurious moneylender, to buy manure, seed, etc., to buy and hire cattle, costly machines etc. and to market his produce, so as to reduce his costs, improve the quality of what he buys or hires, and increase the gain from what he has to sell, would, on the other hand, be a real remedy as far as it went.² A system of rural insurance and state agricultural banks for permanent improvements and other large outlay such as would be productive over a large area but only after years would be other remedies that would also be not mere palliatives. The problem, however, is vast and complicated, and in order that these and similar proposed remedies might be widely scrutinised and a strong public opinion grow up capable of giving active support to well-judged practical schemes, perhaps the greatest need of the day is for large numbers of intelligent well-informed people to take a more living interest in its various aspects than they have hitherto done.

BADEN POWELL, pp. 199-213.

RAY, pp. 58-109.

Section 47. Uneconomic holdings. Men multiply, we have said, and Lakshmi departs.¹ As the generations succeed one another, there are more cultivators, decade after decade, for the same number of acres, and the holdings are

cut up more and more. The individual cultivator's holding as a unit becomes progressively smaller. And it comes to consist of an increasing number of strips scattered all over the cultivable area of the village. The evils of this are great and undoubted and of a cumulative character. "Excessive subdivision and fragmentation impede current cultivation and waste time, prevent permanent improvements, prevent a man from living on his farm, prevent any orderly organisation of labour or capital, sometimes send land out of cultivation altogether, cause enmity amongst neighbours leading to litigation and permanent feuds, and produce a generally uneconomic situation."² Or, as the same author puts it more generally:—

"The fact that the cultivator often finds it difficult to pay his assessment, the fact that he readily runs into debt and seldom extricates himself from it, the helplessness of some and the apathy of others, these matters have attracted general attention and suggested remedies. They are, however, merely symptoms of a general disease, and that disease lies in the distribution of the land itself. The fact is that most of the holdings are not economic holdings. When a cultivator has only five or ten acres of unimproved dry-crop land split up into several plots, and situated at a distance from the village and from each other, he has not got an economic holding. It will not provide a living for himself and his family. Much less will it leave him anything over to pay any assessment or any interest on debt, at whatever rate they may be calculated. There is no chance for him to develop or improve his property. . . . There is no object in preventing him from alienating his land, little use in trying to put his credit straight, and little advantage to be expected from making him advances or granting him remission of revenue. . . . What is an economic holding? . . . The desirable area would vary greatly in different parts according to circumstances. A gardener in the Surat district with three acres of good garden land can support a family in comfort, while in a dry part of the Deccan with poor soil, thirty acres might not suffice. Between the ideal economic holding and the obviously uneconomic holding there are many gradations; it would not be difficult to fix a standard for any tract."

The first thing, then, for those parts of India where the holdings have become uneconomic is to get back to economic

holdings. That, however, is easier said than done. Legislation alone, or executive action alone, or influence and power exerted merely from above cannot achieve this end. Government and people have to act together first to reconstitute the land into economic holdings, existing interests in the land being all fully taken into account, and then to protect the integrity of these new holdings by such laws and customs as might prevent a later recurrence of the present evils through a fresh series of slowly accumulating subdivisions and fragmentations. There will also have to be pursued simultaneously large practical schemes for the provision of non-agricultural occupations for those who have to be thus bought out of their present interest in the land. And obviously, such joint action of people and government for such large and complex concrete ends would provide as effective a training as could be desired in the arts and difficulties of democratic self-government.

CHAPTER VII: NOTES.

SECTION 40.

1. There are said to be 728,605 villages in British India with an average population of 364 each (*Dyarchy*, p. 240). But see below Ch. 10, section 63.

SECTION 41.

1. See *Manu Smriti* VII 115-124; 128-133; X 113-20; and similar passages in the other law-givers.

SECTION 42.

1. Five-sixths of Bengal, Bihar and Orissa; one-eighth of Assam; one-tenth of U. P.; and one-fourth of Madras; together amounting to one-fifth of British India, and including the richest part of it:—*Dyarchy*, p. 249.

2. From paras 20 and 21 of their despatch of 19-9-1792. See also para 47, where they further observe that "this degrading struggle for taxes and rents" which had perpetually occupied the government, had denied it

the "leisure to turn its cares to other functions of the ruling power, to the internal regulation of the community, the establishment of wholesome laws, and the due administration of them." Mr. L. C. Ray has printed the Despatch in his Permanent Settlement of Bengal (1915), pp. 41-70.

3. The figures given in the text do not claim to be exact. Statistically and chronologically exact figures do not often give the pith of the matter as simply and clearly as figures used with a certain freedom, but chosen, nevertheless, with great care. Such rounded figures have the further advantage of enabling a summary statement to be made that would be substantially correct for relatively long periods; for the actual figures are of course different from year to year.

The annexed table gives the actual figures for one district, the district of Faridpur at the northern angle of the Bay of Bengal, area 2484 sq. m., population (1901) over two millions, cultivated area 1.6 million acres.

In 000 Rs.

Year.	Total rental.	Government Land Revenue.	Zamindars' income.
1793	660	600	60
1906-10	3,000	600	2,400

—J. C. Jack, *Economic Life of a Bengal District* (1916), pp. 115-6.

SECTION 48.

1. Similar laws in other provinces also. And for a wider and more guarded extension of the same root ideas to unthrifty feckless people other than agriculturists, see Indian Contract Act Amendment Act 1899, and the Usurious Loans Act, 1918.

2. Co-operation with these aims for the rural population and similarly ameliorating aims for the labourer, the artisan, the consumer etc. in the cities was started by departments planned at first on a modest scale under the Cooperative Credit Societies Act of 1904 and gradually strengthened as the work increased. Act II of 1912 gave greater powers and wider facilities. The Sir E. MacLagan Committee on Cooperation in India (1915) strengthened the popular and financial sides of the movement; and we may say that the foundations have been laid so well during the first twenty years, that during the next twenty the movement will grow into one of the most beneficent agencies all over India.

SECTION 47.

1. Lakshmi, of course, has many names and forms. The buxom goddess of rural plenty, the Greek Demeter, the Roman Ceres, is the Hindu Anna-purna. It is she who departs as village populations increase without increase of village lands, or without a proportionate increase in the produce or in the money value of the produce.

2. Slightly condensed from Mr. G. Keating's No. 10457 (11-11-1916) to Government. See also the same author's *Rural Economy*, pp. 51-55, and Paper submitted to the Board of Agriculture, annual meeting, 1917 (*Ind. J. of Economics*, July); the Baroda State Report on the subject, 1917. Prof. Stanley Jevons' paper on the Consolidation of Holdings in the U. P., 1917; Dr. H. H. Mann, *Land and Labour*, pp. 43-54 and 150:156. Vol. II, pp. 48-9; etc.

Messrs P. A. Wadia and G. N. Joshi, *Wealth of India*, argue that in India (as still in the Panjab) "coparcenary was the rule, separation was the exception", until the tables were turned by (A) the balance of occupations being destroyed as industries died out in towns and in cottages and (B) by the operation of the British legal system. Hence redistribution of lands and re-constitution of holdings making the average holding larger and in one site, with legal measures to keep it entire, will not by themselves meet the case (Chs. 11 to 17). But to say that these measures are indispensable, is not to claim that they by themselves would prove a complete solution.

CHAPTER VIII.

FAMINES: RAILWAYS: IRRIGATION.

Section 48. Frequency, Duration, Extent, Intensity. The statement is sometimes made that famines are now more frequent than in the past, they last longer, they affect larger areas, and, moreover, inflict greater suffering. It doubtless has its origin in natural opposition to the cuckoo song of steadily increasing wealth and prosperity which official apologists sing in various keys in season and out of season, year after year. But it is none the less the product of minds unscientific and unhistorical filled with vague unrest and discontent and rising up in futile protest against things as they are in general and against the powers that be in particular. It does not stand to reason that the awful famines which destroyed states, crippled arts and crafts, and snapped the thread of culture and settled existence, until fresh beginnings could be made somehow and somewhere, should have been less intense or shorter in duration than the famines of to-day. It does not stand to reason that in a society cursed with chronic warfare between states, when the defenders had frequently to destroy standing crops themselves, and more frequently to miss the seasons for sowing, when the moving armies ate up all they could and destroyed far more than they could consume, and roving bands owning no allegiance to man or god spread devastation, the terror of their approach, besides, causing panic and famine conditions over areas far wider than those they actually overran,¹ the famines should have been less acute or frequent or shorter in duration than now. It is quite impossible for minds with the slightest glimmering of historical perception to stand such nonsense as any attempted comparison must be of present conditions with those when mothers ate children, when the dead choked up rivers, were cast into pits, and lay about everywhere for vultures and hyenas to feast upon, when husbands and fathers sold their women and children into slavery if they were so lucky as to find buyers, when valuables and heirlooms were bartered away at nominal prices, and grain rapidly rose upto twelve or fifteen times the normal,² until it became literally unobtainable, and whole villages went into the jungle by hundreds to live on jungle roots and bark and leaves, their progress marked by people dropping out at every step. It is equally impossible even to place side

by side the vague and meagre accounts which have survived and the full details of modern famines,—famine camps, gratuitous relief street by street, medical treatment and precautions and reports, the numbers of the people and their cattle migrating, the quantities of the grain and fodder supplied from place to place,—dates and graphic penpictures, and carefully compiled statistics and snapshots revealing every bone. These accounts and photographs excite our pity and move the hardest of us to tears even when referring to the farthest province of India, however different from us in blood and language and religion. We have become more sensitive to national suffering and helplessness, and more insistent in our demand that such things should cease to be. That is all to the good. But that is itself part of the advance already achieved under British rule, an advance that has relegated to the limbo of the past the awful calamities of the earlier centuries, never again, let us trust, to reappear in Modern India. For modern famines differ *toto caelo* from their predecessors which spread such tremendous havoc. The last of the old type of famines was, let us say, the Bengal famine of 1770. Since then with every visitation of famine our efforts to reduce its intensity and bring the inevitable loss within measurable limits have become almost continuously more intelligent and better directed. Full success is still far off, no doubt, and we are quite right in emphasizing the insufficiency from our modern point of view, of what has been achieved, and contrasting it with the great and complex difficulties still remaining. Our entire point of view in the matter has been transformed. We begin to see that too little rain, too much rain, floods, locusts, plant diseases, soil exhaustion, that these and other purely natural causes of famine might be weakened in their operation, even if not eliminated altogether; that even when operating, they might be prevented from inflicting the maximum loss they were capable of; further that the loss might be prevented from causing deaths of men and cattle by starvation or epidemic diseases; and most important of all, that the calamity when it occurred, thus restrained within purely physical bounds and reduced even as to the material losses it inflicted, individuals, even at the bottom of society, should have reserves and staying power enough to meet mainly by their own intelligent efforts, so that there might be as little dislocation of the economic and social system as possible. That is our new ideal; when that is attained, India would have become for all prac-

tical purposes free even from famines of the modern type, although failure of rain etc. might continue to occur. That is our modern ideal, and from that point of view, there is a great deal still remaining to be done, some of it most difficult of accomplishment. To admit that, however, is one thing. To deny that any progress has been achieved, to compare our modern famines with the very different calamities of the past, and even to say, imply, or insinuate that India was really better off in the past, is to lose all sense of proportion.

Progress itself of course brings some new difficulties. There are some parts of India which are exceptionally favoured by nature. And India is so extensive, the physical and climatic conditions are so diverse, a famine from end to end of the whole country is physically impossible. Most of the famines of the past, even the worst, inflicted the horrors we read of, mainly because of the absence of transport facilities. These the nineteenth century has supplied. In 1803-4, to give but one concrete instance, there was famine in the districts of Benares, Allahabad, Cawnpore and Fattehgarh, while at Bareilly, only seventy miles from the last place, wheat could be had at sixty seers per rupee,* yet it could not reach Fattehgarh! But the increase of transport facilities has meant the gradual conversion of all India into one market; the poorer districts have been obtaining the surplus of the more favoured; fairly uniform prices everywhere have meant rising prices in the more favoured parts. Secondly, as peace and security have continued, and transport facilities—Railways—have become available for a widening area, population has also been increasing along with an extension in the area of cultivation. Thirdly, international trade has also been transformed during the same period and necessities of life, such as cotton, have become the principal staples of that trade in huge quantities, the increase in the area of cultivation has not all been an increase in the area under food-grains. Nor have all the food-grains produced in India remained in India. The prices of the food and other products have been raised more or less uniformly for the whole of India by the pull of this international demand to the world level.³ From the latter half of the nineteenth century these interconnected influences have been at work, and if we survey the situation as a whole as it

stood during the period 1911-1920, we discover we shall have soon to face a new problem of enormous difficulty and complexity, the PROBLEM OF FEEDING INDIA. For the first time in history India appears to be approaching the limits of the population she can support. For the first time in history India appears to be producing only as much as she really needs for her own consumption.⁴

The conclusion is inevitable that to maintain our present rate of increase, the area under food-grains must increase, the production of food-grains per acre must improve, and that the prices of food-grains relatively to other produce and all other articles of value must rise higher than at present. India has been one of the cheapest countries to live in for over two generations;⁵ that state of things cannot last much longer. We have outgrown the old state of chronic warfare, the spasmodic calamities and the no less spasmodic years of plenty; the whole country has become internally one economic unit and has been brought into sensitive contact with the outside world; the daily struggle for existence of the modern world is upon us at last. Our economic structure must rise to a higher level, sanitation and health, education and industry, efficiency and organisation, state policy, social habits, must all be recast, instinctive and customary adaptations must give way to deliberate constructions; or else starvation and misery and all other concomitants of a population pressing upon the means of subsistence will overtake us at no distant date.⁶

Section 49. Relief Methods. The elemental calamities of the past, inflicting boundless suffering and loss for which no remedy or prevention was even conceivable, have been transformed into the famines of the latter half of the nineteenth century mainly by two factors. The progress of science and mechanical skill created the railway, and the railway has, so to speak, annihilated distance, and made the immobility of grain and fodder, men and cattle, a thing of the past. Throughout the nineteenth century India as a whole still produced more food stuffs than she needed. Hence wherever railway communications were introduced foodstuffs could be quickly brought up in abundance from provinces where there was plenty to those in need of it. But bringing up food to the afflicted districts is one thing, the organisation required to distribute it in the right manner is a different thing

* Sir T. Morison, *Industrial Organisation of an Indian Province*, p. 260

altogether no less important. People who point out that almost every detail of our modern famine relief system was known and employed in India from the remote past, that hardly any important detail deserves to be regarded as a new invention, are perfectly correct in their contention, but only in an antiquarian sense. The distinguishing mark of the British administration has been the patience and the persistence with which the various remedies for relief were tried, their operation freed from defects and abuses, and the benefit of these so corrected and improved, spread over the entire area and continued for the entire period needing relief. More important was the habit which collected and sifted the teaching of experience, and by continuous experiment and reflection fitted the various details into a really practical harmonious system. And even more decisive, what may be called the final cause of it all, was the new sense of duty which never wavered, that the state was bound to exert itself to the utmost to relieve suffering, prevent loss of life, enable the normal currents of labour, trade and production, to flow on unhampered, and avoid any demoralisation of the people, as far as possible. The famine relief operations from 1770 to 1907 are full of failures and breakdowns; the inevitable results of ignorance, miscommunication, inadequate or corrupt agency, and wobbling ideas at headquarters appear again and again; a great deal can be and has often been made of these failures, and the losses resulting from them. These, however, were incidents lying on the surface. The deeper truth of the matter is that these failures and breakdowns were not disguised nor were they put up with as inevitable; the Administration learnt from their failures, they tried again and again, until they succeeded in evolving the right methods. From 1770 to 1860 is the period of apprenticeship during which but little success was achieved. Even after 1860, there are seemingly paradoxical movements in two opposite directions at once, towards centralisation as well as decentralisation, towards spending all that was needed as well as towards economising as much as possible, towards local variations as well as towards uniformity. But on the whole the march is upward and onward, directed by increasing knowledge and inspired by a steadfast sense of duty.

The system as fully developed is a complex whole consisting of many correlated parts. The first essential is full up-to-date and reliable information. Rainfall statistics, the state

of crops, the stores existing from previous harvests, the state and efficiency of the trade and transport agencies, especially with reference to their ability to reach the remotest districts and the most backward sections of the people, such as hill-tribes, are all noted and estimated, and all subsequent relief operations are necessarily based upon this body of knowledge. Any serious mistakes or deficiencies in this preliminary, as in the Orissa famine of 1866,* are bound to lead to disaster, however able active and devoted the individuals entrusted with the actual administration of relief.

The next essential is a very careful study and correct interpretation from day to day of the *preliminary symptoms*. Sudden fluctuations in prices, attempts to corner supplies, the contraction of private charity and of the market for casual labour, the increase in petty crimes, the deepening anxiety of the people as summer breezes and summer skies continue, the epidemic of aimless loafing about in search of work and food settling down before long into a steady drift of increasing crowds towards towns, these are danger signals for the experienced administrator to note betimes. The Collector, the Commissioner of the division, and the provincial government should at an early date make up their minds, declare their policy, and take the lead of the people. Resolute manysided activity at an early stage conceived on liberal even generous lines is more than half the battle. It puts heart into the people, encourages the philanthropic and well-to-do minority to organise their efforts and fall into line with the general plan of campaign of the state, and gives confidence and hope to all classes. The need for thus seizing the psychological moment and striking the popular imagination was, however, not fully realised before the famines of 1897 and 1900.

The third essential is the actual *plan of relief operations* proper. Various alternative schemes for this purpose, many of quite ordinary dimensions to be put into operation at the villages or in the centre of every bunch of neighbouring villages, some large enough for the talukas and even for the district as a whole, must be ready in proper pigeon-holes, with estimates of the tools and the amount of organisation and supervision each would require. The tools etc. must be already

* Sir R. Temple, *Men and Events*, p. 327.

there in some store, and as the preliminary symptoms become pronounced, more and more of the necessary staff must be warned to hold themselves ready, so that the relief camp might spring into existence as soon as wanted almost at a moment's notice. As the costliness of relief operations is ultimately measured by what we can place on the credit side as a set-off, the work which these hundreds of men at each relief camp are set to perform must be of real utility, such as were the fortresses, palaces, cave palaces, tanks and irrigation canals constructed by the old rajas under similar circumstances. The British government has needed no fortresses or palaces; its plans have been earthworks for a projected line of railway, or a road, or a tank or a canal. But the railway or the road must be really wanted, and must be kept up and carried forward to completion after the famine is over, that is, it must be not only such as might be useful if built, but such as was needed as soon as possible; the tank must be such as would really hold water; the canal must be such as would really carry a sufficient quantity of water for several months in the year. In other words, the drier areas of the whole land had to be surveyed in advance, district by district, with the special object of formulating such plans and selecting the best, and detailed estimating with reference to every one of the plans selected had to be also done in advance and kept available for use as soon as the moment for taking action arrived. This lesson was thoroughly grasped by 1878, the Famine Commission of 1880 emphasized it, the various provincial governments luckily got a sufficiently long period to carry out the instructions; and the consequence was that a fair number of the works executed by relief gangs in the famine of 1896-7 were of real, some even of great utility. But we had another famine even more extensive in 1899-1900, there were few such plans available then, and one consequence was that there was comparatively very little indeed of real utility to show in return for the enormous sums necessarily spent upon relief in the course of the latter famine. The size of the central relief camps was to a certain extent prescribed by the intensity of the famine in the areas surrounding them, but opinion fluctuated considerably as to the point of maximum efficiency and economy combined with the minimum of risk. But latterly, and especially as volunteer agency was found to be trustworthy and came to be trusted more and more, the effort to force every one seeking relief to become a digger or a breaker of metal has been discarded as far as possible,

and special classes like weavers have been given work in their own line and in their own homes, and markets have been organised for the sale of their output. Moreover, substantial men have been given advances and this has enabled an increasing number of labourers of various classes and grades to find work with these employers. The famines of 1897 and 1907 were specially remarkable for the large amount of decentralised relief thus given. The supervision of the central camps has from an early date (1854) been handed over more and more to the expert agency of the public works department. The wages to be given to the labourers in the central camps have been fixed differently at different times. Attempts to differentiate between the workers broke down at an early stage of the period under review, as a minimum wage sufficient to keep the men alive had to be given in any case. The system that has prevailed on the whole has been a cross between payment by piece work or by results, and uniform payment to all, but a variation of the tasks set, according to the health and capacity of the different classes, amongst the workmen brought together by a common need at a central camp. Relief camps were first opened in the Madras famine of 1792, but they did not become the principal item of the relief organisation until much later.

The fourth essential is the independent and *gratuitous* relief of the children and the infirm. Kitchens and hospitals where expert medical agency controls the detailed work, but all four gates are open to visitors, and the general supervision is handed over to respected volunteers, combine efficiency as well as inspire the fullest trust; but decades elapsed before such a system could be built up. The superstitions and suspicions of the people, the corruption and heartlessness of the low-paid staff, the difficulty of providing such supervision as impossible, the domineering ways and red-tape habits of the official class, have made progress in this branch very slow, nor has it been uniform all over India.

The fifth essential is to break up the relief camps as soon as the next rainy season establishes itself and to help the returning people with *takavi* loans for the purchase of seed and cattle. Such loans were an established institution of Hindu India which was also copied by more than one of her Muham.

madan rulers. They have become an integral part of the British famine relief system from 1868. And from 1884 onwards they have also been given to substantial cultivators from an early stage of the period of distress for sinking or improving wells or for other agricultural improvements of a temporary or permanent character. The *takavi* loans granted in the famine of 1868-70 amounted to Rs. 21 lakhs. The great liberality of the policy pursued after 1901 is shown by *takavi* loans of over Rs. one hundred and eighty-five lakhs in the famine of 1913, and of over Rs. two hundred and twenty-five lakhs in that of 1907.¹

The sixth essential is the *suspension* of land revenue and its ultimate *remission* in whole or in part; in ryotwari India the State foregoes this; in the zamindari parts, the zamindar makes the remission and gets credit for it from the state. It is plain that when the cultivator loses his crop and has so little reserve remaining from past profits as to be brought to the verge of death by starvation, it is not at all possible for him to pay the land revenue, whatever the letter of the contract between him and the state. During 1900 suspensions of revenue were granted amounting to two hundred and six lakhs and out of this sum one hundred and ninety-eight lakhs were remitted altogether.² The Famine Commission of 1901 recommended early announcements of remissions and since March 1905 the principle has been accepted by most provincial administrations. The land revenue demand is suspended altogether when there is no prospect even of a four anna crop, and the suspended revenue is not demanded until after the affected tract has had one fair harvest. The suspensions of land revenue granted during the famine of 1913 amounted to over a hundred and eight lakhs.

Two more features of the system remain to be noted. Respectable people and pardanashin women would rather starve in their homes than go to relief works. Amongst these also many are not averse in a time of such stress to paid work, and their relief falls under the provisions indicated above for the benefit of special classes such as weavers. But there would be large numbers of these genteel classes who would or could do no work for which any remuneration could be earned; unless helped, they would quietly starve to death or commit suicide in some manner sanctioned by their religion. Volun-

teers of their own or a higher status are the only channel through which *gratuitous relief* could reach them. And even with the best efforts, a number of such cases, perhaps the most deserving of all, no system of public charity could ever hope to reach, in an ancient country like ours, where we still have an extensive heritage of aristocratic self-respect. The cost of all gratuitous relief—to children and invalids as well as to these classes—and of extra comforts to those who earn a famine wage of some sort, is borne by *charitable funds*. During the widespread famines at the end of the nineteenth century these funds were fed by contributions from all over the world; the 1897 fund amounted to a crore and seventy-five lakhs, of which a crore and a quarter was contributed by England; the 1900 fund amounted to a crore and a half, of which England gave nearly a crore. 1900 also saw the foundation of the Indian People's Famine Trust, by an initial donation from the then Maharaja of Jeypur of Rs. sixteen lakhs in government securities; the Trust had by the end of 1920 grown to Rs. thirty lakhs, chiefly by further contributions from members of the founder's family.*

Lastly, all the other expenditure on famine relief in every form—establishments, transport, cost of necessities, the wages and the doles—is met by the state. This is heavy; and it was, moreover, soon realised that a famine in one part of British India or another was a rather frequent phenomenon. During the decade from 1867 to 1877 famine relief had absorbed Rs. fifteen crores. From 1878, therefore, it was decided to raise an additional revenue of a crore and a half per year by extra taxation, and the object was to earmark this sum as a Famine Insurance Fund. Whenever there was a famine, relief expenditure was to be met out of it; in good years, railways or irrigation works of a protective character were to be built out of it; or when no such project was ready to spend it on, debt to that amount was to be paid off or at least less debt was to be incurred to that amount. The central idea of the scheme was that in a country exposed to recurring calamities of this character, the state was justified in imposing a little extra taxation on the people, who by the payment of a small annual premium, as it were, could have the full benefit

* Indian Year Book, 1921. It increased to 35 1/2 lakhs by end of 1923-4. *Ibid*, 1925.

of its capitalised value whenever the calamity was upon them. The term used to describe the extra fund was clearly a misnomer; for in this case there was no one like an insurance company to hand over the capitalised value. The policy should be regarded rather as an attempt to spread the heavy burden of a famine over several years, and at the same time to hurry on the construction of railways so as to link up the poorer and drier parts of India with the more favoured, as quickly as possible.³ Hence, in the construction of protective works out of revenue precedence was given to railways for over twenty years. But all the main lines of protective railways were thus constructed, and the famine commissions of 1898 and 1901 recommended that in future protective irrigation works were to be similarly constructed out of revenue as far as possible. The Irrigation Commission of 1901-03 followed. It explored the possibilities of new irrigation works all over India, productive as well as protective, and drew up schemes of protective irrigation works for the areas most frequently liable to famine, such as the Bombay Deccan, Bundelkhand, and parts of Bihar and the Central Provinces. As a consequence fairly steady progress has been made and the average annual addition to the cultivable area protected by fresh irrigation works of a 'major' type constructed by the state out of current revenues might be roughly put down at fifty thousand acres. The rate of progress has been slower during the abnormal years from 1914.

A. LOVEDAY, History and Economics of Indian Famines.

SIR T. MORISON, Indian Industrial Organisation Chs. 10 and 11.

INDIAN FAMINE COMMISSION REPORTS, 1880, 1898, 1901.

Section 50. Famine prevention. To protect the famine stricken and to relieve them is one and the same thing. If we restrict the term protection to relief activities pure and simple and to their immediate consequences only, all other activities on a large scale, and spread, with their consequences, over a period longer than the mere duration of a famine—with the famine as their starting-point, the reduction of famines in extent intensity or frequency as their motive,—would be, logically speaking, activities aiming at the prevention of famine. Some of these activities and policies might have other effects

also. Railways, for instance, reduce distances, unify the country, break down the isolation of the various parts, remove their ignorance of one another, make people more mobile, and while reducing the dependence upon and attachment to their birthplace increase their feeling of conscious attachment to the area of their own language or historical expansion at some period in the past, and to India as a whole. Railways foster trade. Railways might be used to help either foreign exploitation or nation-building industry. Railways enable a smaller army to hold down a larger area more effectively than could a larger army a smaller area in the absence of such an effective help to rapidity of marching. An administration armed with a well-planned system of railways could rule over a very extensive area from one centre with a very small number of officers. Towns grow up more rapidly, epidemics spread faster in a region possessing a network of railways than in one with only the old world means of travel. Thus railways have political, social and cultural effects as well as economic. And as long as there are areas in India which produce a surplus of food grains, to connect them by railways with others liable to suffer now and then from a deficiency, is to relieve the distress of the latter areas not only on a particular occasion but it is also to prevent a recurrence of it in future. Thus a well planned policy of railway extensions spread over several decades is a policy of famine prevention, as long as in spite of deficient productiveness in some parts, a region as a whole produces sufficient for its needs as a whole.¹ And from the point of view of administrators trying to cope with famine conditions, railway construction has this additional merit that the first stages of the actual construction only require unskilled labour working in large gangs.

Digging irrigation tanks and canals has also this merit of requiring unskilled labour in gangs. And irrigation has the further merit of bringing additional land under cultivation and winning a larger return from cultivation than before. It thus adds to the total output, and adds to the profits of the best types of agriculture and agriculturists. It also enables an area to become independent of rainfall itself, at least for one season. If the drought be prolonged the sources of supply which irrigation distributes might dry up, but such a contingency is so very rare, it might be left out of our ordinary calculations.

If we confine our attention mainly to famine needs, the superiority of a policy of extending irrigation to one of extending railways is not open to question. But it does not follow that the Indian government have been wrong in giving precedence to railways during the latter half of the nineteenth century. State policy is a complex whole where the resources available at any moment have to be carefully weighed against the needs of the moment, and the best possible working compromise sought out. The higher utility of a rapid extension of railways from military administrative and political points of view cannot be questioned. Perhaps, all that can be said is that if irrigation extensions could have been made earlier than they were, and at a quicker rate of progress, the country would have benefited more or suffered less. But this does not mean that such extensions could or ought to have been provided at that particular time. In matters of high policy there is no absolute principle corresponding to the categorical imperative of the intuitionist school of moral philosophy. In any country, however rich, the point is soon reached, when the statesman has to decide how to invest his last million of the available resources; his attitude of mind is—"here, now, I have only this last million: what shall I do with it—Railways? Irrigation?" He must make his choice. He cannot have both. And railways having had a start, railways being in possession, so to speak, railways being by far the larger property, and a property, too, that was a losing concern and could only be converted into one that paid by further development of it as early as possible, railway construction, finally, requiring far more purchases from England than irrigation extension,—it is not at all surprising that he should have decided in favour of railways, especially in view of their political and military utility also. Lastly, the choice once made, it was endorsed by the highest authority and could not be departed from. Sir Arthur Cotton the great advocate of a rapid extension of irrigation in India succeeded on account of the famine of 1877 in attracting attention to his ideas; John Bright and other prominent men felt that England owed it to India and to herself to sift the matter thoroughly, and a select committee was appointed with Lord George Hamilton, the then Under-Secretary of State for India, as chairman (January 23, 1878). Before this committee Sir Arthur Cotton made the mistakes of both claiming too much for irrigation and running down railways too far. The Com-

mittee decided for railways, and their verdict settled the policy for twenty years.*

It has been urged, however, that we have also to look at the other side of the shield. As railways spread, factory goods invaded Indian markets and conquered them, Indian manufacturers (producing by the hand, using only tools and implements of a primitive type) lost their customers, agriculture or casual unskilled labour were the only other occupations open to them, and thus railway extension at a rapid pace has meant the progressive degradation and ruralisation of the population. Even if political and military needs justified a forward railway policy, if it had been developed gradually, the invasion of Indian industries which maintained hundreds of thousands of skilled workmen each working on a small scale, by foreign large-scale industries organised in factories would have proceeded more slowly; there might have been time for re-adjustments; and a stronger better balanced healthier economic organisation might have come about. As it was, the policy adopted of railway extension at the greatest possible speed, even out of additional revenues raised by fresh taxation, must be charged, at least in part, with causing the famine condition, or rather the inability of large masses of the people to tide over even the loss of a single harvest,—for which it was claimed to be the best if not the only remedy. M. G. Ranade appears to have been the first Indian to develop this point of view, in the seventies of the nineteenth century.² This indictment of the government railway policy has been frequently repeated since, and not only by Indian writers. Perhaps its best exponent is Mr. Loveday, whose restatement of it in his valuable essay on Indian Famines, I give in a condensed form in a note.³

So much space has been given to this controversy because of the importance of the principles underlying it, and because the aim of this book is a historical treatment. Throughout the nineteenth century India produced food supplies in excess of her needs. That controlling circumstance rendered the extension of irrigation—and an absolute increase in her total production of food—comparatively less important then. But we have reason to believe that our population is fast approaching the limit at which it would begin to press upon our food

* Dutt, *India in Victorian Age*, Ch. 9; Sir Arthur Cotton's pamphlets.

supplies. It might be said indeed that we have not at present sufficient statistical information as to the cultivation and produce of all our foodgrains, and until such additional information is recorded all over India, we are not in a position to arrive at any conclusion on the subject. Such scepticism however, goes too far. Where exact conclusions are not available, 'probability is the guide of life'. And in this particular case it is a matter of recent experience, consequent upon the partial monsoon failure of 1918 that our supply of certain food-grains was so deficient that there was an abnormal rise in their prices.⁴ The policy of famine prevention now required, is, in the first place, a policy to increase our total annual production of food supply as much and as quickly as possible. More irrigation, more and better manuring, better implements, and in one word better tillage all round, that is the most urgent need of to-day. Finally, and to clench the matter, all our principal lines of railway have already been built; and even the subsidiary and feeder lines are not so urgently needed now that the cheaper motor lorry is becoming available in sufficient numbers.

Luckily, the department of Agriculture, founded on the recommendation of the Famine Commission of 1880, and steadily developed since, especially by Lord Curzon, is aware of the need and is facing the problem in all its complexities. What they have done and planned to do in recent years I summarise in a note.⁵

Their programme, extensive as it is, appears however to need still further extension in more than one direction. Agricultural and wild or forest produce other than food grains—textile products, woods, gums etc.—should also be attended to; with a careful and steady development of our vast natural resources, sufficient quantities of these can be produced not only for our own use in the raw state and as the raw materials for various industries, but there should also be a growing surplus available for export. It is far better to export these both in the natural state and various more or less finished and manufactured forms, than to export foodgrains and flour, oil seeds, oil cakes and oil, fish and fish manure, bones and horns, and similar necessities, of which we now find, we have not always a sufficient supply even for our own needs.

In the second place, one of the outstanding defects of British rule in India has been that it has never realised how great is the need of a special cattle policy in this vast agricultural country, that will not use butcher's meat as an article of diet, and depends far more than perhaps any other mass of humanity of such magnitude, upon plough cattle for its agriculture and transport, and upon milch cattle for indispensable ingredients in its dietary in substantial quantities. The great mortality of cattle in the famine of 1900 gave almost the first shock to the ingrained indifference of the European mind to the subject. The repetition of that experience in later years including 1918, has led to further reflection. That it is necessary to preserve breeds with special qualities, that model cattle farms are needed all over the country, that more fodder must be produced, that the cruelly high child mortality in cities cannot be reduced without a far larger supply of milk, cheap and pure, than is available, are propositions which are at length being more and more seriously considered. But it does not appear even yet that the problem is being envisaged as a whole in all its complexity. A cattle policy like that of France where there are no useless or undersized cattle, where only the best are kept, treated as well as possible, and worked as hard as possible, but kept only while they are in their prime,* is a policy that the European understands. There is hardly any difference in the European's attitude towards trees and towards cattle. The meat and the milk, the hide and the labour, the feed and the return obtained, are all entered on one side of the account or the other, the maximum of profit realised, and the necessary action taken at the right moment. To the Indian it is not a question of a mere profit and loss account; religious sentiment enters into it and is even the decisive factor. This our rulers have known all along; but a state policy providing for steady increase in the cattle population of India, sufficient to supply the increasing needs of the growing human population, without any deterioration in quality or an undue increase in the prices the individual has to pay,—is still a problem for the future to solve.

Thirdly, suppose economic holdings constituted, suppose the live stock, the capital, the implements and the skill of the cultivator improved; suppose further that the co-operative

* See Keatinge, *Rural Economy*, pp. 130-131.

societies enable him to get the current capital he needs, and to buy what he requires and sell what he produces, without middlemen sticking their greedy fingers in: suppose, finally strong provincial land banks created, granting sufficient loans for sufficiently long periods, for the agricultural improvement of entire clusters of villages:—the lot of the average cultivator and cattle farmer will be undoubtedly far better than at present. But will there not still be cases by the hundred thousand in which the farmer or cattle breeder and his family and cattle are stinted, cases in which the 'hardly one full meal a day' condition persists? They do not know their India well, who do not realise that one tap-root of India's eternal poverty is that the agriculturist and his dependents in the village home have not enough remunerative work to do all the year. How can there be a sufficiency of production for the masses at the bottom of society unless in return for hard full-time labour? Agriculture in India even with rich irrigated and manured land, does not furnish work all the year round. In the busy season there is so much work, there is hardly labour enough to get through it in time. And as we descend in the scale of land, capital and crops, the quantum of work agriculture provides is less and less. The moral is, there must be subsidiary occupations in the village; a comprehensive policy of cottage industries and remunerative village employments must be developed.

Finally and more generally, the well-known recommendation of the famine commission of 1880 is as true to-day as then: "No remedy for present evils could be complete that did not include the introduction of a diversity of occupations through which the surplus population might be drawn off from agricultural employments and led to find the means of subsistence in manufactures or some such employments".

G. KEATINGE, *Agricultural Progress in Western India.*

WADIA AND JOSHI, *Wealth of India*, Chs. 6 to 17.

S. RAY, *Economic Causes of Famines and Suggestions to prevent &c.* (1909).

Section 51. Railways. The "industrial revolution" or the transition from a mediaeval economy of production distribution and exchange, rural and self-contained, to a modern

economy resting rather on world trade and large scale production by specialised labour and machinery, was inaugurated in India before the Mutiny, by Dalhousie's "far-reaching schemes of railways, roads, canals and public works."¹ It was Dalhousie who planned the grand trunk lines, Mayo added connecting links and feeder lines, financial exigencies delayed the execution of the schemes and in the meanwhile famines altered them here and there and added 'protective' lines, the larger Native States followed the initiative of British India, although at a great distance, and latterly, public bodies like port trusts and rural boards have added a few short lines here and there. Private joint stock companies without any concession from the state except in the matter of land have also constructed some lines.² The first railway to be opened for traffic was the Bombay to Thana section of the G. I. P. Railway, in 1853. Jabalpur was reached by the East Indian Railway from Calcutta in 1867, by the G. I. P. from Bombay in 1870; Raichur was reached from Madras in 1862 and from Bombay in 1871; and at one end Dehli and at the other Mysore were reached in 1862. The mileage open exceeded the first five thousand miles by 1871, and every additional five thousand miles by 1882, 1889, 1896, 1901, 1907 and 1915.* The first ten thousand miles took about thirty years to build; the next thirty years added nearly twentyfive thousand miles. Progress during the Great War was naturally very much slower, 1917-18 was the worst year, when three hundred miles broad gauge were dismantled for war purposes, and only about three hundred and fifty miles of new metre and narrow gauge lines could be opened.³ However, the route mileage open by the end of 1923-24 was over 38,000 miles, nearly a half on the broad, and a little over fifteen thousand on the metre gauge.⁴ The most important of the projects to be undertaken in the near future and in different stages of consideration are a causeway line of little over twenty miles to connect India and Ceylon across the sandbank of Adam's Bridge; and a railway from India to Barma, either from Chittagong to the rice-lands of Arrakan, or along the Hukong valley in the north.⁵

The capital needed was originally raised by a free grant of land and a guarantee of five *per cent.* annual interest. Other conditions were that when the railway earned more than five *per cent.*, half the surplus was to be handed over to the state

* See the Chart in India in 1919.

every half year, and the construction working and management of the line were to be controlled by the state. The companies thus assured of their five *per cent.* on every pie spent, had no motive for economy, or even for building the lines quickly or at a steady pace. Their engineers with only English experience to guide them had to pick up a knowledge of Indian conditions as they proceeded with the work, a process which turned out very costly indeed. Their standards of solidity and thoroughness were too high. And they were men of such conservative and swadeshi ideas, mechanics of almost every type were at first brought over all the way from England. For instance, no Indian seems to have been employed as an engine driver upto 1875. English engine drivers cost at least £100 more per head per year, the wastage was high so that larger cadres had to be maintained, and later when Indians came to be employed as engine drivers and in other capacities—the departure was first made, perhaps, on the state lines to be presently mentioned,—it was also found that they “worked longer hours and gave far less trouble.”* The government wanted quicker progress at less capital outlay and with cheaper working. The old contracts, moreover, had been worded so loosely, their powers of control or check could not be exercised in practice. And the guarantee meant an increasing loss, which by 1869 had grown to an annual tax of one and a half millions sterling. Even “dear railways are far better than none,” says Chesney.† There is, however, a limit to the price that even a despotic government can afford, except only when it has the luck to have as finance ministers Stracheys or Chesneys! The Government of India decided to give no more guarantee and to build its own railways. From 1869-70 it began to provide about two crores a year for the purpose. In 1875 the sum was raised to four crores.⁶ War and famine followed. For the next few years the only sum the state could spare was what could be made available from the annual Famine Insurance Fund for the construction of “protective” lines. Thus, the old plan of railway construction through companies attracted by means of a guarantee had to be reverted to. But the guarantee given was lower and the contracts were more carefully drawn up. The state also needed at once some lines, neither productive nor ‘protective’ but even more urgent because ‘strategic’, and a committee of the House of Commons examin-

* See Fawcett, *Indian Finance*, p. 66. † P. 304.

ed the whole subject, about the same time as Lord George Hamilton's Irrigation Committee mentioned in the last section, and advised a loan of about two and a half crores to be raised in India annually, and to be spent, two crores on state lines of railways, half a crore on irrigation. Another committee in 1883 thought a loan of about a crore more might be raised and spent upon railways. In the nineties a fresh effort was made to recast the contracts with English companies and the terms to be granted to them. A guarantee of from two and a half to three and a half per cent,⁷ or a certain percentage of the net earnings of existing lines on the traffic brought to them by the new lines to be granted to these latter as a rebate as long as their own earnings did not yield a certain percentage of profit, and all surplus profits to be shared when they accrued, were the new terms. And, more recently, a few hundred miles of railways of local importance have been constructed on the security of the resources of district boards, supplemented, if necessary, by the levy of a new cess for the purpose. All the contracts, right from the time of Lord Dalhousie included terms for the purchase of the line by the state at stated periods. Cases have happened, nevertheless, in which on the first date arriving, the state unaccountably failed to assert its right. From 1880 onwards, however, when the East India Railway was acquired and the working again entrusted to the same company under special arrangements,* the policy has been followed of acquiring a line whenever it could be done according to the terms of the first contract with it, and handing over the working under a fresh contract to the same company or to another working a connected line. Some state lines, e.g. the Rajputana Malwa Railway, have also been handed over for working, the state only exercising general control. In the case of all such lines owned by the state and worked by people who are not state officials but servants of independent companies, the fresh capital needed for extensions, laying down extra lines, increase of rolling stock, improvement of bridges, stations etc. has to be provided by the state, just as in the case of lines which are both owned and worked by the state itself. Thus the Indian railway system as a whole is a growing property which can fulfil its functions, pay its way, and yield a profit besides, only as long as it is kept in proper repairs and developed, moreover, by the pursuit of a steady and intelligent policy regular-

* For a summary of these see Moral and Material progress Report, 1892-3, p. 270.

ly requiring fresh amounts of capital to be sunk into it. Railways develop trade and human movements, and these react by making a growing demand for better equipped lines, more frequent and quicker services, and new extensions. Hence, in the course of the first decade of this century, it was decided that in allotting fresh capital, the pressing needs of open lines were to rank first, and of lines under construction, company's lines were to rank before state lines. Plans for new lines were to go through various stages of scrutiny, and were to be passed for construction only as these prior claims allowed of it. The system as a whole began to yield a clear profit to the state from 1899-1900. The average profit for the four years upto 1907-08 was nearly three crores a year, and although in 1908-09 there was a loss, the profit has gone on increasing since. It is a vast asset representing in the aggregate about Rs. 7,200 millions of capital (1923-24), yielding an annual net income of from five to seven per cent.⁸

The Railway Board, an annexe of the Government of India department of Commerce and Industry, was started in 1905 to look after the State Railways, to serve as a mediator between the Government and the Company Railways, and as an expert arbitrator between any two railways, and to advise on schemes for the improvement of railways and railway management in general. It has now been reorganised in accordance with the recommendations of the Acworth Committee (1920-21), and since 1924, consists of the Chairman or Chief Commissioner, the Financial Commissioner, and two members. Its work has been arranged into four branches, each under a Director, who is the executive head, and there is also a Secretary for coordination not only between the branches but also between the Board and other departments of Government and between the Board and committees of the Legislative Assembly like the standing Finance Committee.

This railway system, vast as our country is vast, is admittedly an *imperium in imperio* in many ways coming closer to the people than the state itself, and exercising a direct influence over the production and distribution of wealth, the success or failure of business and other activities, and the comfort or discomfort of masses of the people, second to that of no other human agency in the country. It is ruled over by a body of men as small as the Indian Civil Service, who also form a caste

of foreigners even more exclusive and more unsympathetic. Immediately under them is a larger body of 'Anglo-Indians', Eurasians, and others, who hate the Indian more than any other class of men in the country, who have for the poor starving down-trodden 'coolie', only terms of abuse accentuated by kicks, and who have really no other manner or behaviour for the clerks and 'babus' doing all the intricate recording accounting and inspecting of the railways, or for the third class passengers or for any other Indians whatever. Most of these men, again, are 'volunteers', and there are hardly any other volunteers except in the few centres of the European mercantile or planting communities; thus, these men have arms and a trace, however slight, of military discipline, while all around them is Indian humanity, so mild their mildness is a vice, so accustomed to bear maltreatment uncomplainingly. From Sir John Lawrence to Mr. Gandhi prominent men in every decade have raised their voice against the maltreatment of the third class passenger and the middle class Indian gentleman by the railways and the railway-men. Mr. Curtis relates an incident in which a railway official while talking to him deferentially, kicked back like "a vicious mule" at an Indian passenger who had just happened to brush his back under circumstances in which "it was physically impossible for anything else to happen".* The wrongs of the third class passenger are a defect of the system. The vices of the railway official are a defect connected with the personnel of the railway staff. The only remedy for the latter is to dilute the railway staff with increasing numbers of middle class Indians. The true remedy for the former would involve an amount of expenditure which can only be provided by replacing the present very expensive and inefficient administration by one cheaper as well as more efficient.

The real cost of the Railway system to the country is far greater than the railway accounts by themselves can ever show. This extra cost is again partly the fault of the system and partly that of the men in office, and consequently in power Sir F. Lely's comments on railway rates⁹ pillory concrete instances, examined by him about 1903, and these serve as well as any later ones to expose the faults of the system. The railway rates for goods have been so fixed as to injure the

* Dyrarchy, p. XLIX.

coasting trade and ruin the petty ports. "No one in his senses would object to free and fair competition between land and sea. But is it free and fair? The boat has the great natural advantage of being cheap, but it is slow and subject to greater risk. With fair play all round, much merchandise would take the rail, while other, such as coal, would prefer the water". But the railway fixes a rate for coal, cocoanuts, timber, and other goods of the kind from Bombay to Broach or from Broach to Bombay, fifty to sixty *per cent.* lower than the rate between the very next station north of it or south and Bombay; with the result that the boats which plied between Broach and Bombay by scores even upto the last generation, have lost their occupation more and more and ceased to be. The rates again are the same from Bombay to Agra as, say, from Ahmedabad to Agra. Foreign matches going from Bombay to Agra are charged the same freight as Indian matches made at Ahmedabad and sent to Agra.¹⁰

Top-heavy establishments, with officers paid at fancy rates, necessarily involve numbers of overworked underpaid men without prospects, in the subordinate ranks. The necessary consequence is a large amount of delay, ingenious creation of technical difficulties, petty thieving and wholesale systematised corruption. All this is an extra burden on the trade of the country and must ultimately come out of the pockets of the consumer. Can any one venture even to calculate how enormous this is? The railway system of a country is a monopoly created and maintained by the state, and it is as much the duty of the state to see that it does not take much more out of the pockets of the people than the charges publicly levied, as it is universally recognised to be, in the case of the taxation it levies directly, through the agency of its own officers.

Section 52. Irrigation. India is a land as various as it is vast. There are desert lands within it—Sindh, parts of the Panjab—which depend altogether upon an artificial or man-contrived supply of water for cultivation and population; there are within it wide regions where the rainfall is deficient and irregular, and the crops in consequence more or less precarious unless the thirsty fields could get water at the right time and in the right quantities from some conveniently placed store; those parts of India, even, which have an adequate rainfall as a rule, would be benefited by irrigational facilities in more

ways than one. Every few years there is a drought, when of course there would be hardly any crops but for such facilities; almost every year there are breaks in the rains, and any one of them lasting two or three days longer, might reduce the final outturn more or less seriously; and even in good years, with the help of irrigation, three crops could be raised per year or two, instead of only two or one. With the exception of the districts of the heavy black soil where cotton is the king of the crops, there is hardly any region of India which does not gain largely by irrigation facilities.

Lift irrigation, where the sub-soil water is reached by a well and raised vertically upwards by means of a leather-bag or a rotating wheel of pots, has been practised in India from times immemorial. Madras is the province best supplied with wells, but in Bombay and the Panjab too, they might be counted by lakhs, and U. P. and C. P. are also increasing them at a fair rate. One of the best legacies handed down to us by the religious past is our sentiment that the building of wells and stepwells is an act of piety, and rajas and their officers, merchant princes and their ladies, and sanyasi managers of religious foundations have all vied with one another in building and repairing wells all over this sunbaked land. The roads of the Emperor Asoka had trees on both sides, and rest-houses for man and beast at convenient intervals, and a well at each rest house. Nor were the Pathan sultans and the Mughal emperors behindhand in following a custom so obviously recommended by the climate. We first read of takavi grants for the building of wells in the terrible famine of 1345 under Muhammad Tughlak; the principle has been acted upon with increasing liberality by the British Government from 1868; and the Irrigation Commission, 1901-03, recommended a further development of the policy; and also a lower rate of interest, a longer period for the repayment of the principal, and the remission of a part of the loan if the well failed from the first or at a later date. They also proposed a subsoil water survey and trial boring, quoting as examples the borings in Sholapur district and at Nausari.* A more active policy in these directions has begun with the famine of 1907.

Wells are the property of private individuals. So are small tanks and shallow pits which the rains fill with a supply

* Ch. 5, Section 2, and Ch. 7.

of water that lasts a few months. They are very numerous in Madras and there are a good many in Bengal also. The comparatively large ones are treated as the joint property of the village. There are a number of more or less natural depressions in the U. P., called jhils, which are also similarly owned and utilised. They are apt to fail just when most wanted, when the drought is prolonged, but while the water lasts it is very useful indeed for the crops, especially at a pinch. The area irrigated by each is small, but because of their numbers, the total area helped just as in the case of wells, is considerable. The large lakes, on the other hand, are the property of the state. The cost of constructing them is heavy, but the very large volume of water stored up in them can be distributed for miles. These storage irrigation works were not unknown to pre-British India. The Sudarshan lake near the Girnar, an irrigation reservoir created by damming up a small stream, served the tillage of neighbouring villages for four centuries, until it was destroyed by a storm in 150 A. D. Rudradaman rebuilt the dam "three times stronger"; a storm burst it once more, it was again repaired in 458 A. D.; and then this "Lake Beautiful" sinks below the horizon of history.¹ These facts are recorded on the celebrated fragment of the Asoka pillar near Junagadh. And for southern India in mediæval times we have the testimony of Paes how the Vijayanagar monarch had a tank built with the labour of several thousands "looking like ants so that you could not see the land".* Modern engineering has of course far greater resources and modern states can, by providing a lakh per year, say, from the annual revenue for only ten years, borrow twenty lakhs, which could be spent at once and repaid in thirty to forty years, that is to say, practically out of the new revenue derived from the work when completed. So wherever there is a gorge or other suitable site, and plenty of water running to waste that could be held up by a dam, the dam could be built, provided remunerative uses could be found for the water. Perhaps the most striking of the lakes and reservoirs the British government has built for irrigation purposes, is the Periar Lake three thousand feet above sea-level in the state of Travancore, which stores up the surplus water of the Periar river flowing into the Arabian Sea, and carries it by a tunnel, across the watershed, into the Vaigai river, which flows across the peninsula into the Bay of Bengal near

* Sewell, *A Forgotten Empire*.

Madura. The work was opened in 1896, and is capable of irrigating two lakhs of acres.

More important than irrigation by means of storage works, is canal irrigation. This also has been practised in India in localities suitable to it from a remote past. The province of Sindh for instance is full of the channels of old canals. The passage from Megasthenes already quoted would apply also to irrigation of this description. And the kings of Vijayanagar cut irrigation canals from the Tungbhadra as well as built large lakes, where possible. But perhaps the greatest surviving monument of ancient India in this class of work is the 'Grand Anicut' or weir in the Kaveri delta, which is believed to have been originally constructed in the first centuries of the Christian era. The Jamna Canal of Firoz Shah Tughlak and the Agra Canal of the Mughals were the most extensive works of the kind attempted in Muhammadan India. But the inundation and perennial canals of British engineers have far surpassed any pre-British works of the kind both in magnitude and utility. The construction of productive irrigation works of this type out of loans might have proceeded at a quicker rate, but for the failure of two great projects at an early date in the history of irrigation. Sir Arthur Cotton's Tungbhadra project was undertaken by the Madras Irrigation and Canal Company in 1863, with a capital of one million pounds and a guarantee of five *per cent.*; only a small section of it, however, was ever constructed, and the Company had to be bought off by the government in 1883. Sir Arthur's Orissa canal scheme was undertaken by the East India Irrigation and Canal Company in 1860, without any guarantee, but the Company could not raise the necessary funds, and had to be bought off in 1868. Hence it was that the construction of irrigation works could not be proceeded with by means of companies; government had to construct them itself out of loan funds and surplus revenues. Sir John Lawrence began this new policy with the repair construction and extension of the West Jamna Canal; the renovated canal was able to irrigate five lakhs of acres, and subsequent extensions have increased its capacity still further. The Agra Canal also from the Jamna was restored and improved, and it was opened in 1874. The first original work constructed by the British Government—begun 1848, opened by Dalhousie, 1854—was the Ganges Canal, followed up later by the lower Ganges Canal, opened 1878, each of

which became capable of watering over eight lakhs of acres. But works of this character cannot be judged solely with reference to the area irrigated by them. The great triumphs of modern engineering skill in this line are to be seen in the Panjab. The Himalayan snows are perennial stores of water, which, as they melt, send continual supplies down the innumerable streams which coalesce into the noble rivers that ultimately fall into the Indus. The slope of the land is also all that the heart of the engineer could desire, and extensive tracts in the province have a soil that without water is desert sands, but with water yields rich crops of a high quality year after year. The Panjab canals had in 1905 the capacity of irrigating over five million acres, and during the last fifteen years this has almost doubled. What this means in terms of concrete plenty and prosperity, the canal colonies of the Panjab reveal at a glance and in the most convincing manner. The best example is the Chenab Canal Colony in the Techna Doab. With an area of 3,900 square miles, in 1892 it was inhabited by 70,000 nomads. In nine years it was transformed into a busy hive of 791,000 flourishing agriculturists; and by 1912 the population had risen to 1,111,000. The indirect gain from relief of pressure to the congested areas of the Panjab was nearly as great. The Triple Canal Project recommended by the Irrigation Commission (1901-3) and sanctioned in 1904, has combined into one the Upper Jhelam, Upper Chenab and Lower Bari canal systems, and was declared open in 1912. The great service rendered by the Irrigation Commission (1901-03) in recommending greater expenditure on irrigation works and a more liberal policy about advances for wells has been already mentioned. Perhaps their greatest service resided in changing the attitude of government altogether as to the proper view to take of the costliness, as well as the utility, of irrigation works in regions unfavourable to their construction. The Sindh Canals for instance irrigated two and a half million acres at a capital cost of two million pounds. The canals in Gujrat and the Deccan irrigated no more than 340,000 acres and at a capital cost of over four million pounds.* A simple arithmetical calculation showed how much more productive a pound was when spent in one part of the presidency than in the other. The Commission argued, however, from the direct losses the recent famines had inflicted on

* India in 1910, p. 116.

people and state alike; they took the district of Sholapur as an example, which had cost on an average Rs. five lakhs a year on famine relief for a period of thirty-three years, added to this the further loss due to loss of revenue and the lowered economic condition of the people, and thus argued that quite a different standard of profit and loss applied to irrigation schemes in regions which had the double misfortune of offering little scope for such schemes, and at the same time of necessitating a very high expenditure upon them.* And they drew up an extensive programme recommending various schemes for every province. The total costs they put at forty crores, only one third on productive and the rest on intermediate and unproductive² works, and they anticipated that the works would take not less than twenty years to complete, and when completed, irrigate six million and a half acres. With regard to the Bombay Deccan in particular, they said that the abundant rainfall on the Ghats could be stored—at a price—in suitable sites and carried thence to the districts in need of it. The Government accepted most of their recommendations, discovered in working along the lines they had indicated that the possibilities of irrigation works were greater even than those the Commission had in view, and have been following a more active programme of construction during the last two decades. The completion of the Triple Canal system in the Panjab has been already noted. The Satlej valley project when complete will irrigate three million acres besides giving a more regular and larger supply to the two million acres served by the older inundation canals in the valley. This will be achieved by an interconnected system of twelve canals, starting from four weirs, three on the Satlej and the last below its junction with the Chenab. The Lloyd Barrage project in Sindh sanctioned in 1923 will similarly give rise to seven canals not only capable of guaranteeing a more regular and larger supply to the two million acres already served by the older inundation canals, but also of bringing under the plough several million acres of desert waste, where at present there is neither cultivation nor population. Protective irrigation works, on which the Commission laid such stress have also advanced considerably. Of these the Nira Right Bank Canal which will irrigate two lakhs of acres when complete, and the Godavari and the Pravara schemes,

* Report, Ch. 4, Secs. 1 and II.

sanctioned in 1906, might be specially mentioned. The Godawari canals were opened in 1918 and the other two are approaching completion. To take a more general view, in 1902-03 there were only 350,000 acres irrigated by protective works; and of these there were 49,000 acres in the U. P., 59,000 in the Bombay Deccan and 85,000 in Madras. By 1918-19 the total for British India had doubled, the Deccan having gained 63,000 acres, Madras 23,000, and the U.P. as many as 162,000. Lastly, students of the subject should note that although a big canal flowing like a river through several districts and throwing out thousands of distributaries in a carefully designed network, or a big lake in picturesque scenery giving out miniature rivers for miles carried across all obstacles, might strike the imagination, and although the capital sunk on these extensive works amounted to colossal figures, the small well and the petty tank of the cultivators also rendered a service by no means negligible. Just as the population inhabiting our small villages was in the aggregate hundreds of millions, because although each village was so small there were several lakhs of them, so also the total area irrigated by our wells and tanks, the work of the people, with only a little help in recent years from the state, was very large indeed, and for the same reason. The Irrigation Commission calculated in 1903 that in 1877-8 the total irrigated area in British India was thirty three million acres, out of which private works irrigated twenty two and a half millions, while the state works irrigated only ten and a half; the proportion of private to state irrigation was as 68:32. In 1902-3, the total in their opinion had increased to 44 millions, and out of that private works irrigated twentyfive millions and a half, while the state works irrigated eighteen and a half million acres; the proportion at that date was thus 58:42. At the end of 1918-19 the area irrigated by state works had grown to over twentyfive million acres. Even if we assume that the growth in the area irrigated by private works was at the same rate as in the former period, it must be put down at very nearly twenty-nine millions, or an area larger than the state irrigated area by over three million acres. No doubt the state is bound to forge ahead in such a competition in a decade or two more. But, in the first place, it is a nobler achievement to advance from thirty millions to forty millions irrigated by private effort, than from thirty to sixty millions by state organisation and enterprise. And in the second place, as our country emerges out of its extreme

depth of poverty, people will have greater resources and will develop more enterprise, and I am confident we can soon forge ahead of the state again in a few more decades. Finally, it should never be forgotten that in more tracts than one large and spectacular irrigation works are and will ever remain physically impossible, whereas progressive additions there will always be possible to its numbers of wells and small tanks in good repair.

INDIAN IRRIGATION COMMISSION REPORT, 1903.

CHAPTER VIII: NOTES.

SECTION 48.

1. As an outstanding example, for the effects of the Shivali loots of Surat (1664-1670) for years afterwards and upto the Narmada and beyond, see J. Sarkar, *Shivali*, pp. 203-5, 423, etc.
2. A rise in price upto 32 times the normal was recorded in the Bombay district famine of 1709—Leveday, p. 27.
3. English shipping, for India has no shipping of her own, has benefited in consequence, as much as India, by this expansion of Indian exports.
4. See D. S. Dubey's *Study of the Indian Food Problem* (*Indian Journal of Economics*, July 1920 and January 1921). He studies seven years from 1911 to 1917. I had given a summary of his figures in the first edition: but on further examination of this very complex subject, I conclude he has overstated the danger (1926.)
5. This as it stands is a highly abstract proposition, one of those propositions, easy and plain at sight, but really difficult to grasp, which constitute the special difficulty of economics. In limiting the statement to about two generations, I have in view (1) all India, (2) the costliness of all kinds and forms of insecurity, and (3) the sharp fluctuations which were the immediate effect of the first introduction of British rule in province after province. See as an illuminating instance G. Keatinge's historical review of the condition of the poor in the Bombay Deccan during the 19th century, in his book, *Rural Economy and Agricultural Progress in Western India*.
6. The following summary of census results will emphasise the argument of the section. "In 1891 Upper Burma, Kashmir and Sikkim were included in the census for the first time; in 1901, Baluchistan Agency, the Rajputana Bhil country, the wild Nicobarese, and Andamanese, and some

outlying tracts along both the N. W. and N. E. borders; in 1911, the population of the areas included for the first time was under 1.75 millions. The official computation is that after allowing for these disturbing factors, the rate of the growth of population in the Indian Empire during the last thirty years has been as follows:—

1881-91: 9.8%: 1891-01: 1.5%: 1901-11: 6.4%.

The wide-spread famines of 1897 and 1900 with their sequelae, cholera, fever and other epidemics—affected the second period: five millions in excess of the normal rate of mortality had died. There also were fewer births. During the third period the mortality from plague was substantially greater than 6.5 million. Plague and malaria were responsible for the decrease in the Panjab and the U. P". Condensed from *India and the Durbar*, Ch. 18. The real increase in the last twenty years is not eight %, in the last forty years, not sixteen % (1926.)

SECTION 49.

1. Loans to agriculturists for improvements and takavi proper are both regulated by the Land Improvement Loans Act (19 of 1883) and Agriculturists' Loans Act (12 of 1884), and by the rules framed under them in each province. The working has varied with the personal interest taken in the matter by District Officers—See Irrigation Commission Report.

2. The largest remission of which there is any previous record is that of Rs. seventy lakhs by Shah Jehan in the famine of 1630 (Elliot and Dowson VII, p. 25.)

3. For a criticism of the Famine Insurance Fund, see Dutt, *Vietorian Age*, pp. 592-4; *Famines in India*, pp. 78-81.

SECTION 50.

1. It may also produce famine intensification, by throwing ever-widening markets open to foreign wares, which beat indigenous wares out of their own local markets, and thus depress the hereditary artisans into landless agriculturists and unskilled labourers. Taking the bread out of the mouths of the artisan classes, it "ruralises" the tracts where industries flourished for centuries, 'scrapes' the hereditary skill of thousands of families and "rustifies" them, and thus intensifies famines.

2. "About 22 years ago I had occasion to notice this collapse of domestic industries and the gradual rustification of our chief occupations in a series of lectures which have been published...." he said, in 1893 (*Essays in Indian Economics*, pp. 102-3).

3. "It involves (he says) no criticism of the ultimate benefit accruing from the Government's policy to consider the possible damage which that policy has caused in the past. The extraordinary rapidity (of railway extension in India) produced an economic revolution...not unaccompanied by suffering. The obligation to save life in times of drought and the necessity of lines of strategic utility... have been the cause of that rapidity; and it has had for effect the destruction of the native industries and the concentration of labour on that very employment to which droughts are the most dangerous. Had strategic or economic considerations allowed the change to be more gradual, it is conceivable that greater powers of resistance might have been shown by the native industries....so that labour might have drifted to other occupations as well as to agriculture....The Commission of 1898 drew attention to the decrease in the real wages of labour....Manufactured goods of the West have been imported, raw produce has been given in exchange; the price level of the former has sunk with the increase of supply, the price level of the latter has risen with the increase in demand. It is true, no doubt, that those districts which export the greatest quantities of raw produce and grain are on the whole the least subject to drought. But the importation of manufactured articles and the consequent decay of home industries cannot be measured by the statistics of the export trade. Though pulse and millets the products of the poorer districts constitute but a minute fraction of the total export of grain, the explanation of the strength of the demand of those districts for British textiles is to be found in the figures of the coastal trade and the extent of internal commerce."

(*History and Economics of Indian Famines*, pp. 106-126)

4. Prices in July 1919 compared to prices in July 1914: rice had risen from 26% in Assam to 73% in C. P.; wheat had risen from 38% in Assam to 100% in C. P.; millets had risen from 102% in U. P. to 132% in Bombay;—India in 1919, p. 66. Export of grain, pulse and flours from India proper (excluding Burma) amounted to 10.2 million tons during the 5 years 1909-10 to 1913-14; to 5.2 million tons during the next five years (ibid, p. 65). See also in the same government publication the scarcity chart, 1919, and the rain fall charts 1918 and 1919 and for full details the annual Review of the Trade of India.

5. At the annual meeting of the Board of Agriculture in December 1919 it was resolved that (1) there should be an export tax on oil seeds and cakes (2) and that a total prohibition of the export of bones, horns, and fish manure was necessary, because the conservation of such natural manures for use in the country itself was a matter of the gravest importance; that for a rapid extension of irrigation it was necessary, (3) to revise the maximum charges for irrigation water in view of the new level of prices, and (4) to encourage

the sinking of wells, (5) of small bores and (6) deep borings; that (7) rivers and other sources of water should be surveyed with a view to select sites where, in seasons of drought the water could be profitably lifted and utilised by oil-engines and pumps; that (8) the loss through erosion and the run off of the water from the land was enormous, and to prevent this, as far as possible, the importance of embankments and a better layout of the land should be emphasized; that to prevent the loss of cattle, as far as possible, (9) grass areas should be improved, (10) fodder storage should be studied and extended, and (11) emergency fodder stuffs, such as prickly pear and nim leaves should be studied and the best methods of utilising them ascertained; (12) that grain storage in large quantities should also be studied, to obviate as far as possible the enormous loss inflicted by a single monsoon failure, which runs into hundreds of crores when it is at all extensive, (13) dry tillage, drought resistant crops and varieties of crops, and crops that would ripen early should be specially studied and, finally, (14) that in the opinion of the Board, the problem of famine prevention and relief had now assumed a new aspect. The established policy of relief works and gratuitous relief depends for success on the existence, somewhere in India, of adequate stores of grain, while the very success of relief operations tends to obliterate the motives which, in the past, created local stores of grain. The Board is therefore of opinion that a special enquiry should now be made into the means whereby a sufficiency of food stuffs can be secured even in the event of two successive monsoon failures. The Board considers that the best agency for making such an enquiry would be a strong Famine Commission appointed by the Government of India". (Proceedings of the Board of Agriculture held at Pusa, 1-12-1919 and following days; see esp. pp. 53-66, 83-90, and 116-7).

6. That conditions might arise in which even in return for hard full-time labour the bare necessities of life might not be won, and the labourers have got to be helped out of 'a concern that cannot possibly pay'. is illustrated over and over again in the economic history of the world. The latest illustration on a large scale is passing to-day through all its inevitable stages, and its inner significance can be seen by all who have the eyes to perceive it,—I mean, the coal-mining industry in England at the present day. Political power however vast and however unscrupulously applied can never make unremunerative labour remunerative. It can, however, win a little time during which conditions might be so recast as to place the industry (and those who continue in it) on a new footing altogether. In our democratic age political power will be sought more and more to be used more and more for such ends (1926).

SECTION 51.

1. Dalhousie (R. of I.) p. 11. Before he became G. G. only three short lines had been sanctioned in 1845,—Calcutta to Raniganj, Madras to Arkonam, and Bombay to Kalyan, total mileage 192 miles.

2. E. g. the Bard Light Ry., 117 miles; the Bengal Provincial, 22 miles.

3. The broad gauge is 5½ feet in width; metre 3 3/8; narrow 2 1/2 and 2.

4. Of the total a little over 5000 miles were owned by Native States.

5. The railway through the Khyber Pass was opened, 1926.

6. The Rajputana Malwa Railway is a good example of the class of state railways. Its main line from Dehli and Agra to Ahmedabad was constructed, 1878-79.

7. E. g. The Burma Ry. Co. formed 1897, accepted 2 1/2%; the Assam Bengal, 1892, 3%; the Tapti Valley Ry. is an example of a Co. accepting rebate terms.

8. The profit to the state is this income minus interest, annuity sinking fund and other charges.

9. Suggestiveness, pp. 98-130: I omit his example of the adulteration of cotton or the substitution of inferior cotton for superior. The difference in prices is so great that I do not see how mere railway rating, however ingeniously planned, could stop such tricks of the trade.

10. "In other words the state-guaranteed (B. B. and C. I.) and the state-owned (Rajputana Malwa) Railway was giving a bounty to the foreign manufacturer equivalent to the whole cost of carriage between Bombay and Ahmedabad. It would strain the powers of a viceroy to do as much for a home trade.... The Traffic Manager argued that competition from Karachi and Calcutta forced the railway to quote lower rates from Bombay. The Bombay Government could not help, because this was an imperial matter. In other words, not one but every native industry entering the field must be trampled down in a struggle for freight among the railways.... The Traffic Manager wields an irresponsible power over the country commanded by his railway, which should not be entrusted to any man, and least of all to one who, rightly from his point of view, regards only his masters' dividend and certain wide limits set down by Government. By a slight readjustment

of rates he can and sometimes does break down a flourishing trade or transfer it to another part of the country; he can, and sometimes does, crush a rising home manufacture in favour of a foreign customer. An amended code of Civil Procedure occupies for days and months the wisest of the land, but is of less practical consequence to the people of a district than a new edition of their Local Goods Traffic Book"—Lely, *Suggestions*.

The railway 'risk note' has only recently been amended a little: as it existed for half a century, railway mismanagement and railway dishonesty inflicted huge losses on innumerable people who entrusted their goods to the Railway, and the note was so worded that the owner who lost his goods in whole or in part could recover little from the Ry. by going to law about it.

SECTION 52.

1. Vincent Smith, *Early India*, pp. 182-3. Megasthenes has noted that Chandragupta's officers "measure the land, as in Egypt, and inspect the sluices carrying the water into the branch-canals, so that every one may enjoy his fair share of the benefit." The *Arthashastra* recently discovered supplements this general description with many details.

2. Productive—certain to yield at least 5% within 10 years of completion; unproductive—certain not to do so; intermediate—works about which neither statement could be made (para 125).

CHAPTER IX.

FINANCE.

Section 53. State Needs. There is really no limit to the needs of the modern state. It wants from the people all they can spare for its purposes, and restrains itself with difficulty at the margin,—wide or narrow according to the habits and circumstances of the people,—where political discontent and the increasing friction of collection advise a halt in no uncertain terms. Wars have become fewer and shorter, but armies and navies have grown continuously, and the advance of science, and the rising prosperity of the people with the rise in the standard of living necessarily resulting, have made them more and more costly. The devastation of war itself has become less frequent, but the burden of being prepared for the eventuality of war has grown, until in some cases at least, the inability to support it longer has precipitated war, as the less unbearable alternative. The nations at the apex of prosperity and progress have led the way, and all others have had to follow, more or less.

As population grows, the cost of roads and communications grows. The advance of science revolutionised transport during the nineteenth century,* and the railways, ships, canals, and ports of modern times have a capacity and efficiency undreamt of by former ages, but the cost too has grown to undreamt-of heights, and, whatever the theory, the practice has grown of placing these indispensable services more and more under state direction. As population grows, the cost of preserving health and maintaining and improving sanitary conditions grows, the proportion of orphans, failures, disabled persons, and aged persons, with none to support them, grows beyond the means of private charity, sporadic efforts break down, and the state has to undertake these duties on uniform national lines. In economic activities, properly so called, the distinctive modern note is production on a large scale for which labour has to be concentrated in masses working through the instrumentality of machines growing in numbers and variety, each needing specialised skill to yield the net maximum of output; the raw material has to be obtained from the ends

* A. W. Wallace *The Wonderful Century*, gives a good idea of the revolution.

of the earth and often in enormous quantities; and the finished product has to seek distant markets, for the locality where it is turned out cannot possibly consume even a small fraction of it. All this implies elaborate organisation with delicate adjustments. The labourer has merely to obey orders as the mere soldier has to, in an army operating on a vast front, and here too, whatever the theory, the logic of facts is inexorable, and the practice grows of greater inspection control and support by the state on uniform national lines. The maintenance of internal peace and order also becomes costlier as population increases, and as crime learns to prostitute the various advances of modern knowledge and the wonderful facilities of modern society to its own ends. Sensibility to suffering, appreciation of cause and effect, and the feeling that the struggle for existence is getting very keen have also grown, and one of the joint products is an ideal of education more complex and exacting than had been possible in the past. How far this growing ideal can be reduced to practice remains to be seen, but the whole meaning of human existence is to work for the attainment of ideals, and, whatever the theory, again, in practice this sphere too is falling more and more into the hands of the state to direct, control, and improve. In one word, the modern state is more and more expected to be the educator of rising generations in order that they at least might have a progressively better world to live in than we and our forbears have had to suffer from: a world of less suffering and more knowledge, a world where insight is surer, and character less inadequate to the strains, the calls, the opportunities, the visions, and the dedications of life. The State, in fine the modern man enthrones in his heart as Secular Providence, and the state bureau is the only temple to which he willingly brings offerings, full of hope. Is this all a delusion? Who knows? The ultimate truth of life and thought, philosophy and humanity, can never be seen free from doubts and mists and dark indefinable masses in the background; those to whom the faith and the hope are given will walk by their light while they possess the urge of youth, while those others, their brothers, to whom the light has been denied, will still follow at a distance, grousing and grumbling.

Section 54. Expenditure. I. Wars and War services.
Sir J. Kaye complained in 1853: "It is a truth to be wept over by every friend of humanity that within the last fifteen years

while some five million pounds have been spent on great national works, thirty millions have been spent in wars".* The East India Company had incurred a public debt of over £ fifty millions when the sceptre passed from its hands, and the Mutiny added to it over £ forty millions. But by 1858 British conquests in India had reached the natural frontiers of the country, and the only war on a large scale which India had to wage during the period from 1858 to 1914, was the Afghan war of the Disraeli Ministry (1878-80). This cost £ eighteen and a half millions, out of which England paid five.† Lord Dufferin's Burmese expedition (1855-6) and Lord Curzon's Tibetan expedition (1903,) were not much bigger than some of the various expeditions campaigns and blockades which have had to be frequently undertaken on the N. W. frontier between the Indus and Afghanistan proper.¹ There have been quite a number of these, in fact, there have been periods during which this No-man's land has been almost continuously disturbed for a number of years at a time, but the total cost has not been really heavy, especially when we consider the length of the period covered, and the training in actual warfare afforded to our troops.²

Less easy to defend was the burden England imposed upon India upto about 1900, by employing our troops on Imperial objects outside India, and paying for them either not at all, or very inadequately. On more than one occasion the Government of India protested vigorously as had the Court of Directors before them, for the practice had originated before 1858; but it was easier for the British Ministry and parliament to impose their will upon the Government of India than upon the Directors and Proprietors of the Company; or we may describe the position in another way by saying that the Government of India had a distinctly lower status and influence under the Act of 1858 than had their predecessors the East India Company. The Act had provided, we have seen, that whenever Indian troops were employed beyond the frontiers, the matter was to be brought to the notice of parliament at an early date, and that no such expenditure was to be imposed upon India without their consent. Even this express provision was disregarded on more than one occasion; so that the behaviour of the richest empire the world has known,

* P. 217. † The Afghan War of 1919 cost £ 14.74 ms.

towards this poor dependency, was in these matters not only mean and unfair, but also illegal at times.³ This shabby page of British Imperialism began with the Abyssinian War⁴ of 1867, and was not closed until the Boer War at the end of the century inaugurated a fairer treatment of the subject from England. The change might be attributed not so much to the men in charge at the moment, Lord Curzon and Lord George Hamilton, as to the cumulative effect of the strong criticism repeatedly expressed on the matter, and especially by the official and unofficial witnesses before the Select Committee on Indian Finance 1871-4, and the Welby Commission on Indian Expenditure, 1895-1900.⁵

Least defensible of all, as involving not only a large burden, imposed upon India as an additional annual tax, but also issues graver by far than the mere money cost of it, was the policy that deliberately saddled her with an army much larger than her actual needs, and constituted, moreover, so as to insure the permanent military supremacy of the ruling power at an incalculable sacrifice to the people thus brought completely under subjection. The aim was to maintain a force ready to take the field at a moment's notice, large enough to hold the frontier until reinforcements could arrive from England, and at the same time, another force large enough to hold the country down with ease. In order to prevent all possibility of another conflagration like the Mutiny the proportion of British troops to Indian was fixed at 1:2; the equipment and training of the Indian troops were kept inferior; the proportion of British officers was increased, the prospects of the Indian to rise in the army were kept lower even than in the days of the Company; the British troops were to be short service men in the prime of life, and troopships ploughed the seas perpetually to bring up fresh relays of British youths to replace the older soldiers; the Indian troops were kept longer in the ranks, and special care was taken to see that there did not accumulate in any part of the country large numbers of men trained in the army, discharged and discontented; and, lastly, the recruiting of Indian soldiers was deliberately carried out on a system that can only be described as increasingly anti-Indian. The more the system is studied as a whole and in all its details, the more plainly does it reveal an utter distrust of the Indian, and at the same time an iron determination to employ all the means that the driest intellect could devise to hold him

down for ever as a helot incapable of ever rising up to claim the status of freedom. This army, this unique creation of British Imperialism, must certainly be pronounced a great achievement of practical statesmanship. It has throughout performed successfully the twin functions for which it was designed, and has also been able to lend a hand, as we have seen, in the defence and the expansion of the Empire in Africa and Europe⁶ as well as in Asia. The cost of it has been heavy, almost too heavy for the country to bear; and the moral cost, if the view here presented be at all sound, so far outweighs the material, that to say much about the latter would be almost a waste of time and space. Still, some indication of the money cost, however brief, can hardly be omitted from this section. The period under review began with an army of 186,000,—82,000 British and 124,000 Indian troops, costing Rs. sixteen crores a year. In 1885-6 it was increased to 211,000,—71,000 British and 140,000 Indian troops, and cost Rs. eighteen crores a year. In 1894-5 it was further increased by 9,000,—3,000 British and 6,000 Indian troops, which meant another two crores per year. The pay of the British soldier and the charges to be paid for him to England have been increased more than once. The pay of the Indian soldier was also increased from the 1st January 1899. And barracks, military works and equipment have swallowed up large sums every decade. Perhaps, the costliest period was the decade from 1899 to 1909, during which £ fifteen millions were spent upon these necessities. The average net cost of the military services under all heads during the three years preceding the War was over £ nineteen and a half millions per year. The net cost shown in the budget for 1922-23 was £ forty-four and one third millions. The Indian Retrenchment Committee presided over by Lord Inchcape has advised (March 1923) that "expenditure after a few years be brought down to a sum not exceeding Rs. 50 crores" (i.e. £ thirtythree and one-third millions).*

THE ARMY IN INDIA AND ITS EVOLUTION (1924)—an official publication.

II. *Famines.* The loss to the people from famines is far greater, we have seen, than the indirect and direct loss to the state, and this latter again is far greater than the direct and

* Inchcape Report, Part I.

indirect expenditure the state is obliged to undertake because of famines. In this section we can only deal very briefly and roughly with the last and the lowest of these three amounts, and only of one part of it, viz. the direct expenditure. It has been shown in an earlier section that the cost of direct famine relief to the state during the decade from 1868 to 1877 was Rs. fifteen crores, and so a Famine Insurance Fund was instituted from 1878 amounting to Rs. one crore and a half per year. No such sum, however, could be provided on account of the Afghan War before 1881-82. During the decade 1873 to 1882 the amount spent on Famine Relief and Insurance was a little over £ seventeen and a half millions; from 1886 to 1890 only Rs. one crore and sixty eight lakhs altogether could be provided, but the larger provision in the remaining years of the decade brought up the total to a little under £ six millions; thus, adding to this amount the two million pounds actually provided in 1881-2 and 1882-3, we have for the so called Famine Insurance Fund an actual expenditure of only £ eight millions during the first twelve years after the Fund was constituted, whereas the additional taxation imposed for the purpose was on the understanding that £ twelve millions would be allotted. During the next decade (1893-1902) the full crore and a half was provided only in the first year; only three crores were allotted during the next three years. Then followed the great famine of 1896-7 which cost Rs. seven crores and a quarter in direct relief and the greater famine of 1899-1900 which cost over Rs. ten crores in direct relief. During the decade 1901-1911, not ten but eleven million pounds and three quarters⁷ had to be allotted to this head of expenditure, mainly because of the famine of 1907-08. Finally from 1911 to 1920 the average annual provision per year was £1·2 million because Rs. twenty lakhs in addition to the usual one hundred and fifty had to be provided in the year 1919.*

III. Railways and Irrigation. As has been noted above, Sir John Lawrence started the policy of state construction of "productive"⁸ works out of loans. Before his time the expenditure on ordinary irrigation and public works out of revenue had risen from £ one third million in 1849 to over £ four millions in 1858. When it exceeded six millions in the year 1867-8,

it was perceived that the treasury could not provide the amount out of ordinary revenues, still less go on enhancing it, without an increase in the burdens of taxation that would be unbearable, especially as the sum the government had to find annually to make up the guaranteed interest of 5% to the railway companies, was also increasing year by year. "Protective" public works—railways and canals—began to appear in the accounts from 1881 as a result of the recommendations of the Famine Commission of 1880, and we have seen above how the Famine Insurance Fund was created by additional taxation in order that such schemes could be pursued more or less steadily, and progressively realised. Throughout the period under review government have consistently borrowed as much money as they could in England and in India, and they have kept themselves well supplied on the whole with railway and irrigation schemes to spend it on. And it must be admitted that where vast sums and large undertakings spread over years are involved, the pursuit of a steady policy like this makes on the whole for economy to an incalculable extent. Railways, we have noted, have been the favourite investment; irrigation schemes obtained very much less of the money available, for a whole generation. But we have also seen that from the beginning of the present century much larger sums have been allotted to irrigation, mainly because of the rude shocks of the famines of 1897 and 1900 and the plain moral deduced from them by Sir Colin Scott Moncrief's Commission. The *public debt* has grown from about £92 millions in 1861 to £157 ms.⁹ in 1882. But by the latter year £43 millions of capital had been sunk by the state in railways, and 21 millions more in major irrigation works of a productive character; so that the burden of the debt was then no more than what it had been in 1861. During the twenty years from 1882 to 1902 the debt increased nominally to £211 millions; but it had been really reduced to £72 millions, as by that year the capital spent by the state on railways and irrigation had reached the figure of £139 millions. Finally by the end of 1913-14 the last year before the great War, the debt had risen nominally to £274 millions; but again we have to enter on the other side of the account £45·5 millions spent by the state up to that date on irrigation works, and a railway property which inclusive of the guaranteed railways purchased by the state was worth at least £330 millions on that date. Thus the Gov-

* Vakil, *Financial Developments*, Ch. 9. The figures for every year are given with their subheads from 1878 to 1920. (pp. 262-3.)

ernment of India is as a property-owning corporation a wealthy party whose assets exceeded the liabilities by over £ one hundred millions. And many Englishmen entertain the opinion, not only that this growing wealth has been created by British foresight, persistence, supervision, and control, but also that Indians do not possess nor are they capable of acquiring the qualities necessary for the efficient management and steady improvement of this property, so valuable in itself and so beneficial to the entire population. On the other hand, Indians can acquire confidence in themselves and inspire it in others, only in proportion as they get the chance of managing and developing large concerns, involving millions of property and employing hundreds and even thousands of men in various capacities. A beginning is only just being made in the direction of throwing the higher appointments in Railways open to qualified Indians.* And the public works department ought to give us men like Sir M. Vishweshwaraya, D. B. K. R. Godbole, Pramath Nath Bose, the creator of the Jamshedpur mines and industries, and the late K. B. Murzban, in a steady stream. As our machine-driven industries grow and thrive, they will supply another small stream of managers and financiers. And finally the Indianised army will also turn out decade by decade another contingent trained up as Royal Engineers. So that there is no reason to apprehend a dearth of men of the right stamp even for the largest state concerns. The dearth of qualified men for so long a period has been entirely due to the greed of power that has kept these avenues of training a close monopoly, in utter disregard of the vital interests of the nation.

Section 55. Expenditure: Ordinary Civil. IV. Public Works of a non-military character and other than railways or irrigation works, were provided out of current revenues, and the expenditure varied according to the character of the year. They were taken out of the hands of the Military Board by Dalhousie in 1855, and separated from State Railways and Irrigation by Lawrence. New civil buildings, repairs to communications, new communications, repairs to buildings, and establishments are the principal sub-heads. Buildings range from the Secretariat at Dehli to a chowki in a petty village. Roads are metalled or ordinary, with bridges

* See India in 1924-25, diagrams 14 & 15.

throughout their length, or only at some places; or they are banked and surfaced roads, or only banked, or only cleared, and drained only more or less partially. All these are regularly maintained. There were not forty thousand miles of metalled, nor one hundred and forty thousand miles of unmetalled, roads in British India by 1901-02; this record no one could regard as at all satisfactory for our vast country. In spite of the Stracheys and the Chesneys, to go on building railways at breakneck speed is not everything. The net expenditure incurred by the state varied; it was £2.7 millions in 1902-03, £ 3.8 millions in 1882-3, £ 4.4 millions in 1862-63, and £ 5.1 millions 1911-12; the average for the three years just preceding the Great War was £ 5.4 millions.

V. (a, b) *Civil Departments and Miscellaneous* The general heading Civil Departments comprised ten sub-heads; (1) General Administration, (2) Courts of Law, (3) Jails, (4) Police, (5) Ports and Pilotage, (6) Education, (7) Ecclesiastical, (8) Medical, (9) Political, (10) Scientific and Minor Departments. Let us consider very briefly the more important of these, mainly from the point of view of finance.

(1) *General Administration* meant the upper civil administration from the Secretary of State and his Council down to the Commissioners of Divisions. Exceptional expenditure prompted from motives of high policy, such as on a Dehli Darbar, a Jubilee celebration, or a visit from a member of the Royal family, or the Tsarevitch, or the King of Belgium, was also entered under this head. Apart from the occasional fluctuations thus arising the cost under this head remained stationary for a long period; for, as we have seen, there was no change of importance in the upper administrative organisation of British India from 1858 to 1893; there has been no extension of boundaries, either, except in the case of Burma. Curzon's partition and constitution of the N. W. F. Province, Morley's enlargement of the executives and legislatures, the visit of His Imperial Majesty and the repartition of Bengal and the formation of Dehli as a separate province, were on the other hand all crowded together in one decade, and the expenditure under this head, £1.3 millions in 1901-02 became £ 2.6 millions by 1911-12. Some economy had been effected since, and the average for the three years ending with 1913-14 was £ 2.2 millions. The new Government of

India Act with its enlarged executives and legislatures will of course involve another large increase, commencing with 1920-21; but for the first time in the history of British India a substantial and let us hope an increasing proportion of the total will come into Indian hands and circulate in the country.

(2, 3) *Law Courts, Law Officers and Jails.* This head need not detain us. The net cost has for many years been in the neighbourhood of half a million pounds for jails, and five times that amount for law and justice.

(4) *Police.* This head need not detain us either. Apart from the village watchmen, the police force cost about Rs. two crores and twenty lakhs upto 1880. In the eighties better training arrangements were made, the proportion of officers was raised and the net cost by 1891 was Rs. three crores and forty lakhs. In 1901 the cost was Rs. thirty lakhs more. Then came the Police Commission and the reforms recommended by it. The numbers were increased, the pay was improved, although as often in India, not adequately for the lower ranks, and the net cost also increased by Rs. three crores. And during the triennium ending with the outbreak of the Great War the average net cost was about Rs. six crores and ninety lakhs.

(6) *Education.* The total expenditure on the public educational institutions in British India, which being Government institutions are wholly controlled by the Education Department, or being aided by Government are inspected and partially controlled by the same agency, is derived from Government funds (including the funds of municipalities and local boards), or from fees, or from subscriptions and endowments by private individuals, or from other miscellaneous sources. The growth in the expenditure upon education from public funds has been at a gradually increasing rate. From Rs. 91 lakhs in 1873-4, it grew to one crore and eight lakhs in 1881-2, nearly four crores in 1901-2, and seven crores and eightyseven lakhs in 1911-12. A table printed as a Note gives the distribution of the expenditure over the entire field of education.¹

A mutual comparison of the fortyfive figures. in that table, vertically and horizontally, will of itself suggest many a reflection and criticism. The defects of the system both as a whole and in the mutual relations of its various parts lie almost on the surface. Some of them will be dealt with in a later

chapter. Here it would not be appropriate to the main subject to refer to more than two of them. In the first place, look at the unspeakably meagre provision for Special Education. A finance minister cannot draw more and more from the people for the treasury unless the productive capacities of the people go on increasing; and this end cannot be realised under modern conditions of international competition, without heavy and growing expenditure on a sufficient number of technical institutions of every variety. While it is true in a sense that all sound education is productive, all technical education worthy of the name is directly productive. Well-trained agriculturists, mechanics, artisans, chemists, engineers, ship-builders, and other skilled workers too numerous in their variety to detail, would be productive in a far higher sense than railways and irrigation canals, fisheries and mines, forests and plantations. These other material objects, indeed, are productive only in so far as there are the human agents armed with the necessary skill to make or work and develop them. And to arm an increasing number of the boys and girls as they grow up with the necessary skill is to establish and rapidly develop a well-conceived system of technical and vocational education, all over the country, properly correlated to the key industries, the main occupations, and the economic products and peculiarities of each linguistic area. How much of this can be done in our vast country with a beggarly eighty-four lakhs a year? How can a bureaucracy failing to create such a system of education and preserving the posts of responsibility and opportunity for men of their own race from decade to decade, rebut the charge that they meant not to develop the country and the people but merely to exploit them?

Secondly, compare the expenditure on education as a whole with the expenditure upon the various other objects more or less briefly discussed in these sections. Could not more have been allotted to this, if necessary, even at the expense of one or more of the others? Cannot more, and a faster rate of progress be provided now and in the immediate future? And if it be really found impossible to do so out of current revenues, why should there not be a thorough examination of Sir M. Vishweshwaraya's suggestion of "a loan averaging about fifteen crores per annum during the next ten years for the development of education and industries"?*

* See his *Reconstructing India*, Ch. II 14.

(8) *Medical.* This is another head of expenditure which badly needs a large and an immediate increase. The death rate in India is high.² The death-rate of women within the child-bearing age-limits is higher. The rate of infant mortality is dreadful. Our bloated cities are areas where diseases rage like forest-fires. And yet our rural areas, soanty in resources because of the want of work, are pouring their life-streams into these stinking slums in increasing volume. Malaria takes off about a million people per year, and the numbers who recover only to lead lives lacking in vigour and hope cannot be counted. Now and then there is an epidemic of fevers, when more than two millions die of it in less than a year, as in 1908. Such an epidemic is followed, moreover, by a year of a lower birth-rate. The influenza carried off six millions in 1917. The average mortality from plague since it broke out first in August 1896 works out at five lakhs a year, though the later portion of the period with its reduced numbers has lowered the average for the whole. Cholera, which can take a heavy toll only from cities, pilgrimages and fairs, has become less frequent with better water supply and improved conservancy, but still it killed seven lakhs in 1907 and nearly six lakhs in 1891, and the year is rare in which it kills less than two lakhs. Small-pox is about the only scourge whose ravages have fallen off during the British period. Vaccination was introduced early in the sixties of the last century. It has to contend against the ignorant prejudices and superstitions of the people. In 1864-5 only 556 persons were vaccinated in the whole of north India. From such microscopic beginnings, however, the activities of the department have grown until they reached fair proportions. By 1880-1 the annual vaccinations were over four millions, and the next two decades doubled the number.

Perhaps the first civil hospital in British India was opened at Madras in 1670; the Calcutta General Hospital was opened in 1795. The number of hospitals and dispensaries³ has grown at a snail's pace. There were 1247 in 1881, 1809 in 1891, 3402 in 1901 and 4128 in 1911. The population of British India was in 1911 over 244 millions. Does that give one hospital to 59,108 people? By no means. Bombay is the only major province with a high urban population, and even in Bombay over four-fifths of the people are rural. At the other extreme stands Bihar and Orissa, backward and mediaeval with a

vengeance, if you associate progress and modernity principally with towns; for this province has only 3.7% living in towns out of its population of thirty-four millions and a half; and, of course, very few of our four thousand hospitals are in villages.

It may be remembered that the East India Company thought of a proper system of laws and lawcourts only when parliament threw India open to Englishmen. It is equally curious to discover that improvements in the general sanitation of the country were seriously thought of only when the Army Sanitary Commission, 1863, pointed out that the army itself could not possibly be expected to keep better health without them. Sanitary Boards and Commissioners were appointed. But what could these foreigners utterly ignorant of the language ways and medical and hygienic conceptions of the people, obsessed moreover with the fads and fanaticisms of new science, achieve? It is all very well to call the Indian village a dung-heap with stagnant water befouled by men and cattle, in which men and cattle bathe, and out of which they drink together. It is all very well to call the Indian villager ignorant superstitious and conservative. It is not for the reformer to twitch his nostrils and turn away. Such as it is, that is the world he has to work in work for and better, as far as possible. And if he only brings sympathy and understanding to his labour of love, he will find it, with all its faults, very human and plastic. Real progress dates only from the extension of local self-government by Lord Ripon; but it is substantial as yet only in municipal areas, though as their population goes on increasing, the old solutions and arrangements cease to answer, or the welcome reform of one generation comes to be regarded as a legacy of evil by the next. Sanitary Engineers have been appointed from 1888 and sanitary works in towns and rural areas, sanctioned by the Sanitary Board and wholly or partially financed by government, are carried out and maintained under their supervision. Thorough-going changes in the organisation were introduced under the recommendations of the Indian Plague Commission of 1898. The Indian Pasteur Institute at Kasauli started work from 1900, and similar institutions have been opened in other parts of the country. The Plague Research Commission, 1905-07, proved that the infection did not travel directly from man to man, and that the problem of fighting and eradicating plague was the prob-

lem of fighting and eradicating the rat-flea; and important changes in the methods of dealing with the epidemic and the areas where it prevailed followed, many useless troublesome and unpopular measures being discarded. The Imperial Malaria Conference, 1909, has led to the formation of Central and Provincial Committees and the establishment of a Central Malaria Bureau at Kasauli for research and the training of officers. And this has been followed up by the appointment in the provinces of touring malaria experts to investigate the conditions in specially affected areas, and advise as to the proper remedies. Thus Dr. Bentley's report about Bombay City in 1911, for instance, has led to the filling up of wells and tanks, the laborious structures of an age when the waterworks had not yet come into existence. A scientific study of tropical diseases began in India with the Parel Central Research Institute (1901), which was moved to Kasauli in 1904. The Bombay institution confined itself thereafter to the preparation of antiplague vaccine. These and similar activities have been financed by Imperial grants from 1908-09 onwards, amounting to over a million pounds in the first five years;⁴ a portion non-recurring for capital expenditure or exceptional use, but the balance promised to continue for several years.* And from 1910 when Sir Sankaran Nair became the member of the Imperial Executive Council for sanitation as well as education, an active policy has been inaugurated for the sanitary and hygienic improvement of towns and villages, by the creation of a new service of Health Officers, Sanitary Inspectors, and Travelling Inspectors, open to Indians with the necessary qualifications, and by the encouragement of postgraduate study and research in the necessary subjects. The expenditure from government funds, central provincial and local, was Rs. seventy lakhs in 1882-3, eighty-eight lakhs in 1891-2, over a crore in 1901-2; for the triennium ending with 1913-14, it averaged Rs. one crore and forty lakhs. The single head has since been split up into two (a) Medical, (b) Sanitation; the gross expenditure on (a) from 1914-15 to 1918-19 has averaged £ nine and a half lakhs, and that on (b) £ six lakhs nearly; thus giving a total for both of Rs. two crores and thirty-two lakhs. From one crore in 1901-2 to two crores and a third in twenty years is by no means a rate of progress to satisfy those who at all realise the life and death importance of medical aid and sani-

* By 1919 they amounted to £ 20 ms.

tary improvements in our vast rural land, teeming with a population weakened by disease and poverty, and disheartened by ignorance and oppression and a hopeless environment.

(9) *Political.* Under this head is entered the expenditure of the political and foreign department of the Government of India upon Residents, Agents and their establishments in Native States, political subsidies, such as was paid to Amir Abdur Rahman Khan of Afghanistan, the maintenance of refugees, State pensioners, and State prisoners,⁵ and similar objects. Occasionally, a Boundary Commission, a special Mission, or a Negotiation swells the total. The amount exceeded £ one million for the first time in 1906-7, was in the neighbourhood of that figure from 1911-12 to 1916-17, but was over £ two millions for the next two years, owing to India's contribution to the expenditure upon the South Persia Rifles and similar items due to the Great War. On the other hand, the income from the tributes and contributions received from Native States has generally amounted to £ six lakhs a year, and this sum might be fairly treated as a partial set-off.

(10) *Scientific and Minor Departments.* This head covers the Department of Agriculture, the Civil Veterinary Department, various Survey departments geological, magnetic, meteorological, linguistic, archaeological, ethnographical; several central institutions such as the Central Museum, the Central Research and X Ray Institutes, the Imperial Library, the Bureau of Commercial Intelligence; and other miscellaneous activities such as the census, the supervision of emigration, the inspection of mines, explosives, and factories, etc. The expenditure as late as 1891-2 was less than Rs. six lakhs a year. But the Agriculture Department started in 1881 got an impetus during Lord Curzon's regime, agricultural colleges and researches have grown apace with excellent results, improved seed, improved methods and scientific processes of protecting the crop from pests etc. have been produced and are being popularised by demonstrations and propaganda, the various highly intricate problems connected with Indian agriculture are being envisaged more concretely continuously and earnestly by a larger number of minds, better equipped than ever before in Indian history, and as we have seen in an earlier chapter, the department is already urging government

and people to advance scientifically towards the rapid attainment of results of incalculable beneficence. Some of the other departments and activities enumerated above are of still later origin, and while several of them are necessarily on a limited scale some are developing at a vigorous rate. The total gross expenditure has naturally grown fast; it was nearly £5 lakhs by 1901-2, nearly £ one million by 1911-2, and with the single exception of the year 1915-16, has continued growing year by year; it was a little over £ one million and a half in 1918-19, and the Agriculture Department has nearly always had more than half the outlay.

Europeans often express dissatisfaction at what they consider the very inadequate appreciation for services like the above, by educated Indians. But there is more in the matter than meets the superficial eye. In the first place Government reports are not easily accessible and official accounts are as a rule unreadable. Secondly, Indian education has been far too literary and abstract in character. Thirdly, a good many years necessarily pass in what might be called prospecting and pioneering work; while on the one hand, a conscientious government does not increase expenditure and establishments except in directions offering reasonable prospects of substantial results, on the other hand, meagre allotments and small establishments can rarely produce results, and, to the lay mind not accustomed to look before and after with the hopeful vision and enthusiasm of the expert, are likely to appear a mere waste. Besides, until they do achieve results, a consummation that might not be attained for decades, these experts and their official mouth-pieces rail at the backwardness of the country, the ignorance superstition and conservatism of the people, and the depressing apathy of the surroundings, in every variety of tone and gesture. Under these circumstances, it is hardly a matter for surprise that educated India should emphasize a single aspect common to all such activities and departments, as to which it finds the government attitude indifferent to the point of criminality. Educated India is not at all against the importation of real and indispensable experts or of keeping them as long as they are really indispensable. But the foreign expert gives less than twenty years of active service and that too in broken periods. He takes away all his experience, training, faculty, and reputation with him to benefit other lands, while he is still in the prime of life

There is also the possibility of his not giving the benefit of all the secrets and processes he has discovered or perfected while here, to the land to which he feels little attachment in spite of all it does for him, since it is not in human nature to feel much attachment for a land where he and his children cannot settle down. Under such conditions, the average individual responds only to the cash nexus and behaves accordingly. Hence it is that from the days of V. N. Mandlik and M. G. Ranade, Indian patriots have felt that Indian resources had much rather not be developed at all than developed only at the hand of foreign experts, to give rise only to an increasing exploitation of the country by the foreigner. Any strengthening of the jute industry or the tea plantations for instance, while they continue, as from the beginning to the present day, monopolies in the hands of foreigners, who moreover, resist Indian aspirations with all their might, and have proved themselves incapable of any real sympathy for Indian labourers and subordinates, Indian opinion does not look upon as pure gain. There can be no real industrial development or economic advance until the new industries or occupations are from the top to the bottom in Indian hands, so that the skill, processes and organisation involved are all likewise in competent Indian hands. Experts might be brought now and then, here and there, and assigned certain tasks, as in Japan or any other country; but they should be servants employed only for a period, during which the training up of the Indian or Indians associated with them should be an integral part of their duties. There is no industrial advance worthy of the name, which is not a complete transplantation and successful culture of foreign skill into our own country.⁶ A mere increase in the mileage of railways or in the bulk and the value of the production is one thing, a real progressive advance is quite another. Hence it is, and not at all because of such unworthy feelings as jealousy or colour prejudice, that exponents of the Indian view have become more and more insistent on the subject of the race and domicile of the agency employed. In the dissenting Minute already referred to in an earlier section, Sir Abdur Rahim wrote:

"The proper standpoint, which alone in my opinion furnishes a satisfactory basis to work upon, is that the importation of officials from Europe should be limited to cases of clear necessity (para 50) In the second group (of the services)

should be placed appointments in which the administrative aspect of the work (to be done) is more or less subsidiary, and for which differentiated and specialised qualifications of a professional, scientific or technical character are required. As such qualifications are capable of being sufficiently definitely ascertained there is no good reason why in this class of appointments Indian candidates when properly qualified should not be appointed to the fullest extent available in India. I would place in this group all judicial appointments, and appointments in the education agriculture, civil, veterinary, forest, geological, survey, factory and boiler inspection, mines, mint and assay, pilots (Bengal), public works and railways, Indian finance, military finance, medical, telegraph (engineering) and the survey of India departments" (para. 54).*

V (b). *Miscellaneous* covers the heads of territorial and political Pensions, civil, furlough, absentee, and superannuation Allowances, Exchange, Stationery and printing, special Commissions of Inquiry, etc. It is not necessary to give any details about these heads in an elementary book like this. But connected with the subject of Exchange and indeed with the whole topic of Expenditure is the much debated matter of the *Home Charges*. The expenditure of our government is necessarily incurred partly here, and partly in England. This must continue to be the case, to some extent at least, as long as India is within the British Empire. We have borrowed a large portion of our public debt from England; and the interest has of course to be paid every year. This must continue to be the case as long as England is for us, as it has been all along, the cheapest market to borrow from. A conflict of interest between England and India arises with regard to the remaining items. The larger the number of foreigners employed in India in civil or military capacities, permanently or for short periods, the larger the charge for pensions, leave and furlough allowances etc., items which are really a part of the pay due to them under their contracts with us. From Dadabhai Naoroji onwards, the Indian contention has been that it should be a cardinal principle of the policy of the government, to employ the fewest possible foreigners, and keep these charges as low as possible. The reply to this has been that this was not merely a question of the money cost; the British were bound to give

* Allington Comm. Rep. I, pp. 411, 418.

to India a Western, modern, progressive, efficient, British administration, this was the inner meaning of the phrase "the British Connection", which could only be maintained and developed thus, and the indirect benefits to India were far greater than the cost. And the rejoinder has been—it was perfectly true that this was not merely a question of the money-cost, for the losses to India, direct and indirect, are far greater than the cost. The money if spent upon Indians would circulate and fructify within the country. The experience and the reputation, if won by Indians, would remain available even after they retired from service and would elevate India in the estimation of the world. And as G. K. Gokhale observed in 1905,*

"This question is to us something more than a mere question of careers. When all positions of power and of official trust and responsibility are the virtual monopoly of a class, those who are outside that class are constantly weighted down with a sense of their own inferior position, and the tallest of them have no option but to bend in order that the exigencies of the situation may be satisfied. Such a state of things, as a temporary arrangement, may be accepted as inevitable. As a permanent arrangement it is impossible. This question is thus to us a question of national prestige and self-respect, and we feel that our future growth is bound up with a proper solution of it".

How far the new constitution put into force, 1920-21, and the new era commencing, will alter the case and how fast, the future will show.

Again, in connection with our international trade, the shipping, the banking, and the agency without which it could not go on, were for a long period exclusively British; and when other nations like Germany, Japan and America obtained a share, all these other foreigners together accounted for only a small though a slowly increasing share of it. Even in their case, the payments were to a large extent made through England, and all these items have gone to swell the Home Charges as the volume of the international trade has increased. The government attitude on this section of this subject has through-

* Budget Speech Impl. Leg. Council 29th March.

out been—"What can we do? It is the course of the trade: it is the natural course of things". Or "We are convinced free traders: it is really for the best; and to act otherwise is against our principles". Here, again, the Indian view has been that a national government would necessarily have behaved very differently; Indian shipping banking and agency business would have been helped by it to make a start and to grow up until each was strong enough to compete unaided, and thus there would have been not only a progressive reduction of this item in the Home Charges, but a real industrial and economic advance.

Another amount in the Home Charges is due to the purchase of military, railways, and government stores in England. Government is necessarily such a large buyer, that in the case of some articles it could easily have built up its own factories and produced for itself what it needed.* In that case, the price paid would have remained in India, Indian labour would have been benefited from the first, and the indirect gain would have been all the greater if the factories as they developed had been Indianised, and thus had served to raise up one industry after another in the country. Instead our government simply bought all it needed from England for a long period. As a rule, much more of Indian money was annually spent in England than the English capital annually borrowed on Indian account. The production of some of the military requirements in India itself in government factories, and the purchase locally of a few other articles, have been changes in the practice, introduced from the eighties of the last century. How far we shall go in this direction and how fast in the era now dawning, the future will show.†

Lastly, *Exchange*; from about 1870 to 1898 our treasury lost a great deal on the exchange of rupees into sovereigns; for any coin outside the boundaries of the state within which it is a legal tender, is worth only the precious metal contained in it, payments in any country have to be made in the legal tender of that country, the legal tender of England is the sovereign which is a gold coin, while the rupee is a silver coin,

* The Mughal Government was a large producer. See J. Sarkar, *M. Administration*, pp. 13-15.
† See, for Home Charges Morison, *Economic Transition in India*, Chs. 9 & 9.

and as the gold-value of silver fluctuated largely with a downward tendency and actually fell considerably⁷ during the period indicated, more and more rupees had to be paid out of our treasury to make up the same number of sovereigns for our payments in England. In 1893, the government, after prolonged consideration and with much hesitation, fixed the rupee at one-fifteenth of a £ (1s. 4d.), and ceased to coin fresh rupees for a time. By 1898 the rupee rose to this gold value and it remained at that level to the beginning of the Great War. During this later period, therefore, there was no loss to the treasury from exchange; on the other hand, there was a considerable gain through the coining of fresh rupees in enormous quantities from silver purchased at market rates,—as we shall see in a later section.

Section 56. Income. A State derives an income from its properties and from trade and other activities, just like a private individual. It also takes by law,¹ at stated intervals, a definite part out of the property or the annual income of various classes of its citizens: this is its income from taxation, which it derives by virtue of its right and power as a sovereign to coerce its subjects, and in modern states the income so derived forms by far the greater portion of the whole. We therefore begin with a brief account and discussion of the principal heads of the *Taxation Income* of our government from 1858 upto date.

The most important of these is:—I. *Land Revenue*. This is a tax on agricultural incomes, levied in India from times immemorial, being the most natural of taxes in a country predominantly agricultural. The permanent settlement with the Zamindars was a tax on their rents or agricultural incomes, which, in 1793 when first fixed was, we have seen, as high as ten-elevenths of these incomes, but has fallen in process of time to one-fourth or less. The land revenue realised from U. P., C. P. and the Panjab is also a tax on rents the proceeds of which have increased with the progressive growth of rental incomes in those provinces, as the settlements there were subject to enhancement at each revision; but a progressively larger fraction of the income has remained with the landowning shareholders, a decreasing fraction has been taken into the treasury; the fall has been from over eighty to under fifty per cent. The land revenue in the ryotwari pro-

vinces is a tax upon agricultural incomes collected from the cultivators themselves. The fact that in these parts of British India there are few non-cultivating landowners leasing out their fields to tenants for rents, cannot alter the character of the land revenue they pay, from the point of view of public finance. It might be conceded that pure economic rent does not raise the price of agricultural produce; and that therefore land revenue not exceeding such rent in amount yields an income to the state without pressing either on the ryot himself (when he does succeed in winning from the land an income in excess of wages and costs), or on any one else. This argument, however, means only that in a poor agricultural society mainly composed of peasant proprietors, land revenue is almost an ideal tax, or that it is almost the only tax possible; not that it is not a tax at all. Finally, a school of economists or socialists preferring a society without landlords, whom they look upon as the worst possible kind of monopolists, have urged a social policy of eliminating them by the fiscal expedient of taxing the entire rent or surplus profit or unearned increment from the land. Such a policy may be desirable in some countries at some periods of their history: let us even grant for the moment, that it may be universally desirable. The expedient proposed may also, for the sake of argument, be granted to be both legitimate and effective. Such considerations however have nothing whatever to do with the fiscal character of land revenue. In the science of public finance, whatever the state takes as a state, by virtue of its authority over its subjects, that, but for the action of the state, would have remained with the subjects, is a tax and can be nothing else.² The gross income to the state under this head apart from the income credited to Irrigation has grown slowly from a little over £ 13.25 millions in the quinquennium 1861-5, to nearly £ 14.75 millions in 1881-5, a little over £ 18.75 millions in 1901-5, and a little over £ 21.25 millions in 1911-15. We have seen that under the expenditure head of General Administration is entered the expenditure upon civil officers from the Secretary of State for India down to Commissioners of Divisions. The expenditure upon officers of lower grades employed upon District Administration, Survey and Settlement, Land Records, and all other tasks directly connected with the collection of land revenue from the Collector and District Magistrate down to the lowest employee, is entered against this revenue head; in the quinquennium 1911-15 this

amounted to almost £ 3.9 millions per year. This amount will show some increase in the decade just ended because of the increase in salary recently granted to the upper ranks, European and Indian. Substantial increases in the salary of the lower ranks are even more necessary; in fact they have been long over-due: a rupee in the hands of the talati or kulkarni has no more purchasing power than the same coin has in the hands of the mamlatdar or the Assistant Collector.

II. Taxes on non-Agricultural Incomes. Cesses on agricultural incomes over and above the land revenue will be more appropriately dealt with, very briefly, in the next chapter. We pass on to the *Income Tax* properly so called, and other taxes similar to it.

There was a deficit of £ 30 millions for the years 1857-9, an anticipated deficit of over £ 6 millions for 1860-1, while the annual revenues did not amount to £ 37 millions, and the public debt had also risen because of the Mutiny. A trained financier and economist with a reputation to lose was for the first time appointed to the governor-general's council as member for finance, he and Lord Canning cut down expenditure as far as possible in all departments, and a proper system of keeping accounts and auditing them was created. His principal changes in taxation were two: a reform of the customs duties, which has been already referred to in section 19 *ante*, and will come up again in a later section of this chapter, and the introduction of an Income Tax for five years. This was fixed originally at four *per cent.* on incomes above £ 20. But the minimum was raised to £ 50 in 1862 and the rate was reduced to three *per cent.* from 1863. Abolished in 1866, it was revived from 1869 to 1872. The taxable minimum income was raised to £ 75 in 1871, and £ 100 in 1872; the rate was 2½% in 1869, 3½% (6 pies in the rupee) in 1870, and 2 pies in the rupee in the last two years. Sir Richard Temple³ calculated that from 1860 to 1872 it had brought £ 14.5 millions to the treasury. In 1867 and 1868 a substitute for the income tax was attempted in the form of a license or certificate tax on trades, handicrafts and professions; and after the famine of 1877, a license tax was re-imposed with considerable latitude to the provinces to fix their own gradations and rates. These efforts to adapt the income tax to Indian conditions were, however, failures, and a regular income tax of the modern type

was imposed by Act II of 1886. The principal reason for the step was the large permanent increase in our military burdens. The governor general also adverted to the inequitable character of the existing fiscal system, since well-to-do classes like the commercial and legal professions and the higher government officials from himself downwards were contributing little, if anything at all, to the treasury.⁴ Under the Act, all agricultural incomes, military officers drawing less than Rs. 6,000 per year, and civil incomes below Rs. 500 were exempted. The last minimum was raised to Rs. 1,000 in 1903, and Rs. 2,000 in 1919. The rate was, roughly, four pies in the rupee upto incomes of Rs. 2,000 and five pies for higher ones. The amending Act (V) of 1916 introduced graduation by fixing the rates at five pies in the rupee for incomes from Rs. 2,000 to Rs. 5,000, six pies for higher incomes upto Rs. 10,000, nine pies upto Rs. 25,000 and one anna in the rupee for incomes of Rs. 25,000 and higher. Companies' profits were to pay the highest rate. The super-tax Act (VIII) of 1917 related to incomes above Rs. 50,000 per year and imposed an additional tax on the excess, at rates advancing from one anna in the rupee to three annas by half an anna for every fifty thousand rupees. And by the amending Act (XIII) of 1920, the super-tax on Companies' profits exceeding Rs. 50,000 was limited to one anna in the rupee, and in the case of undivided Hindu families, was to be charged on incomes in excess of Rs. 75,000. The yield has risen from Rs. one crore and one-third in 1886-7 to Rs. one crore and two-thirds in 1892-3, Rs. two crores in 1900-01 and Rs. two crores and a third in 1908-09. For the first seventeen years from 1886 the increase was less than Rs. five lakhs annually; from 1903 to 1913-14 it was Rs. eleven lakhs annually.* But it is an ill wind indeed that blows no good at all to any one. The Great War brought exceptional profits to various trades and occupations and the Income Tax receipts rose from Rs. 314 lakhs in 1915-16 to Rs. 566 lakhs in 1916-17, Rs. 725 lakhs in 1917-18 and Rs. 845 lakhs in 1918-19; and the Super-tax besides yielded Rs. 222 and 319 lakhs respectively in the last two years.

Section 57. Commodity Taxes. There are municipal taxes on houses and lands, animals and vehicles, which are taxes on property; and on trades and professions which are taxes on

* S. M. Pagar, *Indian Income Tax*, p. 185

income. These will claim a few words in the next chapter. We pass on to taxes on commodities. These might be levied from the retail vendor, or at the boundaries, as the commodity leaves our country or enters it. Excise is the general name for the first, customs, for the second. Under both heads there are some commodities, which are taxed, because it is desirable that people should be prevented from consuming them in large quantities, and an easy method of doing so is to raise their local price artificially by taxing them. Intoxicants like alcohol, opium and hemp, for instance, are very injurious to body, mind and character, and destructive of domestic and social happiness. At the same time, their use as medicines in infinitesimal quantities in suitable forms and under medical advice is unavoidable in the treatment of diseases and general debility and in the alleviation of unbearable excitement, fatigue, or pain. And human nature is so weak that man gets habituated to the use of such dangerous drugs very quickly, and then wants to go on increasing their consumption by more frequent and larger doses, regardless of consequences. Hence it is a recognised portion of the general moral and regulative functions of government to control the production and trade of such articles, and since that involves expenditure, to recover it by taxing these articles themselves. So far there is hardly room for any difference of opinion on the subject. But modern European states have obtained by their taxation of these commodities a large net income besides. The burden of the state, it has been argued, has got to be distributed as equitably as possible over all classes of subjects including the poorest; taxation on commodities or indirect taxation is felt less than taxation of incomes and properties or direct taxation; where the masses consume such commodities in large quantities, such taxation both operates as a check on consumption and yields a large revenue; the state by employing this single expedient thus secures two objects both excellent; and if such taxation is to be given up and the state expenditure to remain on the same level, the only alternative would be to tax incomes, or properties, or necessities like salt, or harmless luxuries, at higher rates. The opposite view, on the other hand, has been that if the state be really in earnest about its moral and regulative functions, the only right policy for it is to try to wean away its subjects from such vicious habits completely and at the earliest possible moment; and that even fiscally, a population freed from such debasing indulgences would

produce far more wealth and could spare far more out of it for collective purposes than while addicted to them. It is not at all surprising that the Government in British India should so far have been guided by the sentiment of the English people and the practice of European states in this matter; but as it becomes more and more Indian in character, it will naturally respond more and more to Hindu and Muslim sentiment.

III. Excise. Under this head is included the revenue derived from license and distillery fees and duties on sales, rents from contractors, owners of toddy palms etc., acreage rates in the Panjab from the cultivators of poppy, and fines, confiscations and other miscellaneous items. The principle of "a reasonable amount of deference to local public sentiment" has been attended to from 1874, "but the application was left to the discretion of the local authorities"¹ for many years. After the report of the Indian Excise Committee, 1905-6, the legislation and administrative practices on the subject were overhauled, and the attitude and policy of our government since then with regard to the consumption of alcoholic drinks appear from the following paragraph:—

"The Government of India have no desire to interfere with the habits of those who use alcohol in moderation; this is regarded by them as outside the duty of Government, and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy, however, is to minimise temptation to those who do not drink, and to discourage excess among those who do; and to the furtherance of this policy all considerations of revenue must be absolutely subordinated. The most effective method... is to make the tax as high as it is possible to raise it without stimulating illicit production..., and without driving people to substitute deleterious drugs for alcohol or a more for a less harmful form of liquor."²

Local Committees were also formed to advise as to the withdrawal of licenses and the number and location of retail shops. By 1911 there were 200 of them, many with non-official majorities. The gross revenue has risen from £1.95 millions

¹ Moral and Mat. Rep. 1911-12, p. 202.

in 1862 to £3.61 millions in 1882, £4.06 millions in 1901 and £7.61 in 1911; the cost of collection from £166,000 in 1901-2 to £419,000 in 1911. The average annual revenue and cost were £8.45 millions and £443 thousands respectively for the five years 1911-1915.

IV. Customs. The history of our income from import duties falls naturally into two sections. The articles on which excise duties were levied, must when coming in from other countries be obviously subjected to a corresponding duty at the point of entry; and as the excise duties were raised from time to time, proportionate changes must also be made in these import duties. There were again certain commodities, such as arms and war supplies, which for political reasons had prohibitive import duties placed upon them throughout our period. Secondly, the nineteenth century witnessed a rapid growth of industries all over the European world; a growth accompanied by a protective policy in all the leading countries except England. This enabled the manufacturers of particular articles or group of articles to secure large profits in their own countries, and they combined into gigantic trusts and cartels obtained bounties from their own governments, continuously developed their scale of production, and dumped huge quantities of their make on foreign markets at prices which under-cut the home-made article in countries backward in those particular industries. In the face of such an unfair competition, import duties sufficient to raise the price of such articles in our markets to our usual level is the only remedy. The import duties on bounty-fed beet sugar imposed in 1899 and maintained for some years were of this character. The history of the remaining import duties falls into two periods, 1859 to 1882 and 1894 to the end of the Great War. The intervening twelve years was a period of free imports, during which only one new duty was imposed, that on petroleum from 1888.*

To defray the cost of the Mutiny a uniform tariff of ten per cent *ad valorem* was introduced in 1859; very few articles were to be admitted free and on the other hand some were taxed as high as 20%. This had to be modified, however, the very next year. Our first Member for Finance, James Wilson, was a free trader, and in his first and only budget, he

* The Burma mineral oil industries began about this date.

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increased the free list and reduced the rate in several cases from 20% to 10. His successor, Samuel Laing, lowered the general rate itself to 7½% (1864). Three years later the principle was introduced of levying duties only upon specified articles, and their number was considerably reduced. And in 1875 the general rate was further lowered to five *per cent*. The income from the duties on cotton goods in 1876-77 was £811,000, about two-thirds of the total income from imports of the class under consideration. Famine and the Afghan War followed, a Famine Insurance Fund with fresh taxation was projected, and India was in no position to sacrifice this annual income of a million pounds and a quarter. But, as we saw in Chapter III the Lancashire Cotton Industry raised its influential voice in parliament against it, and between 1878 and 1882, we gave it up altogether, since it was not worth while to keep up the establishment for collection merely for the sake of a third of the whole. The cotton imports rose from £35 millions a year up to 1878 to £47 millions a year for the four years 1878 to 1881 and to £51 millions a year for the next three years, and the quantities imported were larger than these figures showed, as it was a period of falling prices.*

The great and continuous fall in the gold value of silver and the growing loss on exchange to the Indian treasury upon its increasing payments in England, obliged government to examine all possible ways of increasing income and reducing expenditure. A reimposition of import duties appeared to be the least objectionable course.† Faced with a large deficit in 1894-5, the government revived the general import duties of 1875, with a few alterations; iron and steel goods were to pay only 1%, petroleum was to pay two annas per gallon, and railway materials, printing materials (with the exception of paper), books, industrial and agricultural machinery, raw materials, gold and some other articles were to be admitted free. Cotton goods had to be excluded from the Act.² But it appeared by the end of the year that these duties did not bring in sufficient revenue, that a deficit of over a crore would remain unless cotton imports were also taxed, and Lord Rosebery's ministry then in office with Henry Fowler (afterwards Lord Wolverhampton) as Secretary of State for India, consented to

a 5% duty on cotton goods also, but with a countervailing excise equal in amount upon such manufactures of the Indian cotton mills as might compete with the imports (December 1894). The arrangement did not satisfy Lancashire, who knew their power and were determined to have their own way. Lord Salisbury became premier with Lord George Hamilton as Secretary of State for India in the middle of 1895, and the latter wrote to the Governor General in Council that "the duties should be placed on such footing as will not infringe pledges that have been given, or afford ground for continued complaint and attack."³ An amending Act was passed in February 1896, under which cotton yarns and twists entered free, and all cloth paid an import duty or a countervailing excise of 3½%, according as it came from abroad or was manufactured at power mills in India.⁴ And this iniquity was enforced in the sacred name of Free Trade and with professions of sympathy for the poor Indian ryot! Is it any wonder that other nations feel constrained, now and then, to question John Bull's sincerity?

No redress was possible for twenty years. Soon after the commencement of the Great War, the Indian Legislative Council passed unanimously Sir G. Chitanvis' Resolution that India was eager to demonstrate her unity with the Empire and wished to share in the heavy financial burden of the war upon England (8th September 1914). And early in the following year it adopted with equal enthusiasm another resolution to support England regardless of the sacrifices it might entail (24th February 1915). The first two years of the War were, however, years of deficits, and the financial commercial, industrial and transport dislocations due to a world-wide conflagration were on an unprecedented scale and naturally caused intense anxiety. By a piece of extraordinary good fortune the War burst upon us at a time when the Indian helm, political and financial, was in the hands of men gifted with rare balance of mind, Lord Hardinge, and Sir William Meyer. In the budget for 1916-17, the import duties were increased from 16 2/3 to 50%, the duty on sugar was doubled, and other measures were also adopted, to increase the revenue; of these the income tax and super-tax measures have been already dealt with. The cotton duties were left untouched: Sir Ibrahim Rahimtoola's amendment to raise them from 3½ to 6% was negatived. And as soon as equili-

* Strachey, pp. 191-8.

† Report, Herschell Committee, 1898, paras. 35-46.

brium was thus restored, and even a surplus of £ 2½ millions secured, the Government of India offered a free gift of £ 100 millions to England, adding that the balance of £ 3½ millions necessary to make up an annual provision of £ 6 millions for the interest and sinking fund of the gift, would be raised by an increase of the import duties on cotton goods from 3½ *per cent.* to 7½.* The Secretary of State in Council approved the scheme, the cabinet gratefully accepted the offer, and the amending Act (VI of 1917) was passed on the 7th March. Lancashire tried her utmost to procure delay, or an equivalent increase of the excise duty, even suggesting a reduction in the amount of the gift in order that the cotton duties might not have to be enhanced. An influential deputation waited upon the Secretary of State on the 12th March; a less formal deputation had an interview with the premier the next day. And when Government proposed a resolution in parliament on the 14th consenting to the Indian gift and the financial provisions accompanying it, Lancashire moved an amendment "regretting that the provisions should include an alteration in the established system of duties on cotton goods, thereby throwing an unnecessary burden upon the people of India, and causing a controversy between different parts of the Empire, which it was most inexpedient to raise during the War." The Government of India had proposed the increase the previous year also, along with the general enhancement of duties mentioned above, but Mr. Asquith was premier then, and his ministry had preferred not to raise so controversial an issue. The Lancashire members, therefore, urged him and his following to stand firm. Mr. Asquith, however, pointed out that India's proposal then was connected with ways and means for the purpose of balancing her own budget. When she was advised not to raise the question for such a purpose, she had accomplished her object otherwise; in doing so she had exhausted all possible expedients of increasing her income, and even created a surplus. Her proposal on the present occasion was quite a different proposition, it was for the laudable purpose of helping England to win the War, and must be judged on the merits. And he added that what she had done was entirely within her competence. The only way to alter it now was for parliament to ask her to repeal or re-amend her recent Act, a course so high-handed that it had never been

* Legislative Council proceedings.

adopted in the entire history of the connection between England and India. But he also suggested that Government should add to their resolution a declaration that the matter "should be considered afresh when the fiscal relationships of the various parts of the Empire to one another and to the rest of the world came to be reviewed at the close of the War," and this the premier accepted. Far more decisive than the arguments advanced in the debate was the consciousness present both in parliament and outside that to defeat the ministry on such an issue would mean their resignation and a general election, and that no alternative ministry was possible. This was the reason why all the sixty-two Irish nationalists present at the debate, whose one desire was to embarrass England as much as possible, voted for the amendment. But this was also the main reason why even of the forty-two Lancashire members present, seventeen supported the government, and that the amendment was thrown out by 265 votes to 125.⁵

Export duties have so far had a very subordinate place in our tariff. At the general revision in 1875 rice indigo and lac were the only articles of importance upon which export duties were continued; and the two latter were dropped from 1880. An export duty on jute was imposed as a war measure in March 1916 and was doubled the next year. A nominal duty of half a pie per pound was levied on tea from 1903 and the proceeds were handed over to the industry to help them in their efforts to extend the market for their produce; this was raised to Rs. 1½ per 100 lbs. in 1916. And in September 1919 a duty of fifteen *per cent.* was imposed upon the export of raw hides and skins with a rebate of two-thirds on their export to countries within the Empire. It remains to be seen how the principle of a preferential tariff thus accepted for the first time is going to fare in our customs history in the near future.⁶

Far more important was the sudden change brought about by the stern necessities of the War years in the position of our income from customs in our financial system as a whole. It had been a subordinate almost a negligible item in our budgets upto 1914, and the dislocation of trade during 1914 and 1915 depressed it still further. But our receipts from customs rose to Rs. 12.9 crores in 1916, Rs. 16.5 crores in 1917, and Rs. 31.89 crores in 1920-21: this last amount is

only Rs. 8 lakhs less than our gross receipts during the same year from so important an item in our financial system as the land revenue.

V, VI. *Salt and Opium*.—One great benefit India has reaped from her unification has been the removal of innumerable transit and import duties at the boundaries of the hundreds of states into which she had been politically divided in the pre-British period. A heavy duty has been imposed instead upon salt, and in order that this could be realised at a minimum of cost and trouble both to government and people, its production and import have been rigidly controlled. The history of the tax begins with Lord Clive who started a state monopoly in the manufacture in order to increase the emoluments of the civil and military servants of the East India Company, and thus compensate them for the gains from 'presents' and private trade which they had to forego under their covenants. The Court of Directors, however, sanctioned the creation of the monopoly but annexed the entire income to the state treasury.* Under these circumstances the new department was naturally a failure and brought little profit until Warren Hastings reorganised it in 1780. The monopoly and control were introduced into Madras from 1806 and into Bombay from 1837. By 1862 the gross proceeds had risen to nearly seven crores and by 1872 to over nine crores. The burden on the people was at the rate of Rs. 3-4-0 in Bengal, Rs. 3-0-0 in North India, Rs. 1-14-0 in Bombay and Madras and about three annas a maund in British Barma upto 1877. In order to prevent the cheaper salt of the maritime provinces in the south and of Rajputana in the west and Kohat in the extreme northwest, from being smuggled into North India, a barrier of mounds, ditches, and thorny bushes was created from 1842, about 2,300 miles long from Attak to the Mahanadi, protected by semi-military posts, which required 14,000 men at an annual cost of 162,000 l. But between 1869 and 1871 the Sambhar Lake and other Rajputana sources of salt were brought under the control of the British government by treaties with the Chiefs; and the Central India portion of the barrier was abolished in 1874, and the remainder, with the exception of a few miles round Kohat, in 1879. The reduction of the duty to Rs. 3/- a maund in Bengal, to Rs. 2-12-0

* Mill, *History*, Bk. 4 Ch. 7.

in North India, and the increase of it to Rs. 2-8-0 in Madras and Bombay from 1878-9 was an essential part of the change. The increase in the southern maritime provinces was defended on the ground that while it affected only fifty-eight millions of people, the reduction in the north would benefit nearly fifteen crores. In 1882 the duty was fixed uniformly at Rs. 2 a maund except in Barma and round Kohat, but in 1888 fiscal needs necessitated an increase to Rs. 2-8-0, and it remained at this extremely high level for fifteen years. Imports from Cheshire and Aden, Egypt, Turkey, and Germany increased; this superior salt only the rich could afford; the proceeds from the tax were Rs. six crores and a half annually for the four years upto 1887-8; they jumped up to Rs. seven crores and three quarters in 1888-9, and rose to Rs. nine crores and a quarter by 1902-03; but the poor man and his cattle did not get enough salt. The National Congress passed a resolution year after year praying for a reduction, Pherozeshah Mehta in the enlarged legislative council urged economy in the barren heads of expenditure, and a simultaneous reduction of taxation and increase of provision for the beneficial heads of expenditure. In the Budget debate of 1902 G. K. Gokhale reviewed the financial history of the period and pointed out that taxation had been raised, not only to meet extraordinary charges for war and famine relief, but also to meet the losses due to the falling rupee and the reduced income from opium, and that in consequence as soon as the rupee became stabilised and the opium revenue recovered, from 1898, large and continuous surpluses were realised, which were "a double wrong to the community, a wrong in the first instance that they exist at all, and also a wrong because they lend themselves to easy misinterpretation," misplaced optimism, and administrative extravagance.* And Gokhale was not only unanswerable in his financial arguments, he had also the born statesman's genius for selecting the right moment at which to press them. January 1st, 1903, witnessed Edward VII's Coronation. Darbar at Delhi, at which Lord Curzon announced that the budgets of the very next and following years would provide "measures of financial relief for the population."† The salt tax was reduced to Rs. 2 a maund in 1903, Rs. 1-8-0 a maund in 1905, and Rs. 1-0-0 a maund in 1907.‡ The annual income fell from

* Gokhale's and Sir P. Mehta's speeches.

† "The reduction of the salt duty..... is right, if there is to be any decency in taxation at all."—Morley to Minto, 15-2-1907: *Recollections* II p. 202.

‡ Raleigh, II p. 18.

Rs. nine crores and eighty lakhs in 1902-03 to a little over Rs. five crores in 1908-09. The average for the five years ending with 1915-16 was Rs. five crores and thirty lakhs. And there was an enhancement of the duty in 1916-17 as a war measure to Rs. 1-4-0 per maund. Sir W. Meyer's reason for not raising it higher was that the increased tariff introduced at the same time would also "to some extent fall upon poor consumers."

The East India Company found the cultivation of opium a monopoly of the State in Bengal, and took its administration into their hands from 1781. They farmed the revenue from this source, but from 1799, Lord Cornwallis converted the business into a State department under a commissioner. Bihar and Benares were the principal districts; the acreage under the crop varied, but was usually five to five lakhs and a half. Advances were given free of interest to the cultivators and the entire produce was taken over by the department and opium manufactured from it partly for retail sale in India through licenses, but mainly for sale in bulk to exporters. There were also large tracts growing the plant in Malwa in Native State territories, and imports thence into British districts were strictly controlled and heavily taxed. This supply was also partly consumed in India itself and partly exported. The income to the State from the quantity consumed in India was an excise. The income from the export was a gain to the Indian treasury derived from the foreigners in China and elsewhere, who were the ultimate consumers. Opium chests, each containing 140 lbs. of the drug were sold by monthly auction by the government, and as the prices and the number of chests sold per year fluctuated the income also varied. It was about Rs. eight crores per year for many years after the Mutiny. From about 1881-2 began a period of serious fluctuations. The income was as high as ten crores in 1880-81 and only Rs. four crores and a quarter in 1902-03. From 1903 there was a revival. But the puritan agitators, already referred to in Chapter III had great influence with the liberal party, at the general election of 1905 which resulted in the rout of the conservatives, the liberal leaders had given firm pledges on the subject, and although a motion in the House of Commons in May 1906 was talked out,* the

* Morley, *Recollections*, II. p. 172.

request of the Chinese Government that the export from India be reduced by 5,100 chests per year was accepted in 1907 for three years. China claimed that she was reducing poppy cultivation within her territories as fast as possible, and urged that India should help her in her endeavours to reform her subjects by stopping the export altogether in ten years. Sir A. Hosie, consul general at Tientsin, deputed to report on the facts, found that poppy cultivation was actually decreasing there, and a final agreement was thus made with China in May 1910, under which our exports to that country were to cease entirely by 1917.* On the other hand, our exports to other countries—the Netherlands Indies, the Straits settlements, Hong Kong, England, Siam &c.—have increased, and this has to some extent reduced our losses. The average annual income for the period from 1903-1910 was Rs. 6½ crores; for the triennium 1911-3 it was Rs. 5½ crores; and for the next three years, a little under Rs. two crores. The number of chests exported had been reduced from 47,300 annually (1901-1910) to 30,300 (1911-1915), and to 6,400 (1916-20). China on the other hand, suddenly and rapidly increased her cultivation and now manufactures opium in such abundance that she has all she wants at only a quarter of the price she paid in the past, and has a growing surplus besides, which she exports. The Opium Committee of the League of Nations calculate that China produced in 1920 ninety per cent. of the world production of opium, India produced four per cent. and Turkey and Persia, three per cent. each. Nor does Government in India encourage its cultivation; "on the contrary, it hedges it round with every conceivable restriction"†

Section 58. State Profit from Services performed by it for which the subjects deriving personal benefits pay fees at the time of appropriating the benefit and in proportion to its amount, is the third and last source of a regular flow of wealth to the treasury in modern states. The Government of India preforms several such services.

VII. Railways, and VIII. Irrigation have been dealt with already. All that need be added about the latter is that the net income from major productive works has always been handsome and that the income from the irrigation works

* Montagu, Budget speech, 25-7-1911.
R. Williams, *Truth about the Indian Opium Trade* (1921).

throughout British India, though falling as protective works with their far larger capital cost and far lower income are increasing, has still been rarely below 8%.¹

IX. Forests, just like the above two have a value to the community far in excess of the mere money profits realised. They moderate the climate, feed the rivers, raise the sub-soil water level, store up rainwater and retard its flow off the land, afford grazing to countless herds, are the home of many species of beasts and birds, furnish various minor products and conveniences to villages in their neighbourhood, and are of increasing utility in many ways, besides yielding, with proper care, increasing supplies of the timber, fuel, pulp, manures, fodder, juices, gums, paints, varnishes, roots, medicines and other marketable produce, from which is mainly derived the income that pays for their care and upkeep, and leaves in addition a growing surplus. This has risen from Rs. fourteen lakhs in 1865 to Rs. eighty-six lakhs in 1901, and a crore and three quarters in 1918. It should go on rising at a much quicker rate in the future.

X. Mint and Paper Currency. The trade and contract operations of a civilised population with industries and economic activities growing in volume and complexity need a large and an increasing quantity of money or currency in three forms; standard or full value metallic coins as legal tender units for ordinary payments, token coins in which there is much less metal than their face or legally fixed value for fractional payments, and paper substitutes to save the trouble and time of counting in large payments or the trouble and expense of transporting coins for payments to be made at a distance within the country. As credit and mutual confidence extend, business morality develops a set of conventions, adherence to which becomes a point of honour, and other currency substitutes and conveniences emerge like bank-notes, cheques, *hundis* and bills. These multiply fast, they soon outgrow the total legal currency available many times over, elbow the legal currency almost out of sight in the business centres of the country and appear to operate nearly all the exchanges of the community almost by themselves. The business community, too, strengthen this appearance and spread this delusion, since it is to their own profit to transact the maximum of business with a minimum of legal currency;

for they charge a fraction of a pie in the rupee both for issuing such paper in return for cash and for cashing such paper when it has served the turn. It is, nevertheless, nothing but a delusion. This conventional currency is only a fair weather medium of exchange. The moment it encounters a breath of suspicion, it flies back in a flash to the person who originally uttered it, and bursts like a bubble unless he can prove his ability to replace it in full by legal currency. Conventional currency, therefore, is a mere shadow; however vast, however serviceable, it has no potency of its own; legal currency is the substance, which it is the duty as well as the exclusive privilege of the state to supply and maintain in *cent. per cent.* purity. Gold or silver, chemically pure, is not hard enough to stand rough usages. Even our best ornaments, for instance, are all the better for two to three *per cent.* of alloy, and coins which have to stand far greater wear and tear and worse handling than any ornaments, must contain a little more of alloy. The Indian rupee is eleven-twelfths fine, that is, contains 15 grains of alloy and 165 of fine silver in its total weight of 180 grains. The silver half-rupee, quarter-rupee and two-anna piece are also standard coins. Only the other coins in circulation are tokens. To keep the currency at the legally fixed standard of weight and purity, worn out coins have to be withdrawn from circulation from time to time. There is therefore the recurring expense on the one hand of this withdrawal of light and defaced coins and their replacement, and on the other hand the profit from new coinage, which is proportionally greater in respect of tokens than of standard coins. The prices of metals fluctuate just like those of other commodities, and the mint might also make a small profit by purchasing the bullion it needs at low prices. Lastly, a mint is called free, when private individuals can take their bullion to it and get it coined, the mint only making a small charge for refining the metal brought to it. The total net income from all these sources must, however, be kept as low as possible. Currency is a necessary of life in civilised countries, it must be made uniformly available to the people as nearly as possible at cost price, and the justification for making this service a monopoly of the state resides in the fact that in private hands the temptation to debasement would be irresistible, while even a slight, almost imperceptible debasement might mean not only a large profit to the coiner, that is, a large indirect tax on the community, but it would inevitably lead to loss of

confidence in the purity of the whole currency in circulation, the coins which were better than others or supposed to be better would be hoarded, and a loss would be inflicted on the people far in excess of the actual amount of the debasement.

Our mints were free upto the 26th June 1893, on which date they were closed to the public by Act VIII of 1893. All subsequent coinage has been solely on government account, and this has brought a large profit, the whole of which has been kept distinct from current treasury funds as a reserve, called the Gold Reserve upto 1906 and the Gold Standard Reserve thereafter. Suppose Rs. 120 crores coined during the twenty-one years from the closing of the mint to the beginning of the Great War at an average profit of Rs. 0.4-3 per rupee,² the reserve would amount to £ 25 millions; as a matter of fact, it was £ 25.72 millions, on the 31st March 1915.

Of course the closing of the mint, the divorce of the value of the rupee from that of its bullion contents and fixing it by fiat at one-fifteenth of a sovereign meant the substitution of a gold exchange standard for a natural standard or in other words the conversion of the rupee into a token coin. The original intention was to develop out of this temporary expedient resorted to very reluctantly, a natural gold standard as soon as possible, but that intention was shelved and the state glided into an acceptance of the temporary expedient as itself the goal. This has had far-reaching consequences of an incalculable magnitude but of a character so complex, that it is impossible to deal with them in an elementary book like this.

Currency notes issued through a government department and payable to bearer on demand in legal tender coins were first introduced into British India by Act XIX of 1861. India was at that time a vast country, almost a sub-continent, and was for this purpose subdivided into several circles, Calcutta (Cawnpore, Allahabad and Rangoon) Bombay (and Karachi), Madras, and Lahore; the notes of each circle were to circulate within it, government were not bound to pay cash for the note of any circle beyond its boundaries, although in practice they rarely objected to do so; and they could be issued against the government Rupee Securities upto a maximum of Rs. 600 lakhs, but for every additional note issued, the necessary,

amount was to be held in rupees in a reserve called the Paper Currency Reserve. Amending Acts and Notifications gradually raised the amount which could be issued against securities until it stood at Rs. 1,400 lakhs in 1911. As communications improved, trade expanded and India became economically unified, the system of circles was found to be a hindrance and was given up. Five rupee notes were universalised or made payable anywhere in India in 1903, ten and fifty rupee notes in 1910, and the hundred rupee note also in the following year. The character of the cash reserve has also been altered so that it could consist partly of rupees, partly of gold coins and partly of gold and silver bullion. During the War, notes of smaller value were also introduced, of which the one rupee note became fairly popular for the time. The amount of the notes issued against securities had also to be raised to Rs. 20 crores in 1916, nearly fifty crores in 1917, over sixty crores in 1918, and over 90 crores and a half in 1919, and an increasing proportion of the securities were English. The interest earned by these securities is the income realised by the state for the performance of this service. And in so far as the notes circulate freely and no difficulty is felt by the holder in obtaining cash for them whenever he chooses to ask for it, the note issue may be claimed to be performing its function efficiently.

XI. *Posts and Telegraphs* perform services that come home to the meanest individual in the population. A low and uniform rate, within the means of the poorest, for every letter or telegram conveyed irrespective of the distance involved, is only possible to a centralised department covering the whole country with its agents. And, as every one knows, the department also carries parcels, transmits money, encourages thrift amongst the masses by its savings banks and interest-bearing cash certificates, pays pensions, issues life insurance or endowment policies to government servants, sells quinine in pice packets, and has also established telephone exchanges and lines in various places. The postal section of the department yielded an income almost from the first, which grew from Rs. 9 lakhs in 1860, to Rs. 20 lakhs in 1900. The telegraph department worked at a loss in the beginning but earned a profit of Rs. 13 lakhs in 1880 which grew to Rs. 44 lakhs in 1900. The income from the department as a whole jumped up from 1915, and for the four years from that date has averaged Rs. 142 lakhs. And, of course, the gain to the people is far in excess of the mere profit to the treasury.

XII. Stamps and Registration. Civilised life develops a multitudinous variety of property and services, and civilised people are continuously entering into contracts and effecting exchanges with one another in respect of all such forms of property and service. Out of such contracts and exchanges disputes also are apt to emerge pretty frequently, either between the parties themselves, or their legal successors, or one of these and a third party who finds rightly or wrongly that his own rights and interests have been more or less ignored or injured. But security of property, reasonable performance of contracts, and reasonable freedom to revise or cancel contracts with fair compensation to parties adversely affected by the exercise of such freedom, are of the essence of a civilised society. And in the settlement of the innumerable conflicts of interest and disputes thus constantly arising, clear precise and dated evidence is required at every step. The registration³ of agreements, contracts and deeds imposes full deliberation and publicity upon the parties and secures the automatic creation and record of unimpeachable evidence, which either prevents disputes or proves of incalculable value in their settlement. And when a party goes to court it is only right that, unless he can prove his inability to afford it, he should be charged a fee in some proportion, however infinitesimal, to the value of the claim he advances. The cost of the registration department should be met entirely out of the income from registration fees. And if the volume of the business it has to deal with leaves a surplus, however low the scale of the fees charged, there is no better use for such a surplus than to treat it as a contribution towards the expenditure upon the judicial department, which is certain to be heavy and in excess of the income derived from court fees. Stamps and Registration yielded a net revenue of Rs. 2.76 crores in 1876, Rs. 4.78 crores in 1896, and Rs. 8.82 crores in 1916.

Section 59. Annual Budgets. The annual Budget has an importance in civilised societies because of its fundamental connection with the progress and wellbeing of the people as a whole in every walk of life. It touches the life habits and pockets of the people in more ways than the general reader can conceive of. The loans and currency measures decided upon affect the money market; the changes in taxation and in the allotments to the various departments and services, the measures adopted either for meeting a deficit or for the

rarer event of utilising a surplus, have more direct effects. Every feature of importance in the international atmosphere at one extreme and in the womb of the mines of the country at the other extreme, influences and is influenced by the budget. Every class of inhabitants within the country and every state connected with ours politically commercially or by geographical or cultural propinquity has its own conclusions to draw with regard to its own interests from the budget. It is a pity that the general reader takes so little interest in a subject of this character. Individual classes and particular trades and industries try to influence the budget so that their own interests might be promoted or at any rate safeguarded by particular details in the budget. They have no qualms of conscience about trying to do this even at the expense of the greater or permanent interests of the country as a whole; and the only force they can be kept in order by is the force of public opinion in general. It is a pity therefore that even the vast majority of those who call themselves educated take so little interest in a subject of this character. Or look at the whole course of the finances of British India from 1833 to 1920 historically and in broad outline. A reign of law and order has been established. No expense has been spared that might conduce to this. But as noted in an earlier section this is the *sine qua non*, the irreducible minimum without which no state can exist in modern times and especially over such an extensive area. Again, as the Stracheys and Chesneys and Stephens and Curzons have proclaimed from the housetops, the peace established in our land is the *British* peace. It is *their* peace; all the strands of power and points of vantage necessary have been kept religiously in their own hands and in such a manner as to ensure their exclusive control of them for an indefinite stretch of time. Could such a creation have continued so long, if we who have suffered from it had not suffered blindly and stupidly? If we had understood it as a whole and in detail, if we had grasped the Anglo-Saxon polity as it is in its essence both here and in England itself, we should have seen it illustrated in more than one of its essentials in every one of this long series of 98 annual budgets; and we should have created a public opinion against it long before this, so strong that it should have been radically modified in our interest long before this. Especially is it our primary duty as citizens now to understand it fully, since England has pledged herself to create or allow to grow up out of this British peace the peace

and order and progress of a selfgoverning India, an equal partner with herself and her dominions in a free Empire. Our voters *en masse*, at the moment each is casting his vote at a general election, are this self-governing India: only partially self-governing to-day, but that is only because we are yet in the first moments of the Dawn ushered in by the Government of India Act 1919. But freedom is just like health or knowledge or love or spiritual insight or any other of the real goods of individual existence; freedom is just like justice or harmony or order or co-operation or any other of the real goods of collective existence: it cannot be received as a boon; it cannot be put into our lives from above; it cannot be just won as at a gamble, and then hoarded: it can only be ours by sleepless vigilance and perpetual endeavour. That is why it is priceless. That is why it is its own virtue and reward and blessing. And that is also why at least those of our voters and our legislators who call themselves educated ought to familiarise themselves more and more with the budgets and the financial policy of our country from year to year, both as a whole and in detail, both as an immediate event of primary importance and in the historical perspective of the long line of its predecessors.

L. ALSTON: Elements of Indian Taxation.

C. N. VAKIL: Financial Developments in Modern India.
IMPERIAL GAZETTEER: IV Chs. 6 and 8.

CHAPTER IX: NOTES.

SECTION 54.

1. The most important were—the Umbeyla or Black Mtn. Campaign, 1862-3; the Bhutan War, 1865; the Gilgit Expedition (occupation of Hunza and Nagar), 1891-2; the Re-occupation of the Kurram Valley, 1892; the Chitral Expedition, 1895; the Tirah Expedition, 1897; the Mahsud Blockade 1901; the Military and naval blockade of the Mekran coast upto and inside the Persian Gulf for several years from 1910 to suppress gun-running; the Abor Expedition, 1911-12.

2. In how many of these cases was Government fully justified in a resort to arms? The Tibetan expedition has been almost universally condemned, and the last Burmese War will always appear to some minds

have been a case of Imperial land-grabbing. Even the frontier expeditions have not escaped hostile criticism. These, however, are questions of high policy, and though very important in themselves, are to be kept apart, as far as possible, from questions of finance. So far as any of these wars was unjustifiable, the money spent upon it was of course wasted, and there was so much less available for better objects.

3. E. g. The Parak Expedition (1875). As to this, Lord Northbrook told the Welby Commission—"I protested. No address was moved, in the House, so that the law was broken." (Dutt, *Victorian Age*, p. 563). Again as to the Sudan, "the continued employment of the Indian troops at Suakin as a garrison was not covered by the Address" (p. 564).

4. The Governor General, Sir John Lawrence, wrote November 4, 1867: "Surely this is neither a question of hiring nor lending, but simply one of payment by the country which employs the troops.....All the expenses of the British troops employed in the Mutiny who came from England, were paid out of the revenues of India. I recollect very well, that in 1859 and 1860, India was even charged for the cost of unreasonably large numbers of men who were accumulated in the depots in England, nominally for the Indian service.....In the present case India has no interest whatever in the Abyssinian expedition and.....She should pay none of its cost." (Bosworth Smith, *Life*, Ch. 28).

5. For these see Dutt, *Victorian Age*, Bk. II, Ch. 10, and Bk. III Ch. 11. This is a good instance of a change in practice, without any change in law, brought about by juster notions gradually prevailing.

6. Disraeli had called up an Indian contingent to Malta, 1877. The services of the Indian Army, British and Indian, in the Great War in France, Belgium, Gallipoli, Egypt, and the Middle East are too recent and too wellknown to need detailed reference.

7. For the figures in this chapter, see the decennial issues of the Moral and Material Progress and Condition Reports, the Imperial Gazetteer, and for figures later than 1911-12, the annual Financial Statement and Budget; also from 1914, the handy *Indian Year Book*, already referred to more than once, published by the "Times of India." Also *Statistical Abstract of British India*, an annual publication by government—ten years' figures in each issue. The last issue, 1925, gives the figures for the decennium 1911-1921.

8. Sir J. Lawrence called them "extraordinary;" the epithet "productive" was substituted and the policy developed in some detail by a committee of parliament in 1879.

9. The rupee debt being converted at Rs. 10 or Rs. 1=£ 1. In the figures for 1902 and 1913-14 it has been calculated at Rs. 15=£ 1.

SECTION 55.

1. In lakhs of Rupees—

YEAR	1881-82	1891-92	1901-02	1911-12	1913-19
University Ed.	18	33	46	87	159
Secondary Ed.	48	99	127	209	397
Primary Ed.	76	96	119	207	353
Special Ed.	9	17	23	54	84
Direction and Inspection.	17	22	25	48	62
Buildings &c.	9	22	28	97	142
Scholarships	5	7	9	13	24
Miscellaneous	4	8	27	72	108
Total.	1.86	3.04	3.99	7.87	12.99

—Indian Education in 1913-19.

It should be noted that Special Education comprises principally technical and industrial schools, training schools, medical schools, schools of art, and commercial schools; and that under Buildings &c. are included furniture and all varieties of scholastic apparatus, appliances, models, instruments &c. as well as buildings proper.

2. See the diagrams in India in 1913. It has been argued that the death-rate has been rising for some time—see e.g. Gokhale, Budget Speech, 26-3-1902, Appendix. There is expert authority accepted by the Census Commissioner, 1911, for the view that the vitality of the people is declining—See P. K. Wattal, *Population Problem*, Ch. 3. In so far as these opinions are really well-founded, there is all the greater need for a rapid development of medical and sanitary provision.

By way of contrast consider facts like the following:—Within a century London, Berlin, and Munich cut their deathrates nearly in half. In Sweden the average length of life is 50 years for men, 58 for women, and in the U. S. 44 and 46, and in India 23 and 26.

—Price Collier, *The West in the East*, p. 187.

3. These hospitals and dispensaries are grouped into six classes (State Public Institutions, State Special, Police, Forest and Surveys, Canals and Others, this last class further subdivided into private Aided, private Unaided, and Railway institutions). Out of the total more than half are maintained wholly or partly from municipal and local boards funds. There were in all 83 hospitals and dispensaries in Calcutta, Madras and Bombay at the beginning of the century.

5. And, after anarchism appeared in India, political detainees.

6. Readers ignorant of economics might think that the proposition goes too far. They will find ample justification for it in F. List, *National System of Economics*, and similar works.

7. Rates of exchange—Rs. 1=1s. 11.126d in 1871; 1s. 7.96ld. in 1878; 1s. 4.898d. in 1887; 1s. 1.1d. in 1894; 1s. 3.978d. in 1898; thereafter 1s. 4d. At 1s. 6.5d., 1s. 5.1d., 1s. 4d., and 1s. 3d., £ 1=Rs. 13, 14, 15 and 16 respectively. The cost to India of Home Charges totalling £ 20 millions for instance, would be Rs. 20 millions more at each of the latter, than at the immediately preceding rates.

SECTION 56.

1. By explicit law in modern constitutional states; by custom or by executive order in others. In the absence of a state the strong take what they like from the weak and play many monkey tricks besides, making life unbearable all round. To put a stop to this, to prevent this condition from recurring, the state comes into being. This, the making human existence possible under the *chhatra* of law and order, justice and social co-operation, is the primary function of the state, and this is what makes it right on the part of the state both (a) to exact obedience from its inhabitants and (b) to exact contributions (i.e. taxes) from them. The position that the blood spiller and the rogue use force and cunning, so does the state, the only difference between the two being that the state has greater force and cunning, is a mere sophism. The state takes and gives; gives in return goods of far greater value; gives spiritual goods in return for merely material goods; the state takes that in order to give this and does so; and even in taking the material goods it takes care to waste as little as possible.

2. See Baden Powell, p. 49: "land revenue operates as a tax, the discussion a profitless war of words." Strachey (Ch. 9) presents the official view that land revenue is "not taxation properly so called," supported by wobbling quotations from Mill and Fawcett. Alston, *Indian Taxation* (Chs. 2 & 19), indicates very briefly the historical genesis of the view of European socialists.

3. Men and Events. See Chs. 9, 10, and 15 for a lucid account of the finances of British India upto 1873-4.

4. Proceedings of the G.G.'s Legislative Council, 1886-7. V. N. Mandlik was a member and suggested a revival of the import duties on cotton goods instead.

SECTION 57.

1. *Moral and Mat Rep.* 1891-2, p. 250. For an earlier statement of the government attitude and policy see the quotation in *Strachey* at pp. 184-5. From 1884 to 1904 the consumption of country liquor declined from 4.95 London proof gallons per 100 of the population to 4.06, while the taxation rose from 2-10-7 per gallon to Rs. 4-7-8.

2. The Finance Member, Sir J. Westland, the Governor General Lord Elgin, all the members of his council and all the additional members of the legislative council were against the exclusion but Lancashire had insisted upon it and the Secretary of State had ordered it. The measure was passed in the Legislative Council (Act VIII of 1894) by the official bloc. See proceedings of the Legislative Council; N. J. Shah, *History of Indian Tariffs*, pp. 263-273; C. N. Vakil *Financial Developments in Modern India*, pp. 425-6

3. Despatch, 5th September: Dutt *Victorian Age* p. 540. See the debates in the Indian legislative council 1895 and 1896; Vakil pp. 426-434; Shah, pp. 273-301.

4. Income from these cotton duties import and excise:—1897, Rs. 78 lakhs and 11 lakhs; 1902-05, 111 lakhs and 22 lakhs per year; 1912-15, 174 lakhs and 52 lakhs per year. Note that while the import duty proceeds grew from 10 to 22 the excise proceeds grew in the ratio of 10 to 47.

5. The *Times* (London) admitted, 5-3-1917, just before Act VI of 1917 was passed in India:—The Indian cotton duty has always been politically economically and above all morally indefensible. Opposition to it unites every class in India, from official members of the Government, to all grades of the Indian community. It has made a grave breach in the moral basis of the British control of India. It was deeply resented from the outset, and has remained an open sore. India considers that the excise was imposed out of fear of the Lancashire vote, and no one can say that India is wrong in her belief.

6. Executive action, 1919-21, has almost annulled the higher duty of 15%; very little of the export paid more than 5% see Vakil, p. 449.

SECTION 58.

1. Irrigation Report for 1919-20—total capital outlay, including outlay on works under construction—Rs. 763 lakhs and a half; total net income—Rs. 61 lakhs.

2. "The rupee contains 3/8 oz. of silver...When silver is at 32d. an oz. the cost of a rupee to the Government is about 12.241d" (J. M.

Keynes, *Ind. Currency and Finance*, p. 87 n). This means a profit of 3.76d. on every rupee coined, with silver at 32d. an oz. But from 1893 until it began to rise again as a consequence of the Great War, silver was never as high as 32d., and was in the neighbourhood of 24d. for several years. The coinage profits of our government have thus been much larger than 3.76d. per rupee. While silver was at 24d. the coinage profit was 6.82d. per Rs.

3. When a party has to go to law, his document would not, in some cases, be admissible as evidence, unless it had been registered at the time it originated; moreover, in the case of a document not written on stamp paper, i.e. on which the fee leviable had not been originally paid, the party going to law has to pay not only that fee, but a penalty besides. No document is registered that is not written on stamp paper or not properly signed and witnessed.

CHAPTER X.

FINANCIAL DECONCENTRATION: LOCAL
SELF-GOVERNMENT.

Section 60. Mayo to Hardinge. We have seen that from the Regulating Act onwards parliament tried to unify British India more and more under the single authority of the Governor General in Council. The presidency governments were depressed more and more into administrations or mere agents of the central authority and the process was completed by the Charter Act of 1833. Twenty years later witnesses from the provinces, examined in connection with a renewal of the Charter pressed for some financial independence especially with regard to public works, but the Act of 1853 introduced no reduction in the Governor General's powers of control.* And after the mutiny the need for economy and the authority of the Viceroy and his Council and especially of the Financial Members of that Council who were appointed directly from England were, relatively speaking, greater than ever, and the provincial administrations sank so low that they could not increase any salary, or create any post or even "rebuild a stable that had tumbled down,"† without the sanction of the Government of India. Such over-centralisation, however, was soon discovered to be suicidal. No agent would reduce expenditure below, or obtain an income above, the customary amount, if he was left no discretion as to the use of the money saved or earned. And if the agent's proposals on changes that were either indispensable though involving extra expense, or likely soon to yield a net gain, were repeatedly vetoed by an authority too far off and too ignorant to be able to enter into their merits, he would soon lose heart in his work, and all sense of responsibility about it. It was necessary therefore, to restore some initiative, discretion and sense of responsibility to the provinces, and the first step in this direction was taken by Lord Mayo's Government in 1871. For this purpose several of the spending departments were, so to speak, lumped together into one to be known thenceforward as Provincial Services; and the Government of India made a single consolidated grant to each province for these services collectively, a grant

* Sir Charles Wood's speech, 3-6-1853 (extracts—Mukharji I p. 128-32.) † Strachey, p. 121.

that added to the normal income from them was just sufficient to cover the normal expenditure. The provinces were given a certain amount of freedom in the administration of these services and were assured that they would be permitted to carry forward as their own to the ensuing year whatever balance they created by better administration. The departments thus provincialised were Education, Jails, Police, Medical Services (in part), Registration, Printing and Public Works. Of these Registration was the only head that yielded a net income. The next important step was taken by Lord Lytton's Government in 1877. Instead of a fixed consolidated grant, other heads yielding a net income were handed over to the provinces; Excise, Land revenue, Forests, Income Tax and Stamps were among the heads so transferred, along with the expenditure of the heads of Law and Justice, General Administration and Minor Departments. The normal income of some of the income heads was transferred altogether, and a share in the case of others. Some of the productive Public Works were also made provincial. The total provincial allotment in 1871 was about £ 5.5 millions; under the more extensive scheme of 1877 the control of about £ 16 millions of annual expenditure was transferred. Five years later Lord Ripon's Government went further still. All the heads of income and expenditure were arranged under three classes: customs, posts and telegraphs, railways, opium, salt, tributes, the mint, Home charges, and the military department continued wholly Imperial; civil departments and provincial public works, became wholly Provincial. The rest became Divided Heads, that is, the net income was to be shared between the central and provincial governments in proportions definitely laid down by the former; and amongst them the head of land revenue was given this unique position, that the amount, by which the allotted income from the other heads fell short of the total expenditure transferred to provincial control, was made up by the transfer of a carefully calculated percentage of the land revenue.¹ These settlements were for five years and when first introduced it was fully intended that the government of India would not only confine their own expenditure within the resources they had thus provided for it, but even go to the aid of the provinces whenever any one or more of them suffered from a calamity, like famine. But a long series of lean years followed, years, moreover, during which the expense on the army and the loss on exchange increased enormously. At the renewal of the

quinquennial contracts on three successive occasions, the supreme government seized for its own use a substantial portion of the increase in income which the provinces had created by careful administration. And special contributions were also exacted on more than one occasion during the period. The inevitable result was again to weaken the administrative and financial conscience of the provincial authorities. As Sir A. Mackenzie said in the budget debate of 1907, "the provincial sheep is close-clipped and shorn of its wool, and turned out to shiver till its fleece grows again. The normal history of a contract is two years of screwing and saving and postponement of administrative improvements, two years of resumed energy on a normal scale, and one year of dissipation of balances, for fear that if not spent they will be annexed by the supreme government at the revision. Now all this is wrong, not to say demoralising."

But the cycle of poor years came to an end, the exchange difficulty was over, the opium revenue revived and as mentioned in the last chapter, large surpluses were realised year after year. The central government started making grants to provinces, earmarking each for a specified object and making it a recurring annual grant or allowing its utilisation to be spread over years. The object was, as Lord Curzon put it,* that the provincial stokers in charge of the administrative machinery might no longer be handicapped for want of fuel and that the engine might once more be propelled at full speed. In 1904 the entire relations between the supreme and provincial government were reviewed and a system of quasi-permanent settlements was started, in which the resources handed over to the provinces were for the first time not inadequate to their needs, particularly when the special grants mentioned above which were also continued, and the subsidies² given from time to time to such provinces as needed them, were also taken into consideration. And at this third start the determination was firmer than ever that the amounts resigned to the provinces were not to be touched at all by the supreme authority as far as possible. The famine of 1907 added a new device, as buttress to the system. The Government of India placed to the credit of the province liable to famine, a carefully calculated amount, which was to remain at their credit, until when

* Budget speech, 26-2-1903.

famine broke out it was to be drawn upon; and famine expenditure by any provinces beyond this amount was to fall equally upon the province and the central government. Finally, in 1912 Lord Hardinge's government simplified the entire system as far as possible and declared it permanent. The expenditure handed over to the quasi-independent control of the provinces under this scheme of financial deconcentration rose from £18 millions (out of a total of £68 millions) in 1904, to £29 millions (out of a total of £79 millions) in 1911 and £36 millions (out of 123) in 1918. It was not a system of decentralisation in any proper sense of the term. True decentralisation was impossible under a constitution that held the Government of India and the Secretary of State in Council responsible for every detail as well as for the general methods and broad results of the governance of British India. It was not for the provinces to tax or to borrow except only in a very small way; and real financial or administrative enfranchisement is impossible except where adequate powers of levying taxes and raising loans exist. No province could have a policy of its own either, without such power. All that can be claimed for the financial deconcentration of the period from 1904 to 1919 is that it provided less inadequately for the needs of the people than the earlier system that had been introduced in 1871, and that it prepared the ground for the fundamentally different system which the Government of India Act of 1919 inaugurated.

REPORT I C. R. paras. 102-120.

MUKHARJI, I, PP. 623-38, 651-67, 719-21.

B. R. AMBEDKAR, *Evolution of Provincial Finance.*

Section 61. Presidency Town Corporations. The history of local selfgovernment in British India begins with the name of Sir Josiah Child. He obtained a charter from James II (1687) to set up a corporation at Madras—a mayor, aldermen, and sixty or more burgesses—who could build a town hall a jail and a school house, improve the roads and undertake the lighting conservancy and other duties of a city corporation, and were empowered to tax the inhabitants for such purposes.* An octroi or terminal tax was, however, the only impost the

* *Ibid.*, pp. 21-3.

inhabitants submitted to, and this first corporation languished for want of resources. Subsequent efforts to keep the presidency towns fairly clean and improve them did not succeed much better,¹ and government were obliged to hand over the duty in each place to three salaried officials from 1856. The municipal administration of the presidency towns has a continuous history only from this point onwards.

Madras. The Act of 1861 established provincial legislatures and these renewed the attempt to create local governing bodies for the presidency towns. The Madras Act of 1867 divided the city into eight wards, created a body of thirty-two nominated members, four from each, and over eleven of them officials, with a nominated president; and entrusted the police, education, hospitals, vaccination, street cleaning and lighting of the city to this body. The Police were taken over by the government from 1871 and by an amending Act of 1878, half the commissioners came to be elected. The corporation was however little more than a body of advisers to the president, who wielded all the powers, practically without any check. The most important works of public utility completed by this corporation were the Cholavaram and Red Hills Tanks, which supplied drinking water to the growing population upto 1884. A cyclone breached the latter tank in that year, the water was also found on analysis to have deteriorated in quality, and work had to be commenced on a new and larger water works scheme which was not completed before 1911. In the meanwhile the Act of 1884 gave a new constitution raising the number of elected members to twenty-four. And twenty years later, another Act increased the total number of corporators to thirty-six, twenty to be elected by the wards as before, three each by the Chamber of Commerce and the Trades Association, and two by such other associations, corporate bodies or classes of persons as government might direct, leaving eight to be nominated as before. A standing committee consisting of the president and eight corporators was constituted to exercise some check upon the president on financial and public works questions. And power was also given for the removal of the president by a vote of twenty-eight members;* but the Madras Corporation has throughout been and still continues the most backward of the presidency town municipalities.

* There is a similar provision in the Bombay and Calcutta Acts also.

Calcutta. The Act of 1863 established a corporation at Calcutta consisting of a nominated president and the J. P's residing in the city. Schemes of water supply and drainage were taken in hand, the Hindu practice of throwing corpses into the river was stopped, burning and burial grounds were placed under strict supervision, and other measures for reducing insanitation were prosecuted with vigour. The Act of 1876 replaced the justices of the peace by elected and nominated members, forty-eight elected by the ratepayers, twenty-four nominated. But the Act continued all the powers of the corporation in the hands of the nominated president, and even as advisers and exponents of popular views and desires, a body of seventy-two proved unwieldy for businesslike debates. In the meanwhile the suburbs in close proximity to the city but outside the limits of the corporation grew in numbers and in filth, and the ratepayers demanded a remedy for the evil. The Act of 1888 amalgamated seven of the suburbs with the city, and the water supply, drainage and sanitation systems had to be extended over the additional area. Lord Curzon's Act of 1899 followed, cutting down the number of members to fifty, twenty-five elected by the rate-payers, four each by the Chamber of Commerce and the Trades Association, two by the Port Commissioners, and the rest nominated. This Act also created a standing committee of twelve, in imitation of Bombay; but the nominated president continued more independent of popular check or control, and the corporation as a whole, therefore, was more of an officialised department, than in Bombay. It was also in imitation of Bombay that an Improvement Board of eleven trustees, four nominated by Government, four elected by the Corporation, one each by the Bengal and the Bengal National Chambers of Commerce, and a nominated president was established by an Act of 1911, to open up congested areas, regulate housebuilding and house occupation, create open spaces, construct buildings for the poor, and pursue systematically a policy of progressive city improvement. It is only in one particular that the Calcutta corporation appears to have shot ahead of the Bombay model. Its roll of voters was for many years as small compared to the population, as in Bombay or Madras. But by an amendment of the rules in 1909 the number of voters was increased from under 10,000 to over 38,000.²

Bombay. The Bombay corporation established under the Act of 1865 saw the light on the 1st of July, a day never to be forgotten in local history, since it witnessed the bursting of the huge speculative bubbles floated by reckless company promoters upon the sudden jump in cotton prices resulting from the American Civil War. This first corporation consisted of a nominated municipal commissioner and justices of the peace. Arthur Crawford was the first Commissioner and he prosecuted his activities for the cleansing and improvement of the island with a vigour which soon outstripped the resources placed at his disposal. The J. P.'s had little power to check him, he had little need to exceed the extensive powers the Act gave him, but in his zeal he was guilty of both extravagance and irregularities, the J. P.'s themselves led the popular agitation for an inquiry and a reform of the constitution and the result was the Act of 1872. It was universally acknowledged that the powers of the executive head must be curtailed, and that a body like the J. P.'s appointed for life would not answer. Few of the older leaders ventured to suggest a body periodically elected by the ratepayers, since they had no hope that government would consent to the adoption of popular election in India. Pherozeshah Mehta, however, then only twenty-six, had the audacity and optimism of youth. He also saw that it was not merely a Bombay question; the constitution that proved successful in Bombay would have every chance of being extended to other Indian towns also. He boldly suggested a corporation half the number elected by ratepayers, and the other half made up of J. P.'s and nominees of the government; a corporation of which the executive powers were to be vested in the officer nominated by government. These were the very principles finally embodied in the Act of 1872, which also provided a Standing Committee of twelve, eight elected by the corporation and four nominated, for more detailed supervision and control of the executive departments. The corporation itself laid down general policy, scrutinised and sanctioned the budget, and attended to complaints and shortcomings. The system worked so well that no radical change was introduced by the Act of 1888; popular representation was increased by the addition of eight members to the whole,* four more elected by the wards, two by the Chamber of Commerce. The Vihar lake in the valley of the Gopur

* Bringing up the total to 72

river had been completed in 1860, work on the Tulsi Lake in a higher valley was begun and completed in the seventies, the Pawai Reservoir was finished in 1890, and the great Tansa Lake with a masonry dam two miles long was ready by 1892. Government and the corporation had various differences on financial and other questions and on more than one occasion the latter had to appeal to the government of India and the Secretary of State. But on the whole they worked together fairly smoothly, and in the face of calamities like the plague the corporation set an example of loyal co-operation to the rest of the country. The Bombay Improvement Trust was constituted in 1898, with fourteen members, four elected by the corporation, one each by the Chamber of Commerce, the Port Trustees, and the Mill Owners' Association, and seven nominated—and a nominated president. And in 1907 government took upon itself the entire burden of the city Police, transferring to the corporation in exchange the entire burden of primary education, medical relief and vaccination. This put an end to controversies which had lasted for years, and the expenditure of the corporation upon primary education, which had been far greater than in Calcutta and Madras from the first, went on increasing at a still higher rate from 1908 onwards. That public opinion has not urged the corporation to advance with equal or greater energy in providing better sanitation, or more and better equipped hospitals, medical schools, and at least a second medical college, or better housing for the poor, and better rest houses for the traveller, or more open spaces for women and children, and a purer and more adequate supply of milk and other dairy products, is a fact which clearly indicates the level at which vocal and active opinion stands today in our country even in wealthy and cosmopolitan Bombay.*

MORAL AND MATERIAL PROGRESS (Decennial)
Reports, 1881-2 to 1911-12, i.e. 2nd, 3rd, 4th & 5th.

Section 62. Town Municipalities. The above account shows that Bombay City had elected members before Madras and Calcutta. And historically some of the smaller cities had elected members on their municipalities even before Bombay. The principle of election was accepted in the provincial

* The Calcutta Municipal Act 1922, and similar measures after and consequential on the Reforms, are dealt with in the last chapter.

Acts constituting city and town municipalities (1871-4), which followed Lord Mayo's Decentralisation Resolution (1870)¹ and although C.P. was the only province in which election thus came to be generally resorted to, the other major provinces also (except Barma) came to have a number of municipalities with elected members. Lord Ripon's Resolution of 1882 followed, that solitary gleam of genuine liberalism in the entire period from 1858 to 1906. Lord Ripon's aims were a greater uniformity, a greater association of the people in the tasks and responsibilities of a civilised administration (growing increasingly onerous), and above all the development of "an instrument of political and popular education". He realised clearly that the steps he advocated might bring about at first some loss of efficiency, but "had no doubt that in course of time as local knowledge and local interest were brought to bear more freely upon local administration, improved efficiency would in fact follow", especially if Government officers "set themselves to foster sedulously the small beginnings of the independent political life, and came to realise that the system really opened to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it superseded". He added that "as education advanced there was rapidly growing up an intelligent class of public-spirited men, whom it was not only bad policy but sheer waste of power to fail to utilise". And he also urged that the contemplated advance could not be a success unless it was "though cautious, yet at the same time real and substantial". The fundamental principles he laid down, "which after every allowance has been made for local peculiarities must be universally followed and frankly adopted, if the system was to have anywhere a fair trial" were:—(1) Not less than two thirds of the members of the municipalities must be non-officials. (2) The system of election should be cordially accepted, Government officers should set themselves to make it a success, and it should be introduced at once as widely as possible, first in towns of any considerable size, and then though cautiously also in smaller and less advanced areas; "the simple vote, the cumulative vote, election by wards, election by the whole town or tract, suffrage of more or less extended qualification, election by castes or occupations, new methods unthought-of in Europe", should all be tried, until experience indicated the form or forms "best suited to the local peculiarities and idiosyncracies of the different populations".

(3) Government control should be exercised in two ways; municipalities should have to obtain the sanction of Government before deciding upon some of the most important acts, such as raising a loan, levying a novel tax, or any matter likely to affect religious passions or the public peace. But the number of cases in which such previous sanction was insisted upon ought to be gradually reduced, and the executive should confine itself more and more to "control from without rather than from within;" the act or acts of the municipality might be set aside in particular cases; "in the event of gross and continued neglect of any important duty", a board might even be suspended for a time; but all the resources of friendly advice, sympathetic exhortation and timely remonstrance must first be exhausted. (4) The chairmen should be non-officials as far as possible, for thus alone would the non-official members come to feel that they had real power and responsibilities; thus also could the boards become effective schools of public spirit and political education. The chief executive officers should stand outside, "acting as arbiters between all parties, and not as leaders of any"; and so, even where, to begin with, official chairmen could not be dispensed with, they should not vote in the proceedings. (5) Expert advice help and supervision by such Government officers as engineers and doctors must be rendered by them as servants of the municipality and not their masters; the outside control vested in the District Officer should be sufficient to ensure smooth working. (6) Lastly, the resources made available for these selfgoverning bodies should in the main be such as could yield an increasing revenue with improving administration; nor should any duties involving additional expenditure be transferred to them without the simultaneous transfer of additional resources fairly adequate for the purpose.

It must be admitted that these ideas were at the moment of their promulgation somewhat in advance of the time. Outside the presidency towns, the great majority of the elderly Indians who had then acquired any eminence still preferred nomination by the government; a contested election they hardly cared for, success in one they hardly deemed an honour; nor were there many among them who could face their own possibilities or make a firm stand in the defence of their own convictions. The provincial governments were not ignorant of these facts and in translating the aspirations of Lord

Ripon's Resolution into Acts of the legislature (1883-5),* they drafted the provisions in a conservative spirit. In the day to day administration of these provisions, again, the district officers and their superiors whittled them down still further. And in the meanwhile, education was spreading, the younger men coming to the front were increasingly of a more modern type, nor did there arise any one between Lord Ripon and Lord Morley to recast the laws and reform the practice. The Decentralisation Commission appointed by the latter reported in 1909, a generation after Lord Ripon, that municipalities ought to be given a substantial elective majority and allowed to elect their own chairmen, that they should have greater freedom in regard to their duties, establishment and taxes, that they must be relieved of some of the charges and contributions taken from them, and that they could not perform even their proper functions efficiently until they were also granted both a permanent addition to their resources, and occasional substantial assistance besides, to undertake necessary but expensive projects such as drainage or water-supply schemes.† The period from 1882 to 1910 was not indeed altogether barren. Lord Ripon had spoken of a temporary loss of efficiency for the sake of familiarising the people with the modern methods of supplying their needs and solving their problems by their own efforts through their own representative committees. What actually happened was "that the educative principle was subordinated to the desire for more immediate results.... The broad fact remained that in a space of over thirty years the progress in developing a genuine local selfgovernment had been inadequate in the greater part of India."‡ In spite of elected members slowly increasing in numbers to about a half of the total, the system worked mainly as a state department imposed upon the people from above. Town conservancy and sanitation, the principal market and roads and especially the watersupply improved upto a certain point and then were maintained at that higher level. The last of these services is a specially noteworthy item. The number of cities and towns which have had waterworks constructed for them, bringing to each house an abundant supply of pure water, reflects as much credit on the administration, as their

* The act remodelling the C. P. Municipalities was passed as late as 1889.

† Report, Ch. 20; see also the 1915 Resolution on L. S. G. Policy.

‡ Report, I. C. R. para. 13, see also the above Resolution, para. 3.

successful fight against smallpox mentioned in an earlier chapter. But though there has been this improvement in the municipal administration in the course of these decades the rate of improvement cannot be held to have kept pace with the growing needs, still less outstripped them; a more favourable judgment is impossible in face of the death-rate.

A brisker rate of progress commenced from 1910 when Sir Harcourt Butler was placed in charge of the department as a member of the Governor-General's Council, and especially from 1915 when Sir C. Sankaran Nair succeeded him. The municipalities—and District Boards—became from 1892 electoral colleges for the return of members to the provincial legislative councils, a function that assumed somewhat greater importance from 1909 as they returned more members under the Morley Reform. And with the parliamentary announcement on the 20th August 1917, it became more than ever necessary to make the municipalities—and the district boards—representative bodies responsible to the people in the full sense of the term. The Viceroy in commenting on the pronouncement observed that the time had come to quicken the advance in the domain of urban and rural selfgovernment, to stimulate the sense of responsibility in the average citizen and to enlarge his experience. A Resolution of the Government of India reviewing the subject as a whole followed (1918) with recommendations of a far-reaching character, (1) The elective element was to be raised from slightly over a half to seventy-five per cent. of the total number of members. An adequate representation of minorities was to be secured either by communal representation or by nomination. As Chief Officers, Municipal Commissioners, Health Officers and other experts (whose appointment to executive office under the general direction of the municipality but with powers defined by legislation and by-laws had been recently introduced,)* increased in numbers, it was felt that the need for government officials as members of municipalities would not in future be as great as in the past. But even where they continued to be necessary, they were to be appointed merely as advisers and supernumeraries, without the right of voting. (2) The municipal franchise was high, its actual working was not a little arbitrary,

* Bombay provided for such appointments by an amending Act in 1914; U. P. in 1918; etc.

and the electoral roll rarely included more than six *per cent.*, of the population. This was to be reformed everywhere, and the electorate was to include about sixteen *per cent.*, so as to be really representative of the ratepayers. (3) Of the chairmen in 1914-15, 222 (32%) were elected non-officials, 51 (7%) were nominated non-officials, 249 (35%) were elected officials, and 174 (25%) were nominated officials.* Bombay had 56 non-official chairmen out of a total of 153; Bengal 82 out of 111; Panjab 16 out of 104; U. P. 39 out of 84; Madras 53 out of 83; C. P. and Berar 12 out of 56; Bihar and Orissa, 12 out of 55; Assam 3 out of 15; and the chairmen in the municipalities of the other provinces about sixty in all, were as a rule officials. The number of elected non-officials as chairmen was to be increased as far as possible, though municipalities were not to be forbidden, either to ask for a nominated chairman or to elect an official as chairman, but in the last alternative the election was to be by a majority of the non-official members, and to be also dependent upon the approval of higher authorities. (4) The subject of control over the municipalities by the executive government gave rise to recommendations equally fundamental. Indebted municipalities whose loans had been either obtained from or guaranteed by government were not to be free to make any alterations in their taxation without government sanction; but all other municipalities, especially those with a substantial elective element returned on a broad franchise were to have full liberty in the matter, within the limits laid down by the legislature, except where the legislature had not prescribed a maximum rate. The municipalities were also to have such greater control over the establishments provided out of their resources as the Decentralisation Commission had recommended. And the further recommendations of that body that municipalities should be free to make their own budgets, provided that they maintained a prescribed balance, and that the grants and subsidies given to them by government should not be rigidly earmarked for specific services or should be in the form of a percentage contribution towards the expenditure on particular objects, were also endorsed. On the other hand, the powers of the executive government, exercised either by the Collector and District Magistrate, or by the Commissioner, or by the Provincial Government itself, to veto a particular resolution

* Resn. 1915, para 7.

of a municipality, to remedy the neglect or omission to perform certain indispensable services, and even to suspend a municipality for a time in cases of grave and continued default at any rate after Government had dissolved one council and ordered a fresh election to enable the electors to replace it by a better, were necessary in the interests of the people and were to continue in force. (5) Finally, the member of the executive council in charge of the local selfgovernment portfolio might have a board or a standing committee of the legislative council to help him, and such a body might not only shape policy and serve as a supreme court of appeal, but it might also entertain inspectors, auditors and other expert establishments, not merely to check and criticise but also to help, advise and influence municipalities and local boards in a variety of ways. Thus the general policy of the Resolution of 1913 was the reduction of official control and official supervision to the irreducible minimum, and the association of responsible popular representatives with executive officials even at the highest stage.*

Municipal activities and municipal finance are still in their infancy in our country. The importance of cattle and dairy produce, vegetables and green groceries and of male and female labour for miscellaneous domestic, house building, house-repairing, and factory purposes, is not yet sufficiently realised, nor has any comprehensive policy been yet attempted or even thought out, distinguishing clearly between the sphere and responsibilities of the state, the towns and the village areas in these matters; and the consequence is that chaos reigns, although under the title so dear to mid-Victorian liberalism of individual liberty and free competition, chaos but slightly mitigated by such state tinkering as factory laws. Latterly we have begun to talk glibly of garden cities, city improvement and town-planning; but we do not appear to have advanced even in idea beyond wider roads and sanitary dwelling houses in particular areas. The key to the rapid, adequate and permanent improvement of a congested area like Bombay, for instance, really lies not inside that area at all, but outside; the real problem is to remedy the human drift towards Bombay, the instinctive drift of struggling masses in search of employment and food; and the real solution can

* Cf. India in 1923-24, p. 59.

only be such an organisation of production and labour in the surrounding areas as would afford to the people there sufficient remunerative employment, and so fix the bulk of them where they are, enabling each locality to keep for itself out of what it produces sufficient for its own regular needs, and to export the surplus. To try to make just one organ or region in a whole organism (or to allow matters to drift so that it grows) stronger and more active than the rest of it, is merely to draw the whole lifeblood more and more into it and thus destroy the whole organic complex all the more surely, because the real effect is disguised by the maintenance of a hectic appearance of health vigour and progress in the particular organ or region favoured by this one-sided shortsighted system. Local remedies may have to be attempted at start, but these could only be palliatives, and there could not be any real solution without envisaging and attempting the problem as a whole in all its intricate ramifications. The legislature, however, has so far assigned to municipalities and rural boards hardly any powers and responsibilities for the proper regulation and organisation of any of these larger matters.²

The fact is that in the definition of the powers to be granted to municipal and rural boards, English models are for India almost the worst models in the world to follow. Great Britain is a little island obtaining the bulk of its necessities by import from other countries, and exporting in return capital, political, commercial and shipping services, coal and manufactured goods. It is by this system of economy misnamed free-trade, that England has maintained a marvellous rate of growth in wealth and population for over a hundred and twenty years. Its manufacturing shipbuilding and mining districts thrive upon a concentration of the population. Self-sufficiency in the production of necessities became physically impossible long before Peel's repeal of the Corn Laws, and even the idea of maintaining it was dropped with that repeal. Picture a ship at sea now in front of one coast and now another, with vast almost inexhaustible mineral stores in its holds and several workshops upon its decks; there are plenty of children, women and old men always on board, the ship is their only home; but of the adult male population, large numbers always spend more of their time on the coast, and taking capital skill and power along with them where they land, they send over to the ship (their natal home), interest, profit and tribute dividends in the

shape of necessities and luxuries; the men, women, and children busy on the ship, in its holds and in its workshops, consume themselves only a little of what their labour yields, they are labouring all the while with a view to the needs of the coast populations, and sending over the bulk of what they make, buy in return such other necessities and luxuries as they need but cannot produce inside the ship. That has been the situation, the policy and the economy of England. State municipal and rural institutions and regulations which further such a system, the Englishman (brought up under such peculiar surroundings) instinctively looks upon as inherently right and just: institutions and regulations of a different pattern and with other aims he finds it difficult to understand, and even when he does so, his sympathy for them can only be halfhearted. India on the other hand is a sub-continent, economically self-sufficient and even rich if properly organised; and it is moreover geographically severed to an exceptional degree from other countries, so that it is no exaggeration to call it a world in itself. The Englishman, again, is not only self-reliant but also enjoys his self-reliance to an exceptional degree. That is what his history and traditions have made him. Our history and traditions, on the other hand, have fashioned us very differently. We are almost at the opposite pole of humanity. The Indian is nothing if not communal; the family, the caste, the hereditary occupation and status, the gild, the temple, the village, the birth-place, the neighbouring fair, he clings to with all his heart, and more than all his strength; he is never so happy as when living and working in and through and for them and under their protective canopy. As soon as our municipalities and districts become really self-governing, it needs no prophet to predict that the tendency will be to claim for them almost all the powers of a state in miniature, and to organise them as a federation of occupations and trade guilds, each accepting full responsibility for, and asking for complete control over, its members. That of course would be mediaevalism, and the tyranny of it would be far greater under modern conditions. India is a world in itself, but it does not follow, that each or any of its provinces is a world in itself; and to allow any town or district to organise itself in monastic isolation on the supposition that it was also a world in itself, would be the highest of absurdity. Municipalities and districts must have far greater powers and freedom than hitherto, each over its locality, its people, and its products; but where the line of

demarcation is to fall between these on the one side and the state on the other, how each is to be the associate feeder and prop of the other in the everyday life, business, education, and production of the community as a whole, is a problem so complex and difficult, that our legislatures will not be able to solve it in a hurry. Perhaps the best policy in the long run would be to allow local bodies a reasonable latitude for experimentation in the beginning, so that courses tempting in appearance but essentially unsound might have their real nature demonstrated and the evils and losses necessarily resulting might be held in check and prevented from spreading over extensive areas.

The annual income of our district municipalities from taxes and rates and government contributions was Rs. 129 lakhs in 1880-1, Rs. 237 lakhs in 1900-1 and Rs. 492 lakhs in 1912-13.* As there were seven hundred municipalities in the last year, the average income per municipality was Rs. 70,000 per year. The average in the U. P. with its large cities such as Lucknow, Benares, Cawnpore, Agra and Allahabad, the smallest of which has over a lakh and three-quarter inhabitants, is almost Rs. one lakh per year; the average in Bombay with its many municipalities that in other provinces would be only notified areas is only Rs. 57,000 per year; in Bihar and Orissa the average falls below Rs. 40,000. The principal taxes are octroi in Bombay, U. P., Panjab, C. P., N.W.F.P. and Dehli; and taxes on houses and lands in the other provinces. The second is a tax upon property or capital or consumption, and in so far as it is a tax on capital, the owner could transfer it to (i.e. recover it from) the man actually consuming the capital, and thus alter it into a tax on consumption; but it is always felt as a direct tax. The first is a tax on consumption which is not so felt, since it is collected from the person bringing the articles within municipal limits and not from the individual consuming it. Madras, Barma, Berar, and Assam municipalities also realise substantial amounts from tolls; Panjab, N. W. F. P., and British Baluchistan are the only provinces where there are no tolls; and every province taxes animals and vehicles. The tax on professions and trades—an income tax—is the principal source of municipal income in Berar, and Madras also derives one-fifth of its taxation income

* Imp. Gaz. IV, p. 306. and the 1915 Reqn. para. 10.

from this source. And the other taxes levied are really rates for the services rendered, such as water-supply, conservancy, lighting, schools, and hospitals.

Section 63. Rural Boards and Village Panchayats. The remaining section of the subject can be dealt with more briefly. There were no elected members on rural bodies in any province until the local selfgovernment Acts passed in consequence of the Ripon Resolution introduced them.* That Resolution desired that "the smallest administrative unit, the subdivision the taluka or the tahsil, should ordinarily form the maximum area to be placed under a local board"; and recommended for such boards as also for the higher district council or board in each district the same principles and aims as have been indicated in the foregoing sketch dealing with the municipalities. But in the boards actually set up or reorganised in the eighties of the last century there was even less selfgovernment than in the municipalities. Madras evolved a triple set. In the greater part of that presidency there are village sites, as elsewhere in India, but the houses of the villagers are scattered, many of them being in the fields, so that neighbouring villages meet and commingle, and in parts of the west coast even the regular village sites are non-existent.¹ Here, therefore, we have village unions, or all the inhabitants of a certain area, containing several village sites or only one or none, placed for sanitary administration under a body mis-called a panchayat.² Larger areas are the subdivisions of a district made for constructing and attending to local works such as village roads, tanks, rest houses or dharmasalas, school buildings, lock-ups, etc. Each of these areas including several village unions has a taluka board mainly for these rural public works. And there is the District Board for the whole District. Excepting Barma, which has no rural boards at all, and Assam, which has taluka boards only, all the provinces have District Boards; and Bombay, C. P., Bengal, Bihar and Orissa, and parts of Panjab and N.W.F.P. have sub-district boards also; U. P. had them upto 1906, but the U. P. Act III of that year abolished them.† Except in Bombay, elected members were introduced only in the district boards, and in some of the provinces these members were elected by the lower boards

* For the earlier history of rural bodies see Imp. Gaz. IV, pp. 298-9.
† Later on they were replaced in that province by tahsil subcommittees of the district boards.

out of their own members and these were all nominated. The electors such as they were and where there was any election, were only 6 per cent. of the population. After the report of the Decentralisation Commission (1909) recommending that nominated members should be only just sufficient to provide for minority representation and official experience, elected members have been everywhere increased. But Bombay did not consider it advisable to have an elected majority in either board, while such a majority was introduced in Bengal, Bihar and Orissa, and Assam; and in C. P. and Madras the elected element was increased to two-thirds and in U. P. to three-fourths. The chairmen of the district boards have everywhere been Collectors, and of the taluka boards the subdistrict officers. The U. P. Act mentioned above provided that the district board should elect its chairman, subject to confirmation by the Lieutenant Governor. The Decentralisation Commission held that to drop the district and subdistrict officers from the presidentship would be to dissociate them from the general interests of the district. And the Resolution of 1918 recommended that the franchise in all the rural boards should be substantially extended and that election or nomination of non-officials as chairmen should be encouraged, provided that the district or subdistrict having non-official chairman should also have a special executive officer, appointed or removed only with the sanction of the Government.

The District Boards all over British India numbered 200, the subdistrict boards under 540, and the village unions, under 640. They had over Rs. five and a half crores to spend in 1912-13, and over Rs. seven crores in 1917-18.* The public works expenditure came to 50%, the educational to 25%³ and that on medical relief to 10% of the total. The main item in their income was the one anna cess on the land revenue, but upto 1913 the Bengal, Bihar and Orissa, U. P., Panjab, and N.W.F.P. governments handed over to them only a part of this, diverting considerable amounts to rural services which were not placed under their control. The contributions from the provincial government came to about 25% of their income from all other sources and from 1905 onwards the large capital and recurring grants which the Government of India made principally for the improvement of education and sanitation,

* Excluding "extraordinary" and 'debt' items.

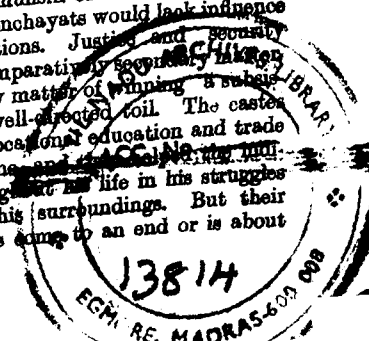
enabled the boards to confer increasing benefits upon the village population. The Decentralisation Commission recommended that a District Board might be allowed to levy an extra cess of one pice per rupee of land revenue, for building a light railway, or a railway or a tramway, and government accepted the suggestion, adding that the Board might either accumulate the proceeds and build the line out of them, or after a short period of such accumulation raise the balance of the capital required on the security of the line itself or raise all the capital from the first on the guarantee of this annual income. Madras, Bengal, and Bombay have already taken advantage of this concession, and some other provinces are going to do so in the near future. Other similar devices of increasing the resources of rural bodies either for general purposes or for some special object might also present themselves; and the provincial and central governments might have a period of financial prosperity before them, enabling them to make larger contributions for local use than in the past. Such contingencies, however, are unlikely, and steady progress, at any rate, cannot result from uncertain windfalls. Our district municipalities and rural boards must overcome the extreme reluctance they have so far shown to tax themselves even for objects necessary as well as paying in the long run, both directly and indirectly. Professor Gilbert Slater holds, for instance, that one of the evils India is suffering from to-day is "the heavy and crippling burden of insufficient taxation". No Indian economist will endorse the view for British India as a whole; but the ingenious antithesis does contain a lesson for our district municipalities and rural councils. The traditional Dharma of the prosperous individual to give away part of his excess of wealth to the village in which he or his wife or ancestor was born, is not quite forgotten in Hindu and Muslim India, and might revive under the warm rays of the forthcoming democratic age.

In his statement submitted to the Decentralisation Commission G. K. Gokhale⁴ pointed out that the old system of paternal rule by the district officers had become out of date and advised that panchayat rule should be substituted for it. A village with a population of 500 and over might have a panchayat consisting of the village headman, the village munsiff, the village conciliator, and two or three elders chosen by villagers paying land revenue amounting to Rs. ten or more. Where in addition to the headman, the village also had a police

The Decentralisation Commission accepted in a general way the 'desirability of developing village panchayats with powers and responsibilities with regard to local affairs; but they did not recommend any specific scheme for the whole country, and held that "the system must be gradually and cautiously worked". The provincial governments were even colder in their reception of the idea and more than one of them were distinctly unfavourable to it.⁶ The Government of India decided that (1) panchayats might be introduced in selected villages⁷ 'where the people in general agree', (2) that wherever introduced, all other bodies and committees should be merged in them, (3) and that if judicial functions were conferred upon them, they should be permissive. The essential point in the constitution of the panchayat was, in their opinion, the association of the village officers with others informally elected by the villagers themselves; and of the possible functions to be assigned to them the most important were village sanitation, village education and jurisdiction in petty civil and criminal cases.

* Suits in the presidency annually number about 14 lakhs, out of which more than a half consist of money claims for petty sums.

Legislative measures were introduced or under preparation in more than one province in recent years for improving local selfgovernment, enlarging the powers and responsibilities of local bodies and making them really representative. Bills about village panchayats were also on the anvil.⁸ Then came the Government of India Act 1919 under which local selfgovernment was placed in the group of departments transferred to the charge of ministers principally responsible to the people through their representatives in enlarged legislative councils armed with supreme powers with regard to purely provincial matters. We have therefore been marking time from 1918, and shall continue to do so until the new constitution settles down to its work. In the meanwhile instructed public opinion should carefully reconsider what functions could be most beneficially assigned to village panchayats. In the isolation of the Indian village from times immemorial down to the end of the third quarter of the last century, judicial decisions in petty matters had to be either obtained from some persons or body within the village boundary, or the aggrieved parties had to go without them altogether. This isolation has gone never to return. A system of travelling arbitrators and honorary magistrates could now be created, who could perform this function quite as cheaply and quickly and far more satisfactorily than lay panchayats, the members of which, moreover, could not always be free from the factions and party and caste feelings so frequent in villages. Again, it is the village environment that forces the witnesses cited and the parties themselves to tell the truth when solemnly adjured to do so; and the arbitrator or the magistrate coming down to the village to hold his court instead of calling up the parties and their witnesses to another place where he was holding it, would have the benefit of this circumstance as fully as it accrued to the panchayat of old or the patel or munsiff of recent times. Nor should it be feared that village panchayats would lack influence unless armed with judicial functions. Justice and security, however important, is after all a comparatively secondary matter. Far more important is the primary matter of winning a subsistence through honest intelligent well-directed toil. The castes of old were in India centres of vocational education and trade and industrial guilds, all in one, and the village life in his struggles to wrest a competence out of his surroundings. But their ability to perform this service has come to an end or is about



to do so, even in the remotest and most isolated villages, and the caste bond is itself fast weakening. The Indian individual feels the loss and is groping after a more modern communal sentiment to hearten him, a more efficient collective organisation to take him by the hand and steady and direct his faltering steps from the cradle to the grave. The village panchayats of Ancient India had not this primary function to perform as the castes were there already to discharge it far more efficiently. But now new communal bodies of a more modern type are required to undertake it. If any concrete confirmation of this argument was needed, we have it already in the rapid success, moral as well as material, of the co-operative movement, in every locality lucky enough to find and place at the centre of the society a man or two animated by the spirit of disinterested service and the conscientious desire of securing equitable opportunities to all members alike. That is just the type of man who would make of village panchayats too an equal success. Only let us make our village panchayats the media not only for all sanitary advance in the village but also for all economic industrial and educational advance. The Agriculture and the Co-operative Departments have already evolved ideas, methods, processes, schemes excellent not merely in an academic way, but ready to be applied at once and reduced to practice; ideas, methods, processes and schemes which they want to spread broadcast in order that the masses in their millions might reap the benefit. The Industries Department is being formed; let us hope it will from the outset begin its operations in three sections—Home Industries and Crafts; Petty Industries and Crafts requiring say six labourers at the most in which a small motor might be used at option; and factory industries. The education department, too, let us hope, will soon get out of its present grooves, and develop practical methods of vocational training in strict correspondence with local possibilities and requirements. And both departments, as soon as they have developed these things, will, let us hope, want at once extensive propaganda work to spread them broadcast. Our village panchayats and other local bodies superimposed upon them should be so constituted as to make of them the proper media through which these and other nation-building departments could quickly and successfully transmit their enriching ideas to the villager in his cottage home.

MUKHARJI, I pp. 623-737.

REPORT DECENTRALISATION COMMISSION Chs. 18-20.

J. MATTHAI, Village Government in British India.

LORD RONALDSHAY; India a Bird's-eye-View, Chs. 11, 12; includes also a brief discussion of village self-government in Ancient India.

CHAPTER X: NOTES.

SECTION 60.

1. By these financial arrangements the provinces were tempted to be over rigid in their land revenue collections (*Curzon and After*, p. 357) and Report I. G. R. para. 109 criticises that system as it had been fully developed by Curzon, Minto and Hardinge re. land revenue and irrigation. "As regards revenues, so long as the G. of I. take a share in the proceeds they have a strong motive for interfering in details of administration. Their interest in land revenue e.g. inevitably leads them to a close supervision over revenue settlements; and the control tends to become tighter in cases where expansion and development, as in the case of irrigation, depend on capita outlay."

2. This policy of giving subsidies and the connected one of making special grants were criticised by more than one province and the Royal Decentralisation Commission (1907-09) examined the matter fully. For the final decisions of the G. of I. on this and all other topics arising out of the subject of financial devolution see the G. I. R. on Provincial Finance, No. 27, F., dated 18-5-1912.

SECTION 61.

1. The Mayors' Courts established 1726 were entrusted with some municipal functions. Under the Charter Act 1793, all European British subjects could be appointed justices of the peace and the presidency town J. P.'s were formed into a corporation and municipal duties were assigned to them with the necessary powers. In 1840 and later experiments were tried to secure by election from amongst the J. P.'s a number who would take fairly continuous interest in such matter

2. The racial distribution of the vote is even more striking than the small total number of voters. The *Bombay Chronicle* analysed the Bombay municipal elections of 1916 and 1919; it showed, among other things, that in 1916 there were only 11,547 voters—784 Europeans, 380 Indo-Portuguese and Eurasians, 2,806 Parsis, 2,578 Muslims, 4,924 Hindus, and 125 others. The corresponding figures for 1919 were respectively 12,781-858, 246, 2,924, 2,872, 5,760 and 121. The distribution in Madras and Calcutta is certain to have been quite as faulty. The number of voters in Madras in 1911-12 was 9,824.

3. "A similar expedient to that adopted in the constitution of the English Board of Guardians in which the J. P.s of the district sit *ex-officio* along with the elected members, in number limited by law to a third of the whole. A number of members, holding positions of public trust and importance might be similarly incorporated *ex-officio* in our elected body, thus ensuring the admixture of a certain amount of the highest intelligence and education in the town.....Such a body may be left, not to administer and govern for which it is radically unfit, but to fulfil its proper function.....The only way to dispose of the executive authority is to vest it in a single responsible officer.....The most liberal political thinker of the present age emphatically lays down that such an officer should be nominated not elected".....From Mehta's paper on the subject 29-11-1871 printed at *Speeches* pp. 81-115; see also for the rest of the above paragraph, *Speeches*: 184-22, 235-59, and H. P. Mody, *L.M.*, pp. 56-80, 116-21, 193-206, 265-73, and 558-68.

SECTION 62.

1. The Bengal Act X of 1842 proved inoperative. Act XXVI of 1850, applicable to the whole of India but principally availed of in Bombay and U.P., did not create any municipalities with elected members. Local Self-government in the proper meaning of the term necessarily implies local bodies including a number, however small, of popular representatives. Hence the history of local self-government in British India begins only with the above resolution of the 14th December, paras. 23 and 24 of which are quoted here as really initiating the change:—

"23. But beyond all this, there is a greater and wider object in view. Local interest, supervision and care are necessary to success in the management of funds devoted to education, sanitation, medical charity, and local public works. The operation of this resolution, in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of Native and Europeans to a greater extent than heretofore in the administration of affairs."

"24. The G. G. in Council is aware of the difficulties attending the practical application of these principles. But they are not insurmountable. Disappointments and partial failures may occur but the object in view being the instruction of many people and races in a good system of administration, H. E. in Council is fully convinced that the Local Governments and all their subordinates will enlist the active assistance, or at all events the sympathy of many classes, who have hitherto taken little or no part in the work of social and material advancement."

2. See, for instance, the Bombay District Municipal Act 1901 as modified upto the end of 1919-20, Ch. 9,—Municipal Powers and Offences. The sub-captions are: powers in respect of streets (3 sections); powers to regulate buildings etc. (7 sections); powers connected with drainage etc. (14 sections); powers regarding external structures etc. (6 sections); powers for promotion of public health, safety and convenience (8 sections); powers for the prevention of nuisances (13 sections); regulation of markets sale of food etc. (12 sections); and nuisances from certain trades and occupations (12 sections).

SECTION 63.

1. Upper Assam, too, has no village sites. The houses of the villagers are also scattered in Bengal proper, and in the delta of the Ganges and the Brahmaputra as the rainy season inundations subside, fresh mounds are thrown up and houses are closely packed together upon them, to be all washed away either at the very next inundation or in a few years. In Baluchistan and N. W. F. P. nomad tribes exist in large numbers. And forest tribes, hillmen, and aborigines in a still more primitive stage are still numerous in various parts of our vast country. The residential village with or without a wall or a hedge all round it or with a tower of refuge or a walled temple in the vicinity for shelter in times of danger, exists in the rest of India. But when the census of 1901 is quoted as having enumerated 728,605 villages in British India, the above brief summary of exceptional areas and human groups should be borne in mind, and it should be further remembered that "in some places the village was taken to be the area demarcated in the course of a survey, corresponding more or less to the English parish or the Teutonic mark," and in such cases was not necessarily a residential village community.—*Imp. Gaz. I* pp. 455-6; J. Matthal, *Village Govt.* pp. 8-9.

2. Under the Madras Local Boards Act V of 1884, a village union with 5 or more members, chiefly headmen of the village falling within the union, and a chairman nominated by the chairman of the taluka board, looked after (1) lighting the roads; (2) making and repairing roads

and drains; (3) keeping them clean, as also wells, tanks etc.; (4) water supply by constructing and repairing tanks wells etc. (5) establishing and maintaining such hospitals, dispensaries and schools as government had sanctioned; and (6) generally doing all that might be required for the preservation of public health. Bengal too had such unions from 1895 but they were introduced there experimentally in some parts only, and do not appear to have been a success. Bombay and C. P. had instead village sanitary committees, the larger Bombay villages had sanitary boards with larger powers from 1889. In U. P. the power of cleansing and constructing wells at the cost of the neighbourhood was given to the Collector from 1892, and there were neither sanitary committees nor village unions before 1912 (Matthai, pp. 99-108.)

3. In Bombay 38% was spent upon education; in U. P., C. P. and Berar, and N.W.F.P. 30%; but on the other hand only 17% in Bihar and Orissa; and Madras was at the bottom of the list with only 10%.

4. He gives the following figures about villages in the Bombay Presidency: total number in the British districts about 26,000; population below 500—about 16,000; population from 500 to 1,000—about 6,000; larger—the rest. For the villages with a population below 500 he says they should either be joined to larger adjoining villages or grouped into unions.

5. *Speeches* pp. 1213-4. Compare the provisions in the Madras Panchayat Bill introduced by Mr. T. Rangachari in Mrs. Besant's club for political debates, the Madras Parliament, published (1916) as No. 3 of the Madras Parli. Transactions.

The Mysore Village Panchayat Act, 1926, provides a registrar of Panchayats and Circle Inspectors under him, the district officers are to help and work with them and the panchayats instituted are granted functions classified into—(a) obligatory: management of religious institutions, preservation and development of communications, care and equitable use of village properties (wells, tanks, forest areas), measures of sanitation and public health; (b) discretionary: registration of births and deaths, economic improvement; and (c) delegated: primary schools, etc. Official lead and control are to be replaced by advice and warning as soon as practicable. Judicial powers are not yet given. The aim is to tap disinterested, steady, active leadership and force of character in these poverty-stricken down-trodden masses, and, as in the case of the co-operative movement, to go forward only in proportion as this is found. The experiment on these lines sounds a little more hopeful, but a good deal will depend upon the personal factor.

6. L. S. G. Rean. 1915, para. 37. It would be difficult to express greater hostility to the idea of reviving village panchayats as tribunals

than was done by Sir Henry Maine—of all people—in a Memorandum to the Secretary of State in 1889, which is quoted by Mr. Matthai ((pp. 182-3) and deserves most careful consideration by sentimental revivalists.

7. "The area under a panchayat should normally be a village unless villages are so closely connected that they may be treated as one"—L. S. G. Rean. 1918, para. 23.

8. The Bengal Village self-government Act of 1919 subdivided districts into convenient unitary areas each to have a Union Board, any two or more members of it government might by notification constitute into a Union Bench for the trial of petty local offences, or unto a Union Court to try petty and simple suits for money due on contracts, for recovery of moveable property or its value, or for compensation. The C. P. village Panchayat Act and the U. P. Village Panchayat Act, 1920 also constitute similar bodies with similar powers. Will the experiment succeed? I do not think so. Even the villager, I venture to hold, will very soon want better qualified and more indubitably impartial "benches" and "courts." Besides 'petty' and 'simple' matters are neither so petty nor so simple if you can look at them, as does the villager concerned, in all their concrete detail.

CHAPTER XI.

THE AWAKENING.

Section 64. Modern Education: The Beginnings. It is a historical fact that Ancient India from the period of Gautama Buddha and Mahavira Jina to that of Yuan Chwang was a well-educated country even by modern standards. A knowledge of the three R's was widespread, vocational training and apprenticeship were universal, and the country was dotted over with centres of higher learning thought and culture carrying on a living interpretation and continuously fresh adaptation of the rich legacy of former generations. Break-downs recurred, no doubt, at irregular intervals, whenever famines, epidemic diseases, or wars and invasions devastated particular regions, but these were local in extent and temporary in their effects and education and culture revived as the locality got over such calamities. The strength of the system lay in its being a spontaneous social activity quite independent of the state and its varying fortunes, even while receiving munificent aid from innumerable rajas, ranis and high officials, since the donations came from them in their individual capacity, prompted by reverence, or a sense of what they owed to particular localities, or foundations, or gurus, or a desire for the good of their souls. No culture, however, can live on through the centuries unless it can also develop a stable self-sufficient political system, strong enough for defence against attacks from without, and elastic enough to allow ample latitude for the play of individual freedom within. And failing in the first, Hindu society instinctively turned to the only other alternative, viz. the strengthening the social framework, until individual freedom and individual initiative—the other indispensable requisite—came to be progressively sacrificed through imperceptible but cumulative stages. Hindu culture was thus weakening internally when the Muhammadan period of our history began, accelerating the decay. The forces of revival had little chance until Akbar established his dynasty,¹ and after little more than a century, anarchy got the upper hand again, until the East India Company could attempt a reconstruction, starting from the nuclear points of Calcutta, Madras and Bombay.

The motives of the pioneers were rather mixed. There was sound policy in trying to win the intellectual classes over

to the side of the conqueror, by patronising their best representatives and harnessing them to a revival of the learning they valued so highly. The law courts needed learned pandits and moulvis whose rulings the people would respect in proportion to their learning.² Devout missionaries and earnest-minded leaders of opinion like Wilberforce and Charles Grant wanted to spread Christianity, or at any rate, they wanted the benighted and superstitious heathen to have a chance of seeing for himself what Christianity was, hoping from it the best and the most far-reaching results.³ The administration had to be cheapened as well as improved, larger numbers had to be employed in various capacities; this was not possible without an increasing use of indigenous agency; and the necessary amount of integrity, loyalty, intelligence, and knowledge could only be obtained at reasonable rates by a suitable system of education. The language of the courts and of official business had to be changed and this required the creation of a growing class with a working knowledge of English. A practical training in the medical and engineering sciences was inspired by motives of pure philanthropy as well as by a recognition of their obvious utility.⁴ And there was also the faith in the cultivation of the intellectual faculties and the spread of positive knowledge for its own sake. Darkness and superstitions were held to be the greatest enemies of the population and the greatest dangers to the stability of English rule in India, and it was realised that they could only be removed very gradually by the diffusion of a rational education. Equally mixed were the motives of the people, the living material upon whom the experiment was tried, who seized the widening opportunities offered to them in ever increasing numbers. Some applied themselves to the new subjects for the same reasons that their forefathers for centuries past had applied themselves to the old; study was their traditional occupation, their historical dharma, the *raison d'être* of their life and their place in the social whole. Others studied with a view to the worldly benefits they personally expected in return. And almost from the first, there were also others, rare spirits with a vision and a faith, of whom Raja Rammohan Roy was the great prototype. These were the first patriots of modern India. They saw their dear motherland feeble, cursed with many ills, humiliated. And they saw in the conqueror and in the West whence he came, the God-appointed agency to restore her to better days. They

sat at the feet of England and the West as admiring disciples determined to acquire from the guru the secrets of economic revival, intellectual activity, moral vigour, social health, political power and religious purity. The advance of India would have been much quicker and far better balanced if such men had appeared amongst Muslims also from the first. And some of the officers of the Company did obtain favourable opinions from one or two liberal moulvis, recommending English education to their co-religionists.⁵ But the community as a whole hung back suspecting the new departure, and after the Mutiny, their attitude towards the new order was, naturally perhaps but all the same very unfortunately, tinged with a bitterness which did not quite fade away for another two decades.

Official missionary and private efforts, individual and collective, have jointly contributed to the growth and evolution of our complex educational system. All three strands in the historical web are important, each has distinctive features, each agency has been inspired by ideals which have demanded more and more effort at every stage of accomplishment, and perhaps the most valuable lesson the history of modern education in India has to teach is that all three are still as indispensable as they were in the dawn of small and tentative beginnings at the opening of the nineteenth century. To educate a subcontinent like India means an ever-increasing outlay on a vast scale, the bulk of which must come out of state treasuries, local provincial and central. Without a rigid anatomy of structural uniformity and system, moreover, the education of our diverse nationalities would soon cease to be animated by a common spirit, and state agency, legislative and administrative, is the most natural source from which to derive this. The distinctive merits of missionary agency are freedom from the traditional limitations of the Indian outlook, Hindu and Muslim, an appreciation of the dignity of man as man, and a living grasp of the stern economic realities of Indian existence. The official is almost always conscious of being on a higher rung himself, and patronisingly bends down and extends his hand to pull up the Indian from where he is. The missionary on the other hand, who is the true disciple of his Master, goes among the people, becomes one of themselves, shares their life and work, and the children run to him because of his greater gentleness and love, and gradually they learn from him how to live and work better than

their own elders are doing. Missionary education is but a part, though an integral part, of the larger missionary endeavour to recast the whole life of the individual into a higher mould. Missionaries in Indian education are thus the pioneers and path-finders; they are the experimenters in our educational laboratory. Their failures are many some even grotesque, but these do not matter; while every success they achieve, however heterodox the methods, is so much pure gain.⁶ It is also pure gain for Indian undergraduates to come into touch with as many varieties of western culture as possible, and amongst the professors at missionary colleges we sometimes get humanists altogether different in stamp and lustre from the professors with equal or higher attainments at the Government institutions. The distinctive features of the third educational agency working in our midst have so far been its faith, imitativeness, and docility. Large and increasing numbers of Indian educationists have worked in the fields of official and missionary agency as subordinates of official and missionary superiors, making it their highest ambition to reproduce to perfection the best qualities of their superiors. Even in institutions nominally independent and indigenous the best masters have formed themselves consciously or unconsciously on some model or models. Really independent Indian endeavour has emerged rather late in our educational history and it is not yet possible for the impartial student to form any opinion about it. Sir Syed Ahmed's High School and College at Aligarh had for its initial aim the provision of a public school and a residential college of the English 'gentleman'-ly type for the Muslim youth.⁷ Mrs. Besant's Central Hindu College, Benares, also attempted a combination of religious and modern education of the highest type, through the agency of Englishmen and Indians working together on equal terms, and living all the twentyfour hours in intimate association with the boys and young men in residence. This institution developed by 1915 into the Hindu University, Benares, mainly through the devoted efforts of Pandit Madan-mohan Malaviya and the generous support of a large number of Hindu Chiefs and merchant princes. One of its aims is to supply the highest and the most up-to-date teaching in every branch of learning; thus a college of Engineering was opened in 1919, and medicine, teaching, agriculture, commerce and other subjects will be provided for in the near future. Institutions like those of the Deccan Education Society, Poona,

and the schools and colleges of the Arya Samaj, in more than one province, generally accept the established courses, text-books, examinations rules and regulations of the education department and university. Their aim is to extend education, rather than to create a new type of it; they charge lower fees, obtain what gifts they can from private sources, and although relying principally upon these, have no objection to grants-in-aid.⁸ Their one peculiarity is a purely Indian staff, a large number of whom have patriotically pledged themselves to draw from the funds of the society or the institution only a living wage and to give in return the best working years of their lives. This no doubt makes not only for economy but also for greater devotion on the part of the teacher and greater attachment between him and his pupils. But some of the best in this necessarily small band have been impelled by their patriotic feelings to divert their time and energies more or less to social work or journalism or politics. Take the most brilliant individual of the class, the late Mr. G. K. Gokhale, as an example. I do not mean to say that he should not have become a politician at all. My point is that his becoming a politician necessarily prevented him from rising to his full height as an educationist and a man of learning. Research, scholarship, teaching, is a jealous mistress and brooks no rival. Perhaps, as the country settles down, the best Indian educationists will themselves realise that education as a profession is fully worthy of the uttermost devotion possible to a man. Living in the busy hum of towns and in the ebb and flow of their swirling currents, they must yet lead their own lives dedicated to their science or sciences and their students. The Acharyas of the Arya Samaj Gurukulas find this counsel easy to accept, because they take themselves and their pupils quite out of the world of today to live by themselves in a world apart. And the type of education these revivalists seek to create is only a pale imitation of *what they think* was the type that prevailed in the heroic age of Ancient India. They are imitators no less than all the other Indian educationists so far described, their only distinction being that they are also visionaries led astray by their vision. The strength that Young India needs to rise to its full height in the modern world is a strength that can only be won in and through the modern world itself, and not at all by running away from it to primeval forests, musty texts and the ideals and rituals of days gone by. The only originality so far shown by Indian educationists is in the

institutions founded and patiently and reverently being built up by two men of transcendent genius, Sir Jagadish Chandra Bose and Rabindranath Tagore. Both institutions are still in their foundations. And genius of course is a law unto itself. What one desiderates for Indian education is that Indian educationists and the ethos of the Indian people should begin to play upon it freely and fashion it anew; the best to be found anywhere in the world should be taken, but instead of being copied it should be bodied forth in living forms under the Indian sky.

Section 65. Modern Education : 1787 to 1854. Carey and Marshman reached Serampore in 1799, and began almost at once to start schools, establish a printing press, translate the Bible into the Indian Vernaculars, and issue pamphlets and books. Missionary education, English vernacular and religious, was thus inaugurated.¹ Its growth was rapid. By 1815 there were twenty schools in the neighbourhood of Calcutta, and a similar number in Chinsura District. The Serampore College was opened in 1818, Dr. A. Duff's² institution at Calcutta the Church of Scotland's General Assembly's Institution, in 1830. J. Carey, Dr. Carey's son, opened a school at Ajmer in 1818, and had to be reproved (1822) for introducing the Bible (Hindi translation) there as a schoolbook. In the meanwhile parliament had passed the Charter Act of 1813, section 43 of which provided that—

"It shall be lawful for the Governor General in Council to direct that a sum not less than one lakh of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories, in India; and any schools, public lectures, or other institutions, for the purposes aforesaid, which shall be founded in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor General in Council."

The most important of the regulations related to the observance of strict religious neutrality. The missionaries tried all their authority influence and ingenuity to make even the government institutions places of Christian teaching and to retain subjects like the evidences of Christianity and books

like Pilgrim's Progress in the examinations, on the results of which scholarships and certificates were awarded and selections for government appointments were made. Some of the most distinguished amongst them even argued, without much scruple, that purely secular education would be demoralising to the pupil and a serious political danger to the Company. Some of the more serious-minded amongst the servants of the Company agreed with them to the extent of holding that British rule in India must end in transforming India into a Christian country, or at any rate that it must be pronounced a failure unless that was the ultimate outcome. But even these men were resolved to keep Christian propaganda within the narrowest bounds and to exclude from the government educational institutions everything that Hindu or Muslim sentiment might object to. The Bengal Government moved rather slowly at first. A school-book society and a school society had come into existence at Calcutta in 1817 and 1819 respectively, and government began to help them from 1821. A Committee of Public Instruction was formed in 1823. Existing institutions were to be supported and strengthened, oriental learning and European science were to be encouraged, and new institutions "for instruction in the learning of the East and of the West together,"* were to be established as far as possible. H. H. Wilson was the first secretary; a man of inexhaustible energy, who besides his work at the mint and as secretary of the Asiatic Society, also helped the Hindu College actively as a teacher. This institution had come into existence in 1817 through the joint efforts of Raja Rammohan Roy, David Hare, and Sir E. H. East the Chief Justice, "to instruct the sons of Hindus in the European and Asiatic languages and sciences," but especially in English.† Over a lakh was subscribed to start the institution and government inspection and aid were accepted from 1824. Another name that must be coupled with Rammohan Roy's in a history of the beginnings of English education in this country is that of Jaynarayan Ghosal of Benares, who made a donation of Rs. 20,000 and certain lands in 1814, and petitioned government to establish from the proceeds a school where English, Persian, Hindustani and Bengali might be taught. The school was started in 1818 and seven years later the son of the founder gave to it another

* Holt Mackenzie's Note 17-7-1823, (Sir H. Sharp, p. 60.)

† This was the declared object of the founders—H. R. James, p. 17. It was transformed into the Presidency College, Calcutta, in 1855.

Rs. 20,000.* The Hindus especially in Calcutta wanted an education in English and in modern subjects, although it is not likely that many of their leaders would have endorsed Raja Rammohan Roy's condemnation of the traditional Sanskrit learning as entirely useless.‡ The Court of Directors, too, had modified their views. In 1824 they wrote—

"We apprehend that the plan of the institutions (Oriental institutions like the Madresa, the Benares Sanskrit College and the Calcutta Sanskrit College) was fundamentally erroneous. The great end should not have been to teach Hindu learning or Muhammadan learning, but useful learning. No doubt Hindu media or Muhammadan media would have been proper to be employed, and Hindu and Muhammadan prejudices would have needed to be consulted while everything which was useful in Hindu and Muhammadan literature it would have been proper to retain. In professing on the other hand, to establish "purely oriental" seminaries, you bound yourselves to teach a great deal of what was frivolous, not a little of what was purely mischievous, and a small remainder, indeed, in which utility was in any way concerned. In the institutions which exist on a particular footing, alterations should not be introduced more rapidly than a due regard to existing interests and feelings will dictate; at the same time that incessant endeavours should be used to supersede what is useless or worse in the present course of study, by what your better knowledge will recommend.†"

This despatch should have decided the question as to what type of institutions government were to establish, and what subjects of study they were to encourage. But of the Committee of Public Instruction, half the members were more conservative. Modern subjects they would only engraft upon oriental learning; they wanted Sanskrit pandits and Muslim moulvis to learn modern subjects through the medium of Sanskrit and Arabic translations, and then to teach them to others through Sanskrit and Arabic. They were quite aware that this would mean very slow progress, but they were willing to wait, buoyed up by the conviction, which they held passionately, that theirs was the only right method of bringing about in the fulness of time, a genuine and a glorious renaissance in

* Mahmud, p. 26.

† Despatch of 15-2-1824, condensed.

India.⁴ It was against this view that Macaulay wrote his one-sided and rhetorical but opportune minute. The position and reputation of the author made up for what it lacked in knowledge or cogency, taste or judgment, historical breadth or philosophical depth, and Lord W. Bentinck's government decided against the Orientalists and in favour of the Angloists by their resolution of 7-3-1835, declaring "the great object of the British Government" to be "the promotion of European literature and science among the natives of India," but also deciding that no institution of native learning in existence was to be abolished "while the people availed themselves of the advantages it afforded," and that no individual teacher or student was to suffer any loss owing to this change in the educational policy of the state.

In Bombay a society for promoting the Education of the Poor started two schools at the capital, and one each at Surat, Broach and Thana in 1815. And soon after the Maratha territories were finally annexed, a Sanskrit College was opened on the 7th October 1821 at Poona, part of the Dakshina Fund of the Peshwas being assigned towards its maintenance. English classes were added from 1825, the institution was thrown open to all classes in 1837, developed into a College in another twenty years, and obtained the name of the Deccan College a little later.* The Bombay Native School and School Book Society was constituted in the same year as the Calcutta Committee, and on the retirement of Elphinstone, Bombay citizens collected together a fund of over two lakhs and requested government to accept it as a trust out of the proceeds of which three English professors of European languages arts and sciences were to be employed, to be known as the Elphinstone Professors. The Court of Directors recommended that the project might be enlarged into something like the Hindu College of Calcutta. This was the beginning of the Elphinstone Institution, which grew by 1856 into the Elphinstone College and the Elphinstone High School. Dr. John Wilson's school was started in 1834 and also grew into the Free General Assembly's High School and College a little later.

Madras had a Committee of Public Instruction a little later than Calcutta and Bombay. Sir Thomas Munro laid

* 'Origin of the Deccan College' by B. K. T. in the *Deccan College Quarterly*, Vol. I.

stress upon improving the knowledge and increasing the numbers of teachers and estimated that the male population of the presidency would need twenty Collectorate schools for Hindu and twenty for Muslim boys, and three hundred tahsil schools, single teacher institutions, the collectorate school teachers receiving Rs. 15 per month, and the tahsil school teachers Rs. 9 each.* This idea of extending primary education through the medium of the vernacular had the sympathy of the Directors as had the similar Bombay plan of having a vernacular school first in each principal town and sadar station, and later on in the *kasbas* and larger villages.† But they pointed out to the Madras Government the more immediate need of and the far greater benefits to the people likely to accrue from institutions devoted principally to higher branches of knowledge, that might moreover begin immediately to supply an increasing "body of natives qualified to take a larger share and occupy higher situations in the civil administration. The measures for native education which have as yet been adopted or planned at your Presidency have had no tendency to produce such persons."‡ The central school for the training of teachers was accordingly turned into a High School in 1841 and grew later into the Presidency College. Pachaiappa's institution was also started in 1841 out of an old endowment and developed into a college. St. Peter's College at Tanjore goes back historically to Swartz's school at that place mentioned above. And a school started by Mr. Anderson in 1837 developed into the Madras Christian College and the Church of Scotland Missionary Institution.

The comparative backwardness of Bombay and even of Madras did not retard the development of educational policy. The Charter Act of 1833 increased the annual grant of Rs. one lakh to £ one lakh. Act XXIX of 1837 abolished Persian as the Court language, Sir Henry Hardinge declared, as already noted (p. 112), that in the selection of natives for public employment, preference shall be given according to 'degree of merit and attainment,' and the Council of Education found so many hundreds pressing for English at the new institutions and acquiring such high proficiency therein, that the president proposed a central University at Calcutta, "armed with the powers of granting degrees in Arts, Science, Law, Medi-

* Minute, 10-3-1826. † Despatch, 18-2-1829.
‡ Despatch, 29-9-1830.

ine and Civil Engineering," and endowed with such privileges as were enjoyed by "the recently established University of London."⁵ A system of Primary Education had also been created and actually established over an entire province by Mr. Thomason while he was Lieutenant Governor of the N.W.P. from 1843 to 1853.⁶ Thus the ground was prepared by half a century of experiments failures and advances and the hour had come for consolidating the results, and tying up the types and ideas of proved utility into a graduated system. This was accomplished by Sir Charles Wood's despatch of the nineteenth July 1854. The Committees and Councils of education were to be replaced by an education department at each presidency under a single head. Universities were to be established for each of the presidencies. Government Colleges, High Schools, Middle Schools and Primary Schools were to be systematically increased. The vernaculars were to be the media of instruction in the primary and lower branches. Scholarships were to be multiplied and spread over the entire field in such a manner as to enable talent to ascend the ladder of education upto the highest institutions. Central training colleges were to provide trained teachers to institutions of every grade. The institutions of private persons or bodies, including missionaries, were to receive grants-in-aid, provided that they were under efficient management, gave a good secular education, charged fees however small and accepted Government inspection. Female education, recently started by Lord Dalhousie at Calcutta was to receive "the frank and cordial support of Government as it would impart far greater proportional impulse to the educational and moral tone of the people than the education of men.* And, finally, the spread of education was to be pushed on by government officers in every district taking an active and continuous interest in the institutions within their charge.

SYED MAHMUD: History of English Education in India, Chs. 1-17.

SIR H. SHARP: Selections from Educational Records, Pt. 1.

H. R. JAMES: Education and Statesmanship in India Chs. 1-6.

J. RAMSAY MACDONALD: Government of India Ch. 13.

* Gazetteer IV, p. 481.

Section 66. Education: 1854 to 1919. The history of Indian Education from 1854 onwards need not be noticed in detail. It took the government and non-missionary agencies some years to overtake and leave behind the missionary institutions in the number of students they educated; but the missionaries have all along followed the policy of breaking new ground, they have led the way in virgin areas and unworked layers of the population and new types of educational endeavour, so that the mere statistics cannot do justice to the character and magnitude of their service. Many of the new individuals they educated and humanised were not merely so many units added to the total; they were new candles lit in masses of darkness which light had never before illumined. The education departments each under a Director of Public Instruction with Professors of Colleges, Head Masters of High Schools, Inspectors of schools, and subordinates, were organised all over British India in about twelve years. The Universities of Calcutta, Bombay and Madras were constituted in 1857,* Colleges were opened at Delhi and Lahore in 1864, an Anjuman-i-Panjab was formed the next year, and the Panjab University was incorporated by Act XIX of 1882 (October 5th), which recognised study and examination in certain branches through the medium of Arabic, Persian and Sanskrit, and granted to such students suitable degrees corresponding to the B. A. and M. A. of their ordinary courses, in which study and examination were through English, as in the older universities. The Allahabad University followed five years later (September 23rd, Act XVIII of 1887). The advance in primary education was very slow at first. A despatch of 1859 recognised that private effort was not likely to do much in this section of the field, and a cess on the land to be collected along with the land revenue and expended on primary schools in the locality, was recommended.† Acts authorising such land cesses in aid of primary education were in consequence passed during the sixties and from the seventies onwards with the growth of the municipalities and district boards, the provision of primary institutions in town and village was one of the important functions handed over to them. The number of pupils in these schools increased from two lakhs in 1860 to five and onesixth lakhs in 1870 and to over twentyone lakhs and a half in 1881.

* Acts II (Calcutta January 24th), XII (July 18th, Bombay), XXVII (September 9th, Madras) of 1857.

† Moral and Material Progress Report 1882-3, p. 313.

Out of these as well as all later primary schools figures a serious deduction has unfortunately always to be made, for seventy five *per cent.* or more are always in the two lowest classes who do not go higher at all, and at least one half of these relapse into illiteracy soon after leaving the schools to which they never took very kindly while there.¹ Two other factors have also to be borne in mind in order that this increase, such as it was, can be viewed in a proper perspective; the first is the growth of the population, and the second is the rapid decline and almost entire destruction of the indigenous schools, tolls, makhtabs, etc., which had been in existence in numbers upto 1860 and were fast disappearing by 1880. The progress in secondary education was more substantial. The numbers attending these institutions grew from twenty-three thousand in 1860 to two lakhs and six thousand in 1870, and sixteen thousand were added to the total by 1880. Nor should it be supposed that here too the wastage was high. Wastage there always is and always will be in every system of education, but the boys or rather men² who left at various stages without finishing the course and passing through the gateway of the entrance examination into colleges, also proved themselves in later life fairly able to perform the work they found to their hand in the educational, judicial, revenue, public works, post, railways and other departments, or as lawyers, or in various other walks of life. There was a growing demand for intelligent reliable and plodding men with some knowledge of English which they could improve according to their opportunities, and many of those who left their school course unfinished did so because they happened to see openings which they were glad to seize. We must not judge of the period upto 1880 by what we have seen in the later decades. Even more valuable was the progress in Collegiate Education. From 1857 to 1881 the universities passed out 3284 B. A.'s and 536 M. A.'s* Calcutta led, Madras had shot ahead of Bombay, and the other provinces were left far behind. The quality too was far from uniform. The Calcutta and Madras Colleges had already begun to suffer from the evil of congestion, nor does it appear that they had succeeded in securing such a large proportion of vivifying personalities on their staff in succession as had the Bombay Colleges.³ But whatever the relative differences between the provinces and the Universities, differences difficult to esti-

* Moral and Nat. Progress Report, 1882-3, p. 329.

mate, these graduates and undergraduates as a whole rendered invaluable services to the country during their generation. The new birth in vernacular literatures, the birth of Indian journalism, the initiation of social reform, and the creation of an intellectual atmosphere in which integrity and a sense of public duty were assigned a higher place than in the degraded traditions inherited from the downfall of the Mughal Empire, the habit of collective political action on constitutional lines, the creation and development of All-India conferences, the serious disinterested and public examination of moral, social and religious problems as an independent activity in the light of reason and experience,—in one word much of what we mean by the modern progress of India during the last quarter of the nineteenth century was the handiwork of this small body of men. The ideals seen from afar by Raja Rammohan Roy's generation, this second generation of Indian patriots brought by their exertions and sacrifices, individual and collective, within the range of practical endeavour, and they were in turn the begetters of the third generation of impatient nationalists obstinate irreconcilables, and anarchists fanatical and perverse.

At the beginning of the next twentyfive years of our educational history stands the Education Commission appointed by Lord Ripon, with Sir W. W. Hunter as president. The recommendations of the Commission have been variously judged. We now see that their contemporaries expected too much from them, that it was a mistake to appoint a large ostentatious commission whose labours and inquiries were only limited to a part of the entire field of education, and that their recommendations, such as they were, were not fully carried out anywhere or uniformly in all the provinces. They saw the congestion already beginning in colleges and high schools. They saw that high school education had not sufficiently advanced in the last decade. They could not help noticing that the quality too was falling off. Nor were the funds available for education unlimited. In fact, the fat years were gone, the servile years were upon us, the army needed additions, the services needed better pay and larger numbers, and the fall in silver meant a drain growing at an enormous rate. Any increase in the education budget at a rate higher than in the past was quite out of the question. What then was the best possible distribution of the funds, likely to be available? This was the further limitation, not set down in so many words but not

the less clearly recognised, of the Commission's inquiry. Nor was this all. The minds of the ruling aristocracy who alone were responsible for India, and who held India in the hollow of their hands, were also made up on two other fundamentals. The first was that primary education must be extended much more quickly. What they felt most keenly was that the poor beast of an agriculturist must be made a man of somehow, that he must be saved from the wily moneylender and not allowed to fall into the hands of the not less wily lawyer. Indians might not relish this way of putting it, but the elevation of the ryot is undoubtedly a worthy object, and it is also obvious that not much can be accomplished in this direction without a proper system of primary education spread all over the land as quickly as possible, by means of teachers, male and female, properly trained for their difficult job of winning the maximum of results in the minimum of time. The other fundamental as to which the ruling *corps d'élite* were also unanimous was that the colleges and high schools already in existence needed a much larger leaven of Englishmen, and moreover the Englishmen already there had reason to be dissatisfied with their pay and status so that every Englishman in the department was going to cost much more than in the past.³ Thus the changes in policy resulting from the Commission and their Report can be summed up very briefly. (1) Government undertook to extend primary education as quickly as possible and to treat it as having the first claim upon such resources as were available for education. (2) Such Government high schools and colleges as were already in existence were to be maintained with improved staff and equipment as model institutions. (3) But the extension of these superior grades of education was to be left more and more to private enterprise. It was even hoped that selfhelp would develop amongst the people to such an extent that some of the government institutions might themselves come to be handed over to private management, at least in some localities, without any loss to education. (4) Government inspection and advice were to continue, and selfhelp amongst the people in educational matters was to be fostered by more liberal grants-in-aid, on principles reducing government interference and influence to a minimum. It followed that the efficiency of these institutions and the amount of their grant were to be measured by independent standards, and this necessarily led to a system of payment by results. (5) Lastly, the increasing congestion

in colleges was sought to be remedied by a new examination at the end of the High School course in which there were some subjects of practical rather than academical value. It was also felt that university education was too high an aim for the great majority of high school boys, that too many literary academics were not a gain to the country either, and that the high schools should themselves fit the mass of average students for life,⁴ rather than for at least four years more in the pursuit of a degree. It was argued that the colleges and high schools would themselves gain considerably by being relieved in this manner of crowds who were there merely as the helpless victims of a faulty system, which provided no alternative courses either for training the faculties or for bettering one's status and prospects in life. These views and aims were perfectly sound and if a system of agricultural, technical and commercial education had been evolved providing alternatives suited to local requirements for the last two or three years of the high school course, after a period of struggle which every new departure has necessarily to face until people see the results for themselves and appreciate their value, the successful types of such institutions could have been spread wherever wanted and private enterprise would have supplemented state action by creating similar institutions with further local adaptations. Moreover, if such institutions had come into existence in the eighties, the following decades of increasing economic stringency and unrest were just the period during which they could have grown to their full stature and our entire system of education could have been purged of its over-literary and unpractical character, a defect of which the seriousness is to be judged in proportion to the poverty and educational traditions of a country. But the opportunity was missed. Only a new examination was instituted; no proper arrangements were made for a long time even to prepare the students for the new subjects; and the creation of new types of high schools as alternatives to the literary type first in the field, is a problem no easier of solution today than when it should first have been tackled.

During the last two decades of the nineteenth century the students in primary schools increased from nearly twenty two lakhs in 1881 to a little over thirtytwo lakhs in 1901; out of these the students in the upper division or the last two classes of the schools were only four and six lakhs respectively. The number of students in public secondary schools increased

from 222,000 to a little under 623,000; that in Arts, Oriental, and Professional Colleges from a little under 7,600 to over thrice the number or 23,000. The total public expenditure on education rose from a little under Rs. 1.9 crores in 1881 to a little over Rs. 4 crores in the latter year.

The advance in primary education was not at all satisfactory. The rate of increase improved only slightly during the next decade, and it was with the object of bringing public opinion to bear upon government and thus forcing the pace rather than with any hope of immediate success that G. K. Gokhale proposed in 1910 to the recently reformed Imperial Legislative Council, that a Commission be appointed to frame a definite scheme for making a beginning in the direction of making elementary education free and compulsory in British India. And he followed this up the next year by his Elementary Education Bill. Mr. Orange had remarked in his *Fifth Quinquennial Review* (1902-1906) that on the assumption that there were no increase in the population, "even at the rate of increase that had taken place in the last five years, several generations would elapse before all the boys of school age were in school." Gokhale quoted this and the experience of every country that ignorance and illiteracy it was altogether impossible to remove without compulsion, and he also cited the recommendation of the Hunter Commission that "an attempt be made to secure the fullest possible provision for an expansion of primary education by legislation suited to the circumstances of each province." He calculated, on the basis of a four years' course that about one-fourth of the boys of school age were in school already and as the cost was over a crore and one-third, the total cost of bringing every boy into school would be approximately Rs. five crores and a half. Making another calculation at the rate of Rs. five per boy, he showed on the census figures that with every one of the 12½ millions boys of school age at school, the cost could not exceed Rs. six crores and a quarter. But he wanted to spread the advance over a number of years and it was an integral part of his scheme that a third of the burden was to be borne, as in Scotland, by local bodies. To make a beginning at once in selected areas, i.e. areas already having one-third or more of the boys of school age at school—the proportion to be fixed by the Government of India; to leave the initiative to the local bodies, and to arm the local government

with the power of restraining such of them as were over-zealous:—these were the fundamental ideas of Gokhale's scheme.* The discussion thus raised and the definite demand thus made, had the rare merit, like some other demands of Gokhale's, of being in the nick of time. The resolution he proposed was followed by the elevation of Education into a principal charge for a member of the Viceroy's Executive Council; the introduction of his Bill was followed by H. I. M. George V's visit to India, and in the Royal grants announced at the Delhi Darbar, the pride of place was accorded to primary education.

"Humbly and dutifully submissive to His Most Gracious Majesty's will and pleasure, the Government of India have resolved with the approval of His Imperial Majesty's Secretary of State, to acknowledge the predominant claims of educational advancement on the resources of the Indian Empire, and have decided in recognition of a very commendable demand to set themselves to making education in India as accessible and wide as possible. With this purpose they propose to devote at once fifty lakhs to the promotion of truly popular education, and it is the firm intention of Government to add to the grant now announced further grants in future years on a generous scale."†

The improvement in teachers, their pay and training in schools, and in the number of institutions and of students advanced at a brisker pace with the steady expansion of the budget provision for primary education. Gokhale had taken the rate of increase in the number of boys and girls at school at 92,000 per year for the first ten years of the period.‡ The at 120,000 boys per year for the latter half of the period. The accelerated increase during the seven years before the Great War was at the rate of 192,000 per year.‡ and the acceleration has been fairly maintained since though not uniformly in all provinces. Moreover, one province after another has been making primary education for boys compulsory by legislation, mainly on the lines chalked out in such a masterly manner by Gokhale's forethought. An argument in favour of compulsion that no one thought of during the discussions sketched above is now receiving its due weight. The bulk of the pupils

* Speeches, pp. 699-804. † Speeches, pp. 764 & 808.
‡ Indian Education in 1915-16. (Bureau of Education Annual publication), p. 15.

never advance beyond the lower primary stage, and naturally relapse into illiteracy soon after leaving school. The only way to make their literacy permanent is to keep them at school by legislation for at least four years, otherwise all the effort expended upon them is as good as lost to the country. The Primary Education Acts in Bombay, Panjab, Bengal, U. P. and Bihar and Orissa came into effect between February 1918 and February 1919; the C. P. and Madras Acts are more recent. The Bombay and U. P. Acts apply to municipalities only, while the others apply to district boards also.* The main difficulties in a rapid advance appear to be three. *I.* The financial difficulty. It is not necessary to add anything on this point to what has been said already. *II.* Really competent teachers for boys' schools, girls' schools, and for whatever devices might be employed for adult education. What emoluments they should be given so that men and women of the right stamp would be attracted in sufficient numbers and make the occupation a labour of love for life, is a part of the first or the financial difficulty. But what large numbers are needed and how serious the deficit is at present, may be seen from the following brief statement about U. P. :—

"Vernacular Boys' Schools: Demand—The teachers numbered (1917) 24,000—11,000 trained. Wastage due to death, retirement etc. annually 1,400. To provide for expansion 1,000 new teachers would be annually required. The annual demand thus 2,400.

Supply—At present 300 from Normal Schools and 1,630 from Training Classes (where the course is shorter and far from satisfactory).

Vernacular Girls' Schools: Demand—The teachers numbered (1917) 1,896—240 trained. Wastage higher than in the case of men. To replace wastage 190 would be annually required.

Supply—Present total enrolment in training classes, 150; the number who passed the final (second year's) examination, 35 only.†

* Indian Education in 1919-20, pp. 11-13; India in 1920, pp. 164-170. The Panjab, Bihar and Orissa, and Bengal Acts apply only to boys.
† Dyarchy, p. 313 condensed.

III. The remaining difficulty is the creation of a really suitable type of school and curriculum for village populations. It almost looks as if we might not succeed if we make educating the boy and the girl of school age the main line of advance. Adult education, night schools, festivals and *mela* schools and demonstrations and lectures, periodical schools with concentrated teaching for six to nine weeks during the season of slack work, vocational schools with the three R's thrown in, wherever tried with proper equipment and by competent energetic and zealous agents, have not only scored an immediate success, but have also shown capabilities far in excess of the concrete results actually attained. And they yield this further gain also—every adult man and woman thus educated would be with us and not against us in our efforts to educate his and her children. The best of them might moreover help the local primary schools as volunteers, in selected cases after a course of intensive training; and the variations we want to introduce into the city type of primary school in order to adapt it better to village conditions, can only be gradually worked out in this manner, by united and co-operative national efforts. As long as we persist instead in trying to impose them from above by the fiat of an all-wise department, education cannot enter into and transform the life of the masses, even though the proportion of literacy might go on improving.

To pass on to secondary and collegiate education. The increase in government expenditure on these heads during the last two decades of the last century was mostly on the staff, especially the English staff.‡ The number and emoluments of the Indian staff were also improved to some extent from 1896 onwards, and a large sum was spent on stone and mortar i.e. buildings. I may here insert an anecdote. When Lord Harris was retiring (1895) his friends and admirers had a meeting in Bombay, where laudatory speeches were made, Sir Ramkrishna Bhandarkar was one of the orators, and he showed statistically that the Bombay Government had done more for education under Lord Harris than under his immediate predecessor, Lord Reay. I asked a prominent educationist, an Englishman, to rede me the riddle. He said at once "Don't you know? Stone and Mortar! Sites and playgrounds and buildings!" And he recited in chronological order Lord Harris's principal grants to various institutions, with the money value of each.

With the policy of encouraging private enterprise recommended by the Hunter Commission, the increase in the numbers of the students meant growing congestion in the government institutions, and a multiplication of private institutions, amongst which proprietary high schools and colleges without any independent endowments, seeking only to make a profit out of fee-receipts, steadily increased, especially in the larger cities. The youths attending these institutions, flocking into the central cities from the mofussil, lived anyhow in surroundings highly injurious to health and habits.* The Government or the education department had nothing to do with institutions which did not want grants; the University senates had no powers or machinery for inspection; and moreover, they too grew more and more unwieldy, unbusinesslike, unacademical. The evils grew fastest and manifested their worst aspects in Bengal,† but there is no doubt whatever that the quality of the education suffered and the product turned out was distinctly inferior, intellectually and morally, in Madras and Bombay also. Crude ideas, shallowness of mind, ill-regulated characters and 'failed B. A.s' who could get no employment simply because they really were "unemployable"‡ were not the monopoly of Calcutta alone, though of course the evil there was of longer growth and far larger proportions. By 1902 there were nearly 1,400 private institutions in Bengal, high school and middle schools struggling to reach the coveted status of high schools, more than a third of the number receiving no grant from government. The salaries of the teachers ranged from Rs. 5 to Rs. 78 nor could their regular payment be always depended on. The number of college students in Bengal rose from 3,827 in 1882 to 8,150 in 1902, and government institutions contributed less than a fourth of the latter total, while unaided institutions were responsible for over 4,500. Any improvement of the system necessarily required a certain amount of pulling down, and this Indian opinion resented. Nor did Lord Curzon realise,—his very nature made it impossible for him to see—that to strive for a minimum of friction, heat and opposition was in itself one of the highest aims of statesmanship. The Indian Universities Commission, 1902, inspired to some

* See, for instance, Dr. Garfield Williams' account cited in Sir V. Chitrol *Indian Unrest*, pp. 217-219.

† Sir M. Sadler, *Calcutta University Commission Report*, Ch. 3, paras. 38, 61, etc.

‡ *Indian Unrest*, p. 325.

extent by the reconstruction of the University of London in 1898, advised that Indian Universities be made teaching bodies, their senates and syndicates be improved and strengthened, principals and professors be given greater weight in their councils, that better equipment, staff, buildings, hostels, libraries, laboratories, playgrounds, and funds be insisted upon before any new institution was affiliated and that affiliated institutions be inspected from time to time, and the level of efficiency throughout the jurisdiction of the university be raised in that manner, as also by the government strengthening its own model colleges, and the university improving its courses and examinations. The Indian Universities Act (Act VIII of 1904, March 24th) followed, the rules and regulations of the universities were recast during the next two years, and government granted Rs. five lakhs per year for five years, for the improvement of colleges and universities. Larger grants followed. Private munificence nobly seconded public efforts, and the fears widely entertained during the heat of the discussions from 1901 to 1905 that the sacrifice in quantity was certain the gain in quality very doubtful, were soon dissipated. The number of students in Arts and professional colleges increased from over twenty-five thousand (including less than three hundred women) in 1906, to nearly sixty-six thousand (including over twelve hundred women) in 1919. New Universities were incorporated at Mysore (1916), Patna (1917), and Dacca (1920); the Hindu University, Benares (1915), and the Muslim University Aligarh (1920), have been already mentioned; and universities at Rangoon, Nagpur, Lucknow, Agra, and Delhi have already come into being or will do so in the near future. The Osmania University started by H. E. H. the Nizam aims at the highest education through the medium of Urdu; the Andhra University as so far projected is also likely to attach similar importance to the use of a vernacular as the medium for all branches and grades of study.* Looking at the subject as a whole, Indian education today needs rapid advances in the following directions.

I. The education of girls and women. Indian womanhood is not only uneducated, it is still living so to say in the Middle Ages. The higher death-rate of women within the childbearing

* The *Vishva Bharati* University has grown out of the *Santi Niketan* School, Bolpur.

age limits is itself an evil the gravity of which cannot be exaggerated. Indian culture is dying, Indian family life is disintegrating, in and through the untimely death of mothers in cities and villages all over the land. Whatever other remedies are necessary and practicable, education is the one panacea, since the effectiveness of all the other remedies will depend upon the intelligent cooperation of the women themselves.

II. The education of Muslims. The backwardness of Muslim education upto about 1870 has been noticed and to some extent accounted for already. "Pride of race, a memory of bygone superiority, religious fears, and a not unnatural attachment to the learning of Islam,"⁶ are the causes mentioned by Syed Mahmud. To these should be added the Mutiny and its after-math. In 1871 the percentage of Muslims to the total numbers at school and college was 14.5. It did not come up to 23.5—the percentage of Muslims in the total population of British India—upto 1917. Their backwardness in higher education has had very serious consequences indeed, not only to themselves, but to Indian progress as a whole. Rammohan Roy, Keshav Chandra Sen, Swami Vivekanand, Rabindranath Tagore, Sir Jagadish Chandra Bose, Sir P. C. Roy, Dr. Brijendra Nath Seal, Sarat Chandra Das, Aurobind Ghosh the mystic, Pandit Bhagwanlal Indraji, Sir Ramkrishna Bhattacharya, Prof. Jadunath Sarkar, M. K. Gandhi, these are all Hindu names; where are the corresponding names of Muslims who have won a European reputation? Or, confining ourselves to Indian reputations, have the Muslims borne one fifth of the burden of advance in politics and journalism, religious purification and social reform, literature, education and science, industry and trade, which it is their right to claim and their privilege to undertake? What is their position in the learned professions, or even in government and semi-government employment, in spite of every effort on the part of those in authority to give them preferential treatment? What is their position even in Muslim Native States? Syed Mahmud calculated that from 1858 to 1893 the Hindu and Muhammadan graduates numbered in Arts 9,715 and 399, in law 3,337 and 110, in medicine 1,239 and 34, and in Engineering 590 and 3—total 15,081 and 545 respectively.* The Muhammadans have

* P. 185. The author studies the subject exhaustively, giving elaborate tables and diagrams.

considerably improved their relative position in higher education since, but they still have a long distance to make up. Of the total number of nearly 66,000 students in Arts and professional colleges in 1919 only 7,345 were Muslims* or only one-ninth, whereas they ought to have come up to one-fifth.

III. Far more provision is necessary than is as yet available for higher education in Medicine, Engineering, Agriculture and applied branches of science which yield experts for industry and mining, forestry, agriculture and cattlefarming.

IV. Such facilities for higher education as have so far been created fall short of the highest stages. For every further advance we have to import "experts" from outside India. One assumption underlying all our institutions and endeavours appears to be that "Indian" necessarily means "second-rate." A selfsufficing system of education right upto the highest stages ought to be our aim. Foreigners would now and then have to be imported, no doubt; but we too should learn to stand upon our legs and import them, as France or America might import them, for very exceptional purposes and limited periods, and such men only as have won a more than local reputation.⁷

V. Our whole system of education is too English, too imitatively too slavishly English. English degrees are prized far higher than they are really worth; English traditions, English conventions, have here an exchange value higher even than in England or the Colonies. India will never rise to her proper place in the scale of nations and in world-thought until we pass on from English to European civilization, until leaving Oxford and Cambridge behind, we get into living touch with other great centres of European thought also. France and Germany seem as though designed, "whether by nature or by the unconscious hand of political history, to be half-willing, half-reluctant complements to each other and to England. English common sense, French lucidity, German idealism; English liberty, French equality, German organisation; English breadth, French exactitude, German detail."⁸—now that we have Indian Ministers of Education, one hopes

* *Indian Education in 1919-20.*

that in Indian education and Indian university life these various rays will be blended together by Indian selection.

VI. Perhaps the most urgent educational problem today is the reform of the High School. The literary type of high school has proved incapable of sustaining its own burden. The average boy it sends on to the University is found below the mark in knowledge of English, in general knowledge, and for the freer undergraduate life to which he is introduced at college; and the efficiency of the college and the university suffers. And, as has been already remarked, high schools dealing with agricultural, technical, industrial and practical subjects have to be created, exceeding in numbers the literary high schools already in existence, and taking away from them more than half their students. It is only as we succeed in solving the problem at this stage, that we shall be able to take arts and crafts lower down to the primary stage at one end, and higher up, to the university stage at the other end.

VII. The place of the vernacular and of Indian culture subjects in our system of education is exciting more and more comment and heated partisanship. It is the inevitable consequence of the growth of nationalism. Tell the Maratha that his *modi* script is an example of cumulative degradation or devolution; he will not listen. You might as well try to explain the matter to a tree. Tell him that the neighbouring Gujarati script is an example of cumulative improvement or evolution, and he will be interested. But ask him to exchange the degraded *modi* and the petrified Devanagri for the living and beautiful Gujarati script, and he will take you for a lunatic. That is nationalism. One of the great difficulties in the upward march of India is that the language, literature and script claiming by birth the largest number of adherents in North India are so hopelessly inferior to the languages, literatures and scripts surrounding them.⁹ Neither Bengali nor Marathi nor Gujarati will yield to Hindi. Nor will the Dravidian languages of the south to any language, literature, and script of the North. Nor will the Muslim yield his Urdu or hotchpotch script, language and literature to one of Hindu origin and associations. The lesson Indian nationalists have to learn is that nationalism logically and intransigently followed can only break up India. Nationalism, moreover, has no solution for

key areas like the premier cities of Bombay, Calcutta, Madras, Rangoon, Karachi, Dehli, Ajmer, Benares, Lahore and Peshawar; places where the populations in their lakhs are and always will be inextricably mixed up. Nationalism as such has no solution either for the frontier. Indian patriotism has to transcend nationalism or it cannot build up or sustain a United India. Uniform education, through the medium of the English language in its higher stages is more important than a nationalist education, at least during the period of transition.* It is to be hoped that Indian nationalisms will prove themselves sane enough to realise the inestimable value of the moral bond that a uniform modern education all over India can furnish making for unity and harmonious growth.

SYED MAHMUD, History of English Education in India.

H. R. JAMES, Education and Statesmanship in India.

SIR V. CHITROL, Indian Unrest, Chs. 17-21.

Quinquennial Reviews of the PROGRESS OF EDUCATION IN INDIA (Sir A Croft, 1881-6, A. M. Nash, 87-91; J. S. Cotton, 92-96, R. Nathan, 1897-1901; H. W. Orange 1902-06; Sir H. Sharp, 1907-11, 1912-16.

INDIAN EDUCATION a brief annual narrative from 1913; there was no issue for 1916-17.

INDIA IN 1923-24, pp. 226-241.

Section 67. *Nationalists, Irreconcilables, Anarchists.* While railways reduced distances lessened the time and trouble of travelling and making it quite an ordinary thing for the average man to go by himself frequently from one part of India to another, broke down geographical barriers, and unified the country in a physical sense, the uniform education in high and higher institutions gave an intellectual and spiritual unity to the higher classes throughout the country in a few decades. A common medium of intercourse, common ideas and tastes and mental habits, a widening outlook, an emancipation of the mind, a release of the will, an elevation of aspirations were produced, and hundreds of fresh young minds scattered all

* Quoted by the Vice Chancellor, Bombay University Convocation Address 1922.

over a vast area began nevertheless to respond to the novel influence in ways the essential uniformity of which was wonderful to behold. The first effect of the shock almost everywhere was denationalisation. The child of cast iron custom threw off his fetters and revelled in his new found liberty, overstepping the bounds which separate true beneficial liberty from pernicious license. But this was soon followed by a more reflective stage. Chandra Shekhar Deb asked Rammohan Roy "one Sunday evening as they were returning home from prayers: 'Diwanji, we now go to a house of worship where a foreigner officiates. Should we not have a place where we might meet and worship God in our own way'?"* Thus was the Brahmo Samaj born. Michael Madhusudan Datta wrote his first poems in English; but deeper instincts prevailed, and the prodigal son returned to the Mother-Tongue: a history that has repeated itself since in quite a number of cases. It should also be remembered that the world as a whole was shrinking up as well as India, that events in any part of the world and thought currents starting anywhere produced their effects more quickly and more fully in many countries and in more than one continent than in any previous century. The educated classes in India participated in this world-wide awakening. It was not our government alone which borrowed currency ideas from one European country or press laws from another. Our younger irreconcilables, too, got into touch with the literature of Italian secret societies, Russian anarchists, Hungarian obstructionists, Egyptian Kemalists, Turkish Pan-Islamists and Irish Sinn Feinists. That however was much later. To understand the beginnings of nationalism in India we have to grasp first of all two leading features of the time. The nineteenth century in European history is the century of nationalism. It is also the century in which European scholars studied Sanskrit, created the studies of comparative philology, comparative mythology, and comparative religion, and elevated the Indo-Aryan race and their sacred prehistoric tongue to the same high pedestal as the ancient Greek and Latin. Perhaps the leading dates to remember in this movement of world-thought are:—Sir William Jones settled the date of Chandragupta in 1793; Max Muller published the first volume of the Rig Veda in 1849 and the first volumes of the Sacred Books of the East in 1879; and at the first world-parliament of religions at Chicago in 1895

Sir E. Lethbridge, *Life of Ramtanu Lahire*, p. 81.

Swami Vivekananda asserted the claim of the Indian sage to be the religious guru of humanity. What had long been a household saying in Hindusthan* that of the many incarnations of the Deity all but one were partial manifestations, one alone was Perfection, he applied there to all historical religions, claiming that the Indian Vedanta was the only perfect manifestation of the spirit of man in its quest of the Holy Grail, the only perfect reconciliation between the rational and the mystical in man. It was a claim no Indian had advanced outside India for fourteen hundred years or more; yet the spiritual elevation of the individual who thus put it forth won intuitive conviction in a few, making them his disciples in faith. The birth of the Arya Samaj (1875)¹ and of Theosophy (1878) should also be noted as events falling in the same class.

Nationalism as an active principle in the communal consciousness implies a background in religious faith and a sense of dignity and self-respect. How these arose we have just seen. But nationalism manifests itself principally in political activity such as constitutional agitation, nonviolent but irreconcilable opposition, immoral murder and conspiracy, and open rebellion and war. Dadabhai Naoroji was, by common consent, the father of political agitation in India. To appeal from the facts of the administration to the principles embodied in parliamentary legislation, from officialdom in India to the English public and its sense of justice, from the autocracy here to the spirit of liberty and progress in English history, to define the grievances, to petition, to found political associations and train them up in creating a public opinion here and in carrying its moderate and reasoned demands through the regular channels to the highest court of appeal, to start a discussion on public grounds and to keep it up as a public activity, that was the sphere of public service to which he gave with his whole heart animated by perfect faith, more years of continuous persevering labour than any one else of his generation. The accident of his being the first Indian to be elected to parliament (July 1892) made him the unquestioned leader of Indian progressives for the rest of his long life. He was a pioneer, and no pioneer can be judged in history merely by results. Or, rather, the following he wins, the disciples he makes, the spirit he breathes into the movement, are the most valuable of a pioneer's achievements. And Dadabhai's own character, the purity

* Hindusthan = Hindu India; Hindustan = North India.

and simplicity of his life, his moderation and chivalry in controversy, his transparent faith, and his sweet reasonableness gained a serious hearing for him even from inveterate opponents.

By 1875 political progress began to be perceptible even outside the three capitals and places like Poona. The Indian Association, Calcutta, was established in 1876 and this body sent Mr. Surendranath Bannerji on a political lecturing tour, one year to the north upto Rawalpindi, another year to Madras and Bombay.* The imperial assemblage at Dehli in 1877 was probably the first occasion when prominent politically-minded Indians from all provinces met one another in such numbers. But India is a vast country and was far less homogeneous then, and matters would have ripened rather slowly but for the Ilbert Bill, the determined and most violent opposition to it by the Anglo-Indian community, and the humiliation they succeeded in inflicting upon Indians by that means. Even such an object lesson was not indeed sufficient to open the eyes of the older men in the legislative council itself. Raja Shiva Prasad, Kristo Das Pal and Sir Syed Ahmed agreed on the other hand in professing their confidence that their own communities, with the good breeding and sense of propriety innate in the Oriental, would never so demean themselves. But the younger leaders of the Indian Association judged differently. The terms of the concordat between the Government and the Anglo-Indians were known by Saturday the 22nd December 1883. The Indian Association immediately called a National Conference to which a number of Bengal towns sent up delegates. This precursor of our 'provincial' conferences met for three days before the end of the month, and Mr. Ananda Mohan Bose the secretary called it the first step towards a national parliament.† Bombay and Madras were also roused by the agitation, the Madras Mahajan Sabha was established in 1884, the Bombay Presidency Association in January 1885, and a desire for an all India gathering was felt simultaneously in all the three presidencies. A public All India gathering of leading representatives at regular intervals had also presented itself to A. O. Hume as desirable for directing and stimulating the progress of the country as a whole. He had retired in 1882 from the high post of Secretary to Government, but had set-

* Sir Surendranath Bannerji, *Nation in Making*, Ch. 5. † *Ibid*, Ch. 9.

tled at Simla the better to pursue his favourite hobbies, and he wished to devote himself as much as possible to foster public life in India and especially to improve the condition of the ryot. Thirtythree years' experience as a Civilian had convinced him that "the Pax Britannica had failed to solve the economic problem and that to leaven the administration more and more with Indians and to 'dig an overt and constitutional channel for the discharge of the increasing ferment' were the only remedies."* He was a true humanitarian and his catholic religious nature sympathised with positivism at one pole and theosophy at the other extremity of thought. His reputation, experience, shrewdness and driving power were of inestimable value to Indian nationalism at this stage, and the instinct of contemporaries did not err in naming him the Father of the Congress. He established the 'Indian National Union in March 1885, "to enable the most earnest labourers in the cause of national progress to become personally known to each other, and to discuss and decide upon the political operations to be undertaken during the coming year." In pursuance of these objects it was arranged to hold the first All-India conference in the Christmas holidays, another circular was issued affirming "unswerving loyalty to the British Crown,"² as the keynote of the Union, and then he informally sounded Lord Dufferin about the forward move that had been decided upon, and later went to England also on a brief visit to explain matters and bespeak sympathy in parliamentary, India Office, and journalistic circles. Hume himself and his friends like Cotton, Wedderburn, and Raghunath Ray of Madras were as keenly alive to the need for social as for political progress, but after the interview with Lord Dufferin, who emphasized the want of a "responsible organisation through which government might be kept informed regarding the best Indian public opinion", something like the parliamentary opposition under the English constitution, it was finally determined to limit the gathering as such to political questions. The first Indian National Congress met at Bombay on the 28th December in the hall of the Gokuldas Tejpal institution, it met annually thereafter, going the round of the provinces in succession, soon established itself as the central body giving responsible expression to the deliberate views of Indian nationalists on questions relating to the political interests of the people, and maintained its authority until Indian nationalism itself split into two.

* Sir V. Lovett: *Indian National Movement*, p. 34.

the autocracy, or in the subject masses, or in that *tertium quid*, our own impatient reforming selves? No one need answer such a question except for himself, for no one is going to act upon another's answer about it on any account. Looking at the matter in a slightly different way, each party charged the other with trusting the ruler too much and the people too little, or *vice versa* trusting the people too much and the ruler too little. Each party charged the other with overlooking the natural primary effects of its own actions and the equally natural further effects flowing out of the primary consequences. Nor, again, could either party quite see the other's patriotism, courage, statesmanship, sacrifices and sufferings. As said above, the differences between the two were temperamental and it was not at all in the power of argumentation, or mutual sympathisers, or round table conferences to remove them.

The irreconcilables came later on the scene than the constitutionalists, but when once established in the country as a living type, they grew faster. There were several reasons for this. The parliamentary machine proved unbearably dilatory. What a statesman of Lord Dufferin's standing had earnestly recommended in 1886 and 1888 could not be granted until 1893 and 1896, and the disallowance of direct representation though making little difference in effect, deprived the gift of all its grace. Secondly, the number of Indians going to England for higher studies had been increasing fast, these England-returned young men naturally had an influence in moulding Indian political thought out of all proportion to their numbers, and their discontent was as keen as their impatience was great for higher posts for themselves and freer institutions for the country. A third and much larger body of irreconcilables, with feelings rising to bitter lifelong hostility was regularly manufactured by British colonies like South Africa. The root of the malice is their All-White policy.⁶ And the virulence of the hatred is heightened by the methods they employ in carrying out that policy. For long decades Indian coolies, pedlars and traders were mere coolies, pedlars and traders, devoid of a political sense. Sufferance was the badge of their tribe. Their inherited attitude towards constituted authority was meekness and resignation until soul and body could not stand more and parted company. Their heart and imagination were caught hold of even while they were mere children, and the entire wealth of their nature was gradually,

Under what circumstances, however, is simple trustfulness, or its opposite—a blind distrust, quite justifiable either in

gently, but persistently and most effectively directed through all the senses and by means of every faculty towards—God! That is Hindu religion; that has been the main strand of Indian culture through the ages. Then the nineteenth century dawned. The modern school, the hospital, the railway station, cities like Bombay, sprang up. The outer world rushed in upon India. The ocean breeze blew, saline and stimulating, and new life stirred the primeval forest. The building up of a secular civilization began. Nationalism was born. The coolie, the pedlar, the trader were no longer the same individuals as their fathers or even as their elder brothers. Constitutionalism was tried for a space. A South African Indian Congress met at Durban and other places. There were deputations to England and monster petitions. Did it do any good? None whatever. On the contrary, the situation grew steadily worse. For the same spirit of nationalism that was transforming the Indian had in the meanwhile developed in those lands the All-White policy as the only possible ideal to claim the whole-hearted allegiance of the white settlers there, who monopolised all political and military power, and had no scruples at all about using it to give progressive substantiation to their ideal. That all power is a trust and worthy of respect as an emanation of the Divine, only in so far as it is honestly and equitably used as a trust, is a doctrine these colonists, still in their wild and arrogant youth, do not seem even to have heard of. Thus it is that flint has struck steel, and the red spark of racial hate has been ignited.

B. G. Tilak and others became irreconcilables through the native process of their own minds. Their acts and newspapers, their successes and misfortunes spread their politics and won them adherents to a certain extent. But it should not be forgotten as it often is that the whole body of irreconcilables in India did not spring up from this single root. As we have just seen, the England-returned and especially the Indians returning from the colonies with their bitter experiences, supplied large numbers of independent recruits to the party. And, to complete our analysis, it must be added that the party gained still another contingent through the repressive measures of the state. To suffer worldly ruin, severe punishment, indignity still more difficult to bear, to be told on the top of it all that it was done for the good of the state, and yet to bear no ill-will in return, is not given to ordinary mortals. Most of these

men, and many others influenced by them, necessarily swelled the ranks of the irreconcilables. This should not be taken to mean that all repression is wrong. Repression when necessary is right. To shrink from repression even when necessary is wrong. Murderers must be punished according to the law. Conspiracies and treasonable associations must not only be broken up but also prevented from springing up as far as possible. Bold *budmashes* seeking to terrorise policemen and judges and establish a reign of fear in villages and districts must be hunted down almost like beasts of prey. The spread of topey-turvy sentiment and doctrine must be restrained just like the dissemination of obscenity. These and similar powers of the state, however, rest principally upon the willing and hearty consensus of the vast majority of intelligent subjects. And such a consensus behind it is what a foreign autocracy generally lacks, especially after nationalism has become widespread among its subjects. 'Force rules the world', said a great French thinker, 'only until Right is ready to undertake the duty'. Autocracy is tolerated only until a community develops political consciousness. An autocracy should take the spread amongst its subjects of an active spirit of nationalism as a notice to submit to a radical transformation of its nature. A foreign autocracy should do so not less but all the more promptly, since it has fewer bonds of sympathy and understanding with the population. To do otherwise is not statesmanship. But in such situations what statesmanship demands often proves more than what human nature can readily surrender.

To pass on to the genesis of the third variety of nationalists. Lord Elgin's viceroyalty was a period of war, widespread famine, and plague—indescribably terrible then in its first outburst. Economic unrest spread far and wide. The continuous fall in silver had placed the state finances in danger, and among the remedies applied was an excise duty upon cotton goods woven in Indian mills,⁸ at the dictation and in the interests of the English cotton industry. Lord Curzon's viceroyalty succeeded, a period during which anti-government feeling attained a volume a breadth and a height unheard of in Indian experience.* In Bengal in particular all classes combined together in a passionate opposition to the Curzonian partition. The mother country—the

* Sir S. Bannerman, *Nation in Making*, Ch. 15.

geographical surface—became for the first time in Bengali thought the material sheath of Kali the Mother, Bankim Chandra's rugged song in the novel *Ananda Math* was discovered to have mystical charms and transcendent beauties and *Bande Mataram*, the refrain,⁹ was soon on Bengali lips young and old, in every tone and key at all hours of the day and night. As ill-luck would have it, it so happened that there was a small number of Indians—only a few men and also one or two women—who had long been planning and plotting to tempt Indians away from honour and manliness and all that we generally hold most dear and sacred. So far they had been beating the air. But now they saw their opportunity and seized it. The Curzonian partition was promulgated on the 19th July 1905, that most unpopular measure on the top of a long succession of unpopular measures and galling utterances. The India Home Rule Society was started in London, January 1905, the *Indian Sociologist* (S. Krishnavarma's weekly) began to appear, lectureships and travelling scholarships were founded to draw promising youths from India to England, and the India House in London was in full working order by 1906. The wily spiders spread the net, enticed the flies inside, injected the necessary poison into them, and confidently left the rest to the workings of adolescent human nature. If any one wants an example of true blue diabolicality in Indian history, here is one. From the point of view of the objects aimed at, examine the choice of time, the choice of place, the means, the methods, how little was the trouble after all to the arch-plotters themselves, and yet how thundering the results! The *Jugantar* (Calcutta) began to appear soon after the *Indian Sociologist*, and the Maniktola home was started about a year after the India House. The Muzaffarpur outrage was committed on the 30th April 1908 and the first capture of a band of anarchists took place on the 2nd May. Other bands came into existence in various places and committed other crimes. The story need not be given here even in outline. But it ought to be known far more widely and far better than it is. Its significance need not be exaggerated; but it should not be underestimated either. The tabular statements and charts in the *Sedition Committee Report*, 1918, show the main facts at a glance.

W. S. BLUNT, India under Ripon.
SIR W. WEDDERBURN: A. O. Hume.

A. C. MUZUMDAR, Indian National Evolution,

TILAK v. CHIROL and another, 2 vols.

SEDITION COMMITTEE REPORT, 1918.

SIR S. BANNERJI, Nation in Making.

Section 68. Demands, Administrative to Radical. The political rights demanded and the changes on the constitution desired went on increasing as the spirit of nationality inspired larger numbers and grew in intensity and earnestness. It must be noted at once that in this respect the anarchists contributed nothing to the development of political thought in India. They were purely negative and destructive. Drawing their inspiration so largely from the extreme offshoots of European socialism and from some of the master-minds (like Mazzini and Kossuth) of the oppressed nationalities of Europe, they yet failed to adumbrate for India, even in the sketchiest manner, anything corresponding to those visions of the future, in which the literature of socialism and nationalism abounds. All they had to say to English rule and Englishmen in India was limited to the single word—Begone! Their sole precept to the Indian was—Kill! All they sought to bring about was the violent death of the present by assassination, butchery and terrorism. What the Future would be after such ending of the Present these outlaws never cared.¹ That, however, was not the case with the other nationalists. They knew the backwardness and heterogeneity of the Indian population, they were fully aware of the might and resources of the Empire and of their own government, they were sincerely convinced that it was doing good work in India which no other agency could undertake, they were scrupulously careful not to suggest anything that might be interpreted as dangerous or as a leap into the dark. They were, if anything, obsessed with a sense of the enormous responsibilities facing them. They proceeded most cautiously and deliberately, suggesting administrative, fiscal, legal and constitutional reforms, not in vague generalities but in the shape of detailed and concrete proposals, and if they erred at all, it was an error on the safe side, expecting too much from inquiries and commissions and sweet reasonableness, trusting with a faith touching to behold,

to the manifest justice of their cause. It was only after years of pegging away in this manner at their self-imposed task, that they were convinced of the futility of this method of piecemeal reforms and advanced to bolder strategy. Should they not have done so from the first? It seems to me that the better informed view would justify the course they actually adopted, holding that they could at the time and with their resources have adopted no other. A demand for reform rather than reforms, for radical change instead of administrative improvements, would almost certainly have started repression by the executive at an earlier date, and the capacity to face repression like men and yet keep the flag flying is a plant of slow growth. What the condition of India really was when the Indian National Congress was launched should always be borne in mind. To mention only one or two characteristic little facts. In those days every one who passed the Collector's bungalow, stopped a minute, doffed his shoes, made a salaam to the spirit of the place!—and only then resumed his shoes and proceeded on his way. In those days, a Memsahib had still merely to order her khansama to take a man along with him to the magistrate, the man might be a servant or a pedlar or a beggar or a passerby and the magistrate would instantly have administered to the poor Adam a few cuts of the whip—to maintain the Raj and its prestige! In those days²—but enough. One of the greatest difficulties a historian of modern India has to face is the rapidity with which "those days" have been changing decade by decade ever since 1813.

Those days passed. The Congress itself contributed not a little to a wide diffusion of political consciousness, and to the creation of hundreds of men, year by year, who began looking into political matters much more closely, until it became a habit, convictions were formed and circulated, and a public opinion arose resting upon a wider and more solid consensus than before. The men who launched the Congress gave place to their successors. And the disappointing Indian Councils Act, 1892, the refusal of the executive to give effect to H. Paul's resolution in favour of simultaneous examinations passed by the Commons in 1893, and the imposition of the excise on cotton goods manufactured by Indian mills in 1896 created a change of attitude in India towards British rule, a change further accentuated by the repression that followed. The influence of three extraneous thought currents has also

to be taken into consideration. The Jingoism of middle class English thought starting from about 1875 continued, as has been mentioned in an earlier chapter, upto the outbreak of the war against the Boers in South Africa. The increasing determination of the colonists to reduce the Indians settled in their midst to the position of the depressed classes by hook or by crook, to prevent further immigration, and to denaturalise, so to say, and even to expatriate those who had already won a secure position as property owners and as citizens, by drastic legislation administered still more drastically, has also been commented upon. M. K. Gandhi's non-violent but adamant opposition to one of the most iniquitous manifestations of this policy, naturally attracted the attention of the whole civilised world, as a phenomenon quite as remarkable in its way as the wonderfully rapid modernisation of Japan, especially with respect to the efficiency of her army and navy, and still more naturally excited high and bitter feelings in India itself. And, lastly, there were the world effects on the mentality of all non-European countries from China to Morocco, countries subjugated and exploited more or less by European powers and threatened with still further progressive degradation, effects necessarily produced by the resounding victories of Japan on sea and land in her war of selfdefence against the unscrupulous and unlimited aggression of Russia. It is perfectly true that the war was like a contest between an elephant and a leopard. The elephant could not put forth all his force and weight into a blow until he had first receded a few steps and start again and develop the necessary momentum. The retreat, too, was effected methodically and without serious loss. And he was at length ready for his start, with the long railway line behind him in proper trim, and an army of over nine lakhs ready at the front, with all the stores and reinforcements necessary to feed it also ready to reach the front in a regular flow. It is no less true that Japan was already at her last gasp at least financially. But in the meanwhile she had reduced Port Arthur by prodigies of valour, her armies had gone on advancing mile by mile, and when the Russian fleet reached the scene of operations it was sent to the bottom of the Yellow Sea in a twinkling. Hence although Russia gave no indemnity and lost no territory, the peace was quite naturally looked upon all over the world as an unequivocal victory for Japan, and especially by all non-European countries.

Lord Curzon left India in November. The partition was given effect to in October 1905, the liberals came into power with John Morley as Secretary of State for India in December, and at the Congress held at Benares at the end of the month, G. K. Gokhale as president observed—

"The goal of the Congress is that India should be governed in the interests of the Indians themselves, and that, in course of time, a form of government should be attained in this country similar to what exists in the selfgoverning colonies of the British Empire."³ To appreciate the nature of the advance, we have only to contrast the above with the objects of the Congress as we find them in the Rules of the Congress Constitution adopted at the fifteenth sessions (1899):—

"The object of the Indian National Congress shall be to promote by constitutional means the interests and the well-being of the people of the Indian Empire."⁴

And to do full justice to the Congress leaders their motives and their calculations, in deciding upon this bold step at this juncture, we might look at a historical analogy. "Shivaji and his ministers" says the historian—"had long felt the practical disadvantages of his not being a crowned king. . . . Theoretically, Shivaji's position was that of a subject; to the Mughal Emperor he was a mere Zamindar; to Adilshah he was the rebel son of a jagirdar. . . . He could sign no treaty, grant no land with legal validity, his conquests could not become his lawful property. . . . The people under his sway could not be free from their allegiance to the former sovereign, nor could he claim their loyalty and devotion. . . . His rise had created much jealousy among the other Maratha sardars who refused to adhere to him as his servants. . . . There was also, in the higher minds, the desire to see the Hindu race elevated to the full stature of political growth by the formal assertion of his position as an independent king. They longed for the Hindu Swarajya and that implied a Hindu Chhatrapati."^{*}

Lastly, Shivaji and his ministers also chose the moment of coronation with the greatest circumspection. With all this

* J. Sarkar: Shivaji, Ch. 9, a. 1 condensed.

in mind, turn now to the present day. Indians were being defrauded of their rights in the colonies; and the determination was avowed and was being given effect to of reducing them to the status of helots and pariahs. The argument put forward was—how could Indians claim to be citizens in those lands when they were merely subjects of an autocracy in their own? Secondly, public opinion in India, however strong and unanimous, could not get the Government of India to move in the matter as the champion of Indians. The Government of India took no mandates from the people, its sole duty was obedience to the British ministry and parliament. Thirdly, the Civil Service here, who under any rational and civilised form of government ought to be mere servants, lorded it over the people with a high hand and Lord Curzon's government asserted their continued adherence to the principles the Strachays and the Stephens had proclaimed a generation earlier, the only difference being that they were now even more vehement and exclusive about it than their predecessors. "To me," said his rhetorical lordship, "the message is carved in granite, it is hewn out of the rock of doom."^{*} To have allowed these vainglorious and unjust claims of the colonist and the civilian to become permanent facts, would have meant the strangulation of India. They had to be fought tooth and nail. And just then hope dawned on the horizon. The Curzonian regime came to an end; the Jingo regime, too, came to an end in England; the liberals came into power with an overwhelming majority, and John Morley became the Secretary of State for India. Now or never, thought the Congress leaders. They proclaimed their goal, and sent Gokhale to England as their delegate. The following congress at Calcutta clenched the matter. Dadabhai Naoroji as president spoke principally of "self-government or Swarajya for India, like that of the United Kingdom or the Colonies," and the congress resolved that,—

"The system of government obtaining in the selfgoverning British colonies should be extended to India, and urged that as steps leading to it, (a) simultaneous examinations for all higher appointments in India as well as in England, (b) the adequate representation of Indians in the India council and in the executive council of the Viceroy and Governors.

* 20-7-1904, at the Guild Hall, when presented with the freedom of the city of London.

(c) an expansion of the legislatures with the addition of a large number of truly effective representatives of the people and a larger control over the financial and executive administration, and (d) the freedom of local and municipal bodies from official control with an increase of their powers should be introduced immediately."

Dadabhai Naoroji also appealed for union between Hindus and Muslims. Education had been advancing amongst the latter and the younger men were becoming nationalists in increasing numbers. At some of the Congresses held in the U. P. the Muslim delegates were more than a third of the total. And Muslim journalism as it grew up leaned more and more to the policy and methods of the Hindu nationalist organs. This tendency was already causing some disquiet to the older generation who still clung to the policy initiated by Sir Syed Ahmed of keeping the community a distinct and organised force as between the rulers and the Hindus. They wanted to do something that might recast the above policy in such a way as to bring it up to date and enable it to continue its hold upon their brethren as in the past. English liberalism, moreover, had never been able to cast its spell over Muslim thought to any extent. To them its philosophy was anti-religious and socially anarchical, and its world-politics anti-Turk *i. e.* anti-Muslim. Hence, although its humanitarian democratic and progressive character appealed to the best minds among them, the community as a whole entertained towards it a feeling of distrust amounting to fear. Thus, when the Indian National Congress set before itself the goal of acquiring for India a form of selfgovernment within the empire analogous to that of the British colonies, they thought that this would mean a predominantly Hindu government, unless they acted at once to safeguard their own special rights and position. And as they realised how strong the new Liberal ministry was, and how powerful and influential were the radical and labour contingents in the new house of commons, they foresaw that the next Viceroy would in all probability be a doctrinaire Liberal, a modernised edition of Lord Ripon without his piety and with greater driving power, and they decided to act at once so as to win over the Government of India at least to their side, while Lord Minto was still at the helm. Thus arose the historical Muslim deputation with H. H. the Aga Khan at its head, which waited upon the Viceroy on the 1st Octo-

ber 1906, showed how the legislatures, municipalities and local boards had not till then afforded to their community a representation, either by election or by nomination, in proportion to its numbers or political and historical importance, and urged that no system of representation, however devised, would do so, unless a certain number of seats were specially assigned to them on each elected body, and communal electorates formed to return that number.⁵ The Government of India admitted the facts, accepted their claims, and assured them of their support. Such was the origin of communal representation for Muslims in the regulations under the Indian Councils Act 1909, and under the Government of India Act, 1919, the application of the principle had to be extended to some other communities also, in spite of the very strong objections to it noted in the Montagu-Chelmsford Report.*

The Muslims also created an all-India political organisation of their community, which began to meet annually from 1906 under the name of the Muslim League.† And just, like the Indian National Congress it soon had a branch of it or committee in England. For some years their energies were mainly directed towards educational advancement, and during this first phase of its history the movement received considerable support and encouragement from officials and the government. But one of the first demands thus developed was for the elevation of the Aligarh College into a Muslim University, and by 1912 the differences between the Government and Muslims in the views each held on the subject of the proper constitution of such a University became acute. The project had to be dropped for the moment, with the consequence that the members of the League found themselves really forming three distinct sections, a right, a centre, and a left of which the central group, by far the most numerous and influential in the beginning, began to lean more and more towards the Indian National Congress. That body had welcomed Lord Morley's proposals with "deep and general satisfaction"‡ in 1908 as a "large and liberal instalment of reform,"§ but discovered reason to change its opinion as soon as the regulations

* Paras. 227-32. † For a brief account of earlier Muhammadan gatherings and associations, see Ramsay MacDonald, p. 176.
‡ II Resolution of the Madras Congress 1908, IV-VII Resn. of the Lahore Congress and the speech of the President, Pandit Madan Mohan Malaviya, 1909. See also a brief discussion of the matter—Report I. C. R. paras. 90-101.

under the Act were published. Sir William Wedderburn came out from England to preside over the next Congress at Allahabad, and brought about, immediately after, a "conciliation conference" between Hindu and Muslim leaders where the initial steps were taken to induce a gradual rapprochement between the two communities all over India. In order that such a conference could be held at all, H. H. the Aga Khan had abridged the sessions of the Muslim league at Nagpur and brought over about forty leading men with himself to Allahabad.* The conversion of the League to Congress ideals was quickened by Asian and European events such as the misfortunes of Persia and Turkey. From 1915† onwards the League began to assemble at the same place as the Congress and to fraternise with it, and at the Congress and League sessions of 1916 at Lucknow, the question of the proportional representation of Hindus and Muslims on elected bodies in every province and in the central government was settled once for all by mutual agreement.‡

MRS. ANNIE BESANT. How India wrought for Freedom.

SIR V. LOVETT, History of the Indian Nationalist movement.

Section 89. *The Great War* had in the meanwhile broken out and England despite all possible effort could discover no honourable course other than to join it on August 4th, 1914. India saw at once that it was no ordinary war, but a struggle for life and death against a determined foe of colossal strength, where honour and freedom were at stake. Lord Hardinge consulted leaders all over India, and convinced that raja and ryot, Hindu and Muslim were alike heirs to an ancient culture that scorned the very idea of seizing the moment of England's peril for India's advantage, and that the one regret of every educated young man was that he had no military training,¹ sent away immediately to the various fronts as many English and Indian soldiers, with as much of the artillery, arms and ammunition, and military stores of all kinds, as could possibly be spared. This

* For the captions originally proposed for discussion and amicable settlement, see the newspaper *India*, February 3, 1911.
† The League did not meet at all in 1914.

help of inestimable value was rendered doubly valuable by being rendered in the nick of time, and it was followed up throughout the war by coolies, non-combatants of all grades, grain and various supplies, as well as soldiers being steadily forwarded wherever wanted in generous quantities at a considerable sacrifice direct and indirect to India herself. The full tale of all that India did and suffered for the Empire during and because of the War can never be told. When in the next generation some painstaking German historian writes the story of the War in detail, it is not at all unlikely that he might attribute his country's defeat in part at least to the fact that England and her allies had the unlimited man-power and resources of India to draw upon. Even if we confine ourselves to the single item of the number of Indians who enlisted and went to the front to do their bit, we find that the total goes up to nearly seventeen lakhs out of whom over sixty thousand were killed, eleven thousand became prisoners, seventy thousand were wounded and eleven won the Victoria Cross. For the first few weeks England paused with bated breath to see how India would act at this crisis of her fate; knowing that the foe must have left no subterranean tricks untried to create complications, confusion and revolt amongst these ignorant, suffering and alien masses. When, however, all doubt on the subject vanished, her joy and gratitude found expression in a unanimous shout "well done, worthy comrade!" How long this mood lasted it is impossible to say. Whether it ever affected the men who ruled the British army from Lord Kitchener downwards, it is impossible to say for certain. What is certain is that even if the heads of the army in India itself gave way to the generous impulse at all, it was only for a moment. They reverted pretty quickly to their settled policy of keeping India, the real India, as unarmed, untrained, and unfit in a military sense as ever. As Colonel Wedgewood says,

"Military bosses saw to it that those who could have come, voluntarily and knowing the issue, were not allowed to bear arms. Most of those who came were pressed, and the less said about it the better. They knew how to die, but they did not die for India or for a free Commonwealth. With them it was Fate and they met Fate with serene eyes. As Indians have for five thousand years. What could not

India have done as a race of freemen! We pulled through without the real India."*

Distrust like this at such a juncture who could fail to read? Who could fail to feel it as a stigma altogether undeserved? And two other factors have also to be noted. The struggle proved to be of such a character that the Allied Powers were obliged to represent it as a struggle for the preservation of freedom and civilisation all over the world; they spoke as the disinterested and dedicated champions of Right, Freedom and Civilization, promised in the most solemn manner that they would at the peace respect the sacred right of self-determination inherent in every nation, at least every progressive nation, even the weakest and the smallest, and went so far as to proclaim that even the most backward and uncivilised people, when handed over to any one of them in the redistribution of the world, would be ruled scrupulously, in their own genuine interests, as a trust from humanity, and periodical accounts would be rendered to some impartial international authority like a League of Nations. The resources of modern organisation were strained to the uttermost to spread this propaganda throughout the world. The founder of a new faith has invariably said, "Come to me, all and each, that might be in distress, bodily, or mental. Come to me, I bring nectar from the skies: partake of it and be healed." These Allied Powers similarly assumed the prophetic role, and said to the nations, "come to us, help us only to chain this 'drunken demon' who is out to smash up the world; can't you see we have undertaken the job for the good of the world? As soon as we have accomplished it, every one of you will have the freedom your heart desires; come to us." And the exceptional distinction of the years of storm and stress through which the world passed is just this, that the young middle class citizen of the civilised world before whom this vision of a new order was spread, honestly believed in it, flocked to the flag of humanity and freedom in hundreds of thousands, and the war was won. It was for this that the young voter of modern democracies rushed to arms; it was for this that one out of every ten who did so laid down his life. There is no parallel in recorded history to a human sacrifice on such a scale. There must spring up from it more political freedom, equality and

* *Future of Indo-British Commonwealth*, p. 18.

fraternity in the world than ever before, or else all human life and history is vanity of vanities. But political freedom, of course, is only for those who can rear it and nourish it and guard it for themselves. And we must also always remember the other great qualification, viz. the distressingly slow pace of progress in the recorded history of the race. As Thomas Edison puts it, "The Lord appears to be in no hurry."

The other factor was the new claim advanced by the British Colonies to share the direction and control of the foreign policy of the Empire along with England as equal partners. Like the rest of the world they had seen as soon as the war broke out that it was a life and death struggle, and like every other part of the Empire they rushed to arms and strove to throw all their weight into the contest. But they pointed out at the same time that the foreign policy of a state and such decisions of peace and war and alliances as it involved were without exception the most momentous decisions a state could be called upon to face, and their political freedom and status were seriously in defect until England took them into her counsels and deliberations on these matters as sister nations. The sovereign executive and legislature of the Empire which took these decisions were to be responsible to them no less than to the people of the United Kingdom, otherwise their political freedom, however complete in their own internal affairs, was an organism of a lower order altogether, standing to the absolute self-existent freedom of the full-grown state as does a woman to a man. English opinion had to a slight extent been prepared for such a demand for a more closely knit organisation of the Empire from the time of Queen Victoria's Jubilee onwards, through periodical conferences between English and colonial statesmen.² Vague ideas which had thus been in a process of haphazard growth, the emotional shock of the Great War nourished into a sudden vigour, the colonial demand was warmly welcomed on all hands, a reorganisation of the constitution of the Empire leapt into prominence as an urgent problem to be handled as soon as the war was won, and English statesmen of the first rank, including Bonar Law, the Colonial Secretary, advised the colonies in a public speech "to strike the iron while it was red-hot." The only definite scheme in the field for such reorganisation was the one, published in 1916 by Mr. Lionel Curtis, one of the originators and leaders of the Round Table students, a small but active body of men

assembled in groups in university centres and other places in all the colonies and in England, who had for several years, been examining this very problem in all its complexities.³ Mr. Curtis' scheme was that imperial affairs should be separated from domestic, and while the latter were to continue to be dealt with as hitherto, for the former a new Imperial executive and legislature were to be created, responsible to the five sister nations, the United Kingdom and the four self-governing colonies. This meant, however, that all the other parts of the Empire which had hitherto been subject to the United Kingdom alone would, on the formation of this new supreme government for the empire, be subject to it instead. And it is not at all surprising that India, with the treatment it had received from the colonists, and the opinion it had formed about them, should protest against such a change in unmeasured terms.⁴ It is due to Mr. Curtis to add that he himself was fully conscious of the unique position of India in the Empire; soon after the publication of his book he came over here in person to study the problem of the commonwealth in its Indian aspect in all its complexities, and he lost little time in recasting his supreme Imperial organ of government so as to include India also within it as a responsible partner. The imperial legislature he now advocated was to be bi-cameral, representatives of the Indian Native States were to be members of the Upper House, those of British India were to be members of the lower, and the imperial executive was to be drawn from both the houses indifferently.* But the fat was already in the fire, and not a few of our influential public men and journals lost their balance to such an extent as to imagine they had nothing more patriotic to do than to fan it into flame. Even the best informed Indians wavered for a time and were full of anxiety. It was natural at such a crisis to forget how extremely deliberate England has invariably been in adopting fundamental changes in her constitution. Hardly any one knew till long after that whatever influence the Round Table organisation possessed would be exhausted with the initiation of a bill at the next Imperial Convention at the end of the War, or that that body itself was not at all unanimous about Mr. Curtis' scheme.† Nor could it then be foreseen that the whole influence of General Smuts and South Africa would, as the event has proved, be

* Dyarchy, p. 87. † Dyarchy, p. 45.

steadily and decisively cast into the opposite scale.* Public excitement rose higher and was participated in by larger numbers during 1916-17 than ever before, and all parties and sections of political opinion joined together to demand real and full selfgovernment for India at the earliest possible moment, particularly in order that we might not become subject to a government in which the Colonies had a share. All the three factors thus briefly indicated have to be borne in mind to understand the policy pursued by the Indian National Congress and the Muslim League on the one hand, and the pressure thus brought to bear upon the policy of the Government of India on the other, during the fateful years ushered in by the German violation of Belgian neutrality at the beginning of August 1914.

The Muslim League and the Indian National Congress began to fraternise, as has been noted above, from their Bombay Sessions, 1915. The President of the latter Sir S. P. (later Lord) Sinha laid stress in his address on two cardinal demands. He quoted J. Chailley's observation that the motto of Elphinstone, Malcolm and others was "India for the Indians," or the gradual preparation of India by suitable institutions and the increasing substitution of Indian for English agency for the gift of entire autonomy to the Indians, "but that is not the aim of England now. She ruled India and intends to go on ruling it. . . . She will keep the command and direction of the vessel, and her government will remain as despotic as circumstances will permit."† And he urged that there ought to be an authentic and definite proclamation on the subject that could not possibly be evaded or misunderstood. And in the second place he specified the question of commissions for Indians in the army and of military training for the people as having become increasingly urgent, denying that there could be any true sense of citizenship under a system that did not place the responsibility of defending the country upon the people themselves. The only other event of 1915 that needed mention here was the Hon. Mr. Shafi's resolution in the imperial legislature on September 8th, asking for direct representation of India at the next Imperial Conference. The demand received support from many quarters, English public opinion being still influenced by the warm feelings of gratitude naturally excited

* General Smuts, War Time Speeches.

† Administrative problems of British India, pp. 117-8.

by the magnificent response of India and the invaluable service of her army.⁵ Thus it was that S. P. Sinha and that rare product of the dreamy East and the pushful West, H. H. the Maharaja Bahadur of Bikaner, represented India at the Imperial Conference and War Cabinets, and were the Indian signatories to a treaty of peace more historic than any since the momentous pacification that, packing Napoleon off to St. Helena, had rung the curtain down upon one act of the drama of humanity, to raise it very gradually upon the next.

1916 witnessed (1) the foundation of Home Rule Leagues, (2) the Memorandum of nineteen Indian Members of the supreme legislature including five Muslims, which consisted of thirteen recommendations calculated to strengthen the legislatures and liberalise the administration and, (3) the adoption by the Indian National Congress and the Muslim League of a fuller and more detailed scheme of reforms on the same principles.* These schemes, if adopted, might have given us legislatures and executives as coordinate powers in theory, but in practice the executives would have become seriously weakened in a short time, and now and again "embittered and dangerous deadlock"† between the two would have arisen. It so happened, however, that the problem of meeting Indian aspirations half-way had in the meanwhile been taken up for serious consideration by Lord Hardinge's government, probably soon after the death of Gokhale,⁶ and Lord Chelmsford when he succeeded, continued the inquiries as energetically as the urgency of War preoccupations allowed. A competent body of Round Table students was also investigating the same problem independently in England.‡ Sir William Duke, a member of the India Council was one of the number, and a novel idea suggested during the discussions that the functions of government might be arranged in groups, one or more of which might be handed over to administrators responsible to legislatures, which would themselves be responsible to the voters, while the other functions continued to be dealt with by members of the executive council, and that these and the new administrators together might form the new governing body under a head unchanged in character, was early in

* For (3) see *Dyarchy*, pp. 90-95, and S. Sastri's pamphlet *Self Govt. for India under the British Flag*.

† Report. I. G. R., para. 67; see the whole of Ch. 7, an elaborate criticism of the Congress League Scheme.

‡ *Dyarchy*, pp. XX-XXVII.

1916 by him embodied in a concrete and detailed form applicable to the presidency of Bengal. Lord Chelmsford obtained a copy of this in May 1916, and the subsequent visit of Mr. L. Curtis to India was doubtless availed of for a full discussion of the whole subject between him and members of Lord Chelmsford's government. Further delay in making a start towards the legislative introduction of this "dyarchy" as the only possible transitional form of constitution in the advance from autocracy to full responsible government, was due, perhaps, to the many calls, requiring immediate attention, of a world wide war. But Sir James (later Lord) Meston's speech as Lieutenant Governor to the U. P. legislature on July 17, and Lord Islington's address at Oxford on the problems of Indian government three weeks later, heralded the actual announcement in the house of commons on Monday the 20th of August. "The Government of India," read out the Secretary of State in answer to a question on the eve of the usual adjournment of parliament, "have for some time been urging that a statement should be made in regard to Indian policy.... The policy of H. M's government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of selfgoverning institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible.... I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India,⁷ on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance and they must be guided by the cooperation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for public discussion of the proposals, which will be submitted in due course to Parliament." Mr. Montagu added that the Governor General had invited the Secretary of State to India in order that these proposals could be drawn up by both together in consultation with local governments, and the suggestions of representative bodies and others might also be fully examined on the spot, and that His Majesty's Govern-

ment had accordingly decided with H. M.'s approval that he was to proceed to India without delay. He announced at the same time the decision of government that "the bar which had hitherto precluded the admission of Indians to commissioned rank in H. M.'s army should be removed," and that nine Indians belonging to the Native Indian Land Forces who had been recommended for the honour by the Government of India in recognition of their services in the field, were accordingly to receive commissions.

The next stage in the story was the Montagu Chelmsford Report submitted to Government in June 1918. It covered the entire field from the manners of the individual Englishman in India to the selfrestraint that parliament and public opinion in England itself would have to exercise more and more on Indian questions, as Indian electorates became more and more conscious of their own rights and made their legislators and administrators more responsible to themselves. Even the definite proposals it put forward were arranged under fourteen heads and summarised in sixty-nine paragraphs. Some of these recommended committees to examine special sections of the subject and formulate in concrete detail the changes, new arrangements, or new relations required. A number of the other proposals were modified in the course of the Joint Committee examination of the Bill based upon them. The outstanding merit of the Report is its clear, close and statesmanlike interpretation of the announcement of policy of the twentieth August. It adhered scrupulously both to the spirit of that pledge and to the precise limitations attached to it. To begin at the bottom—

"The individual," says the report, "understands best the matters which concern him and of which he has experience; and he is likely to handle best the things which he understands. Our predecessors perceived this before us and placed such matters to some extent under popular control. Our aim should be to bring them entirely under such control. This brings us to our first formula:—There should be as far as possible complete popular control in local bodies and the largest possible independence for them of outside control."

At the apex, on the other hand, no transfer of power could be made at the start. For one thing, India must be defended, and while this primary duty was entrusted to a British army of occupation and an Indian Army of mercenaries—to use the word in a purely scientific way for the sake of accuracy, without detracting from the many merits of the brave troops or without meaning any offence—officered by Englishmen, and otherwise also deliberately kept seriously defective in training and equipment and influence in the country, and as deliberately diluted with wild and frontier tribes and clans who were only half Indian in sentiment and could only furnish mere fighting machines and food for powder,—the British soldier and officer was necessarily the keystone of the arch. It is one of the fundamentals of modern political thought that the civil power must be supreme in a well-governed state. But while such an army continues in India the Government of India cannot be other than an agent of the British power, and that a fully selfgoverning India cannot be created faster than a fully Indianised army and navy. Any one who holds different convictions lives in dreamland.

"The responsibility for India's defence," says the Report, "is the ultimate burden which rests on the Government of India; and it is the last duty of all which can be committed to inexperienced or unskilful hands. So long as India depends for her internal and external security upon the army and navy of the United Kingdom, the measure of selfdetermination which she enjoys must be inevitably limited. We cannot think that Parliament would consent to the employment of British arms in support of a policy over which it had no control and of which it might disapprove. The defence of India is an Imperial question; and for this reason the Government of India must retain both the power and the means of discharging its responsibilities for the defence of the country and to the Empire as a whole."

Hence the only constitutional changes proposed in the Government of India were: (1) more Indians in the Executive Council, and (2) a bi-cameral legislature with a larger elected proportion in the more numerous and popular house, in order that even while the legislature had little increase of power, it might as the organ of Indian public opinion exert a growing influence upon government in their deliberations. A detailed

study of these proposals was unnecessary as the clauses of the Bill embodying them were radically improved by the Joint Select Committee.*

The most fundamental of the changes proposed related to the provinces. Hitherto these governments were strictly speaking, merely administrations or agencies, and the majority moreover one-man agencies of the Simla-Dehli autocracy. Amongst the functions they discharged there were a number "which afforded most opportunity for local knowledge and social service, which stood most in need of development, in which Indians had shown themselves keenly interested, and in which mistakes, though serious, would not be irremediable." The Report proposed to initiate the experiment of responsible government with reference to these functions. It was impossible to introduce responsibility to the people into a one-man system, hence all provinces in which the experiment was to be tried, were to have the council form of government. And the members of council placed in charge of the subjects just indicated, which were to be known as "transferred" subjects, were to be responsible—not to parliament and the Secretary of State and their agent the Government of India, but—to provincial legislatures mainly composed of representatives elected by constituencies to be formed on a wide or low franchise. With reference to these functions, the elected legislatures were to be the legally "sovereign" bodies, properly to be regarded as "parliaments," the members of council concerned were to be their responsible "executive," and the head of the province himself was to be, with reference to these functions, a strictly "constitutional" functionary, taking action or abstaining, according to the deliberate (and mostly recorded) decisions of his accredited councillors, who were therefore, fully entitled to be called his "ministers." And the Report insisted further that the transfer from autocracy or dependence upon England to popular responsibility or selfgovernment, must not only be introduced from the first on a substantial scale, but also that it should be steadily carried out as a continuous operation, more and more functions of the provincial government being so transferred at short intervals, until within a measurable period of time, the same operation could also be undertaken with regard to the Government of

* Cf. Part II of the Bill as originally drafted and as amended by the Committee.

India itself. Thus was the English autocracy to evolve by stages, and within a generation or so, into a fully selfgoverning Indian democracy within the Empire, an equal partner of the worldwide Indo-British Commonwealth.

"Our conception of the eventual future of India" the Report concluded, "was a sisterhood of States, selfgoverning in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a Central Government increasingly representative of and responsible to the people of all of them; dealing with matters both internal and external of common interest to the whole of India; acting as arbiter in inter-state relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire."⁸

The Franchise and Functions Committees were appointed in October 1918 and reported in the following February; the Government of India submitted their own views along with such important documents as the Minute of five heads of provinces and the dissenting Minute of Sir Sankaran Nair, in April; Lord Crewe's committee examined another section of the field—the changes indicated as advisable by the Montagu-Chelmsford Report in the powers and position of the Secretary of State, the composition and powers of the India Council, the working and organisation of the India Office, and allied matters; and the first sketch of a new constitution to embody the departure of principle solemnly promised by the announcement of 1917 being thus prepared for all the parts of a complex structure, the Bill "to make further provision with respect to the Government of India" was introduced in the commons at the end of May, read a second time on June 5th, referred with the consent of the lords to a joint select committee of both houses of parliament and this committee started work on July 10th electing Lord Selborne as their chairman. They worked through the recess, completed the examination of witnesses—68 in number, including heads of provinces, members of council (the India Council, G. G.'s council, provincial councils,) members of deputations who had gone over to England to represent the views of the Congress, the League, the moderate party, the Home Rulers, the Anglo Indians, the Christians, the

non-Brahmans, the Indian suffragettes, and other organised interests and sections, and independent observers of eminence like H. H. the Aga Khan, Sir Michael Sadler, and Mr. Lionel Curtis—on the 15th October, spent another month over the Bill, threshing it out thoroughly clause by clause, and reported on November 17th, 1919. The result was commensurate with the labour. Lord Selborne claimed, a little later, with perfect justice, that in altering and adding to the original draft, the aim of his committee was “to remove all possible causes of friction, to remove all shams, to fix responsibility everywhere, and to leave the executive with real weapons to fulfil its responsibilities.”* Lord Sinha advanced with equal justice another claim for the Bill as it was finally fashioned by the Committee: “we expect mistakes,” by the responsible provincial executives, legislatures, and their new political masters, the electorates; “but we claim that we have in this Bill every reasonable safeguard and every device possible to minimise the seriousness of their results.” The bill as thus recast by the Committee passed the commons on December 5th, the Lords read it a second time the following week, passed it on December 18th, and this Government of India (Amendment) Act 1919, received the royal assent five days later. Thus were the fetters of the Government of India Act, 1858, broken at length and flung over the shoulder into the gulf behind, out of which the pilgrim path winds forward and upward to the radiant shrine of Freedom. For the key word, unlocking the heart of the new Act, is not dyarchy or step-by-step, but selfgovernment. The dynasty of the I. C. S. members of council is over; the new line of Ministers dawns on the Indian horizon.

The birth of the new era was attended, however, by circumstances which unfortunately veiled its real nature more and more from the vast majority in this country. From the middle of 1918 onwards the Great War suddenly took a new turn. The enemy showed signs of exhaustion which multiplied rapidly. A month or two more and he collapsed. And with that a wave of extreme distrust passed through India. Fear usurped the throne in all minds, that under the altered circumstances parliament might listen much more to the services and the AngloIndians and their representatives and friends in England, Lord Sydenham and the Indo-British

* Mukharji, Indian Constitution, pp. 565-601. (Lord Sinha's and Lord Selborne's speeches).

Association and the Chambers of Commerce, and very much less to their own pleas and representations. Other events also occurred, great and small, which were widely interpreted as signs justifying the initial distrust, and so increased it. The opinions of the provincial governments on the Reforms, the Minute of the five heads of provinces, the despatches of the Government of India itself, were followed by the far graver incidents of the introduction of the Rowlatt Bills into the Indian, and of the Asiatic Trading and Land Bill into the South African legislatures. In April occurred that horrible chapter of events in the Panjab which defied description in measured terms; events which made it impossible for Sir Sankaran Nair to remain as a member of the Government of India and compelled Rabindranath Tagore to renounce his knighthood; events about which, later, even the Duke of Connaught could only say—“No one can deplore them more intensely than I do myself.” Long continued and acute economic distress followed by actual famine in extensive areas, an influenza epidemic killing off over five millions in under five months, strikes in industrial areas, and the Afghan War must be added to the tale; and the deeprooted feeling for the Khilafat and for Turkey and the sacred places of Islam, simmering in dumb and blind masses, until it shot up by the thousand to the bewildered gaze of the twentieth century, in the form of the *muhajrin* emigrant, that mediæval figure of pure tragedy. When eighteen thousand actually went across the border in this manner, “following the example of the Prophet himself, who had fled from faithless Mecca to the faithful of Medina,”* it is easy to imagine how many more must also have been in the throes of a distressing mental storm for months, until finally in their cases the worldly anchors held. Take these influences together and in their interactions and it is not too much to say that the stars in their courses appeared to have conspired for a time to convert all India to extremism with a vengeance. Large masses altogether innocent of politics had been lifted up to the level of interested spectators by the Great War, and movements like the Satyagraha campaign and the efforts of social and political workers to organise the millhands, postal peons and other labourers, swelled the volume the din and the violence of agitation, and the wonder really is, not that extremist ideologues should have acquired unprecedented influence in

* Rensdeshay, p. 223.

Indian politics or that milder natures like Pandit Madanmohan Malaviya should have been brushed aside for the moment, but that a small but resolute battalion of elderly Moderates succeeded, nevertheless, in keeping their own flag flying in Indian politics and journalism. They saw the possibility of the scheme being wrecked by its determined foes, in the course of the deliberations of the Joint Select Committee and during its passage through Parliament, unless the average M. P. could have before his eyes a body of influential and responsible Indians, actively supporting it and ready to work it fairly for all it was worth when finally adopted. And they acted accordingly. Thus was the new constitution of Indian self-government by progressive responsibility conceived during the throes of the Great War, the pledges and appeals of Woodrow Wilson and Lloyd George, the ambitions of the Dominions, and the scientific inquiries and moral convictions of students like Sir William Duke, Lionel Curtis, and Professor Keith chalked out the line of advance, the magnificent services of the Indian soldier and the no less inestimable offerings of the Indian people from Raja to ryot tied the hands of autocrats like Lord Curzon and Lord Sydenham, parliamentary leaders like Chamberlain, Lord Selborne and Lord Crewe cooperated with an enthusiast like Montagu to give his ideas definite shape and form, and while the Indian extremist convinced the average Englishman that delay or curtailment would lead straight to anarchy, the Indian moderate convinced him no less that the scheme actually proposed would be welcomed, loyally worked, and actively pushed forward to its inevitable goal,—the wellbeing freedom and elevation of one-fifth of the human race through autonomous evolution.

MONTAGU CHELMSFORD Report.

JOINT SELECT COMMITTEE Report with minutes of evidence.

Indian National Congress, Moderate and other Conferences, Reports 1914-19.

L. CURTIS, Dyarchy.

H. H. THE AGA KHAN, India in Transition.

INDIA IN 1919; INDIA IN 1920.

CHAPTER XI: NOTES.

SECTION 84.

1. In North India. In the South there was a period of revival under the Vijayanagar Dynasty.

2. The Calcutta Madrasa founded in October 1780 and maintained for the first few months by Warren Hastings at his own expense, was a Persian and Arabic institution specialising in Muhammadan law. It had a chequered career for over forty years, before an English class was added to it. The Benares Sanskrit College, founded by Jonathan Duncan in 1792, was similarly an institution for Sanskrit learning. Here, too, English was not taught before 1827. The Hindu Sanskrit College at Calcutta founded in 1824 had a wider aim: the cultivation of Hindu (Sanskrit) literature and the gradual diffusion of European knowledge through the medium of Sanskrit. This latter attempt, however, did not succeed. Colleges were also established in the twenties at Agra and Dehli, in which Persian, Arabic Sanskrit and Hindi were taught. The Royal Asiatic Society was founded at Calcutta by Colebrooke in 1822.

3. In the discussion leading up to the Charter Act of 1793 they succeeded in persuading the house of commons to adopt a resolution emphasizing the duty of the state, "to promote by all just and prudent means the interests and happiness of the inhabitants of the British Dominions in India; and that for these ends, such measures ought to be adopted as may gradually tend to their advancement in useful knowledge and to their religious and moral improvement." But the Company through their spokesmen in the house and in their own Courts opposed the contemplated departure persistently, and the idea had to be dropped on that occasion. (Mahmud, p. 229).

4. When the first medical college in India was founded (1836), it was feared that no Hindu would learn anatomy, as they thought it a defilement to touch a corpse or even a bone. When the first Hindu student plunged his dissecting knife into a body Fort William fired a salute in honour of the event, and the G. G. himself shook the brave young student by the hand.

—Modern Review, September 1921, p. 318.

Per contra, as late as the nineties, the curator, Jaipur museum, showing the Egyptian mummy there, used to tell people of consequence:—"Do you know, Sir, the Maharaja——was here the other day; I naturally brought H.H. over here the first thing and explained what it was. As soon as H.H. understood, he asked—"what! only a *lash*!" and without another word H.H. turned back and wasted the rest of the day in baths and other purifications. How superstitious the uneducated are!"

5. "The Musalman subjects of the Government are much more jealous of innovation....When it was first proposed to teach them English they consulted their oracle of the day, Azizuddin of Dehli, as to whether it was sinful to yield to the innovation. He gave them a most sensible answer...." H. T. Prinsep's Note on Macaulay's Minute (Sir H. Sharp, p. 129).

6. See D. J. Fleming: *Schools with a Message*; also *Village Education in India*. (Report of a missionary commission composed of the Rev. A. G. Fraser, K. T. Paul, and others); accounts of the Salvation Army attempts to reclaim criminal tribes; and similar literature:—to get some idea of the varied and valuable work, in the highest sense educational, which missionaries are doing in India today.

7. Sir Syed Ahmed started collecting subscriptions 1872; he won the enthusiastic support of Sir Salar Jung and the Strachays almost from the first; the institution began with 20 students in 1875: the Viceroy laid the foundation stone on the 8th January 1877. After fortythree years of a career of expansion Sir Syed Ahmed's Anglo-Oriental College was transformed in 1920 into the Muhammadan University Aligarh.

8. For the Arya Samaj Institutions see Lala Lajpatrai: *The A. S.* pp. 179-210 I have coupled these and the D.E.S. institutions together merely for brevity. Of course there are profound differences also between the two. Perhaps the most important is that the Arya Samaj educationists insist far more on the formation by their students "of sound and energetic habits by a regulated mode of living". (*Op. cit.* p. 182); in other words the entire life of the student in these institutions is meant to be a deliberately regulated discipline. The Dayanand AngloVedic College, Lahore, began with the revered Lala Hansraj as its first Principal in 1888.

SECTION 65.

1. Missionary schools had an earlier start in Madras. The Tanjore Resident "seconded by the zealous exertions" of the Rev. Mr. Swartz started some schools, to which the Court of Directors made annual grants from 1787. (Sir H. Sharp, pp. 3, 45, 194).

2. One of the most influential personalities in the early history of Indian Education: see for instance Sir V. Chirol, *Indian Unrest*, p. 209.

3. See his memorial to Lord Amherst, 11-12-1823. Macaulay in his wellknown minute, 2-2-1835, has taken one of his illustrations from this memorial. It is unfortunate that this particular minute of Macaulay's should have obtained a celebrity out of all proportion to its intrinsic merits or historical importance. But Macaulay really did valuable work as Chairman of the Committee, see Trevelyan: *Life and Letters*, Ch. 6.

4. See (in Sharp) Prinsep's Note on Macaulay's Minute and a later Minute by P. on the same subject; also Meredith Townsend, *Asia and Europe*, pp. 323-329 etc. Bishop Heber describes in his *Journal* what he saw at the Benares Sanskrit College in 1824, where the Pandit illustrating an astronomy lesson by the terrestrial globe said the North Pole was Mount Meru, the tortoise was under the South Pole etc. This was "engrafting" in actual practice, and the bishop of course wondered why such "rubbish" should be taught at a government institution. How twenty years earlier at the same College the Pandits of that age deceived Captain Wilford a zealous but rather credulous Sanskritist, might be still read at p. 172 of Hegel's *Philosophy of History*.

5. In his petition to parliament (30-11-1852) Mr. Cameron also asked for a covenanted Education Service and "that one or more establishments may be created at which the native youth of India may receive in England without prejudice to their caste or religious feelings, such a secular education as may qualify them for admission into the civil and medical services of the East India Company" (*Mahmud*, p. 82). If this suggestion had been adopted and if the Indian College or Colleges in England had succeeded in regularly supplying a number of Indians to the civil and other services from the beginning, this single factor might have completely altered the whole history of British India during the last seventy years.

6. Lord Dalhousie stated in 1856 that these N.W.P. schools then numbered 3,669—A Mills: *India in 1858*, p. 169. The idea of a land cess to finance primary education originated with Thomason. For a brief account of these schools see A Howell *Ed. in Br. India prior to 1854 and in 1870-1* pp. 48-9.

SECTION 66.

1. Seventh Quinquennial Review of the Progress of education in India (1912-17) p. 122; "a large percentage of parents value the school mainly as a creche...." *Dyarchy* p. 289; etc.

2. The average of age in the various high school classes was high in the beginning and fell only slowly. Even upto 1880-5 there were men of over thirty joining the Entrance Class of High Schools; men who had left off school and worked in some department until they could get a year's leave to try and pass the Entrance Examination so that they could rejoin with improved prospects.

3. The problem was not confined to the education department. The civil service had the same difficulty with all the other departments also. A small aristocracy an exclusive caste must have perfect equality amongst

its own members; but on the other hand an administrative system must have a hierarchy of departments and gradations of status and emoluments within each department. It is on this rock that aristocracies, however strong and wellknit, have always split. They have always fought hard, inch by inch, and delayed the day of their extinction by every conceivable device. Exchange compensation allowance and a rearrangement of the departments into three grades instead of two—imperial, provincial and subordinate, in stead of superior and inferior—were the devices adopted, though it must be admitted to their credit with great reluctance. But this did not solve the problem of placating the Englishman outside the charmed circle of the civil service, and it created the worse problem of placing the Indian, however deserving, lower than every Englishman. Indians in the superior posts went on increasing, their qualifications went on improving. Indians with English University qualifications went on multiplying. These last the Englishmen would not have as their equals in the imperial services, they themselves did not care to be in the provincial services and be the inferiors of many Englishmen who were not their equals in qualifications, and thus the system broke down at length. The Islington Commission and the Montagu Chelmsford Report registered this breakdown and made suggestions for the future, more or less liberal, which Sir Sankaran Nair and Mr. Montagu carried out. For the education department in particular see the discussion in *Sir V. Chitral*, p. 233, and *M. R. James*, pp. 115-7. It is curious to note how both authors see the impossibility of equalising the status and emoluments of professors and civilians and yet seek some undiscoverable method by which they could nevertheless be equalised. The professor worth his salt had his own status in literature, in learning, in the estimate of his students, and in the joyful absorption of congenial pursuits. The professor, on the other hand, who falls between the two stools of the professorial 'chair' and 'society' has simply missed his vocation, and whatever his pay has no status whatsoever.

4. The discussion as to the moral value of the school, how it was to be improved and intensified etc. thus began in all its ramifications at the Commission, they reported upon it at length, and it has gone on and on and on ever since; no reason, too, why it ever should come to an end.

5. *Wheat*, p. 468. Gokhale had argued that his proposals only meant a continuous annual addition of 40 lakhs (*Speeches*, p. 774). The Government had to do better than that since they had argued—better teachers, better schools, better type of education first, then compulsion; Rs. 5 per head, moreover, a serious underestimate; it would be nearer Rs. 10 than Rs. 5, etc.

6. P. 148. What the attitude of at least a section of the lead in Muslims was towards the British Government even upto 1883-4 might

be gathered from *W. S. Blunt: India under Ripon*, although the warm sympathies of the writer compels one to infer a certain amount of unconscious exaggeration.

7. Cf. the following extract from the Vice-Chancellor's Address to the Bombay University Convocation 18-8-1925:—..... "every living University supplied itself with the staff it needs by training them up itself. And it is my humble opinion that no University can be said to be leading a vigorous life, unless it provides itself and its colleges with nearly all the staff it needs, in all grades from the highest to the lowest. The distinguished foreign professor it also invites and employs but only for short terms; and it derives the fullest benefit from him, but only for subjects of learning in which it is either backward or wants to advance at a quicker pace. But as a young University like ours grows to its full stature, the foreign professors in it must become fewer until they become quite exceptional and incidental....."

8. *Unity of Western Civilisation* (ed. F. S. Marvin) p. 170. The course of lectures, be it noted, was delivered in August 1915, i.e. after the Great War had broken out.

9. It is quite legitimate to seek to extend the use of Hindi-Urdu merely as a *bell* for ordinary purposes of commercial and other intercourse. But to teach it to boys and girls in the non-Hindi provinces in schools where every hour of the time-table is so important is to deprive the vernacular or English of so much valuable time. Hindi and Urdu again differ from each other in more than the script. The U.P. after a long controversy have had to give up the use of common Readers in schools printed in Devanagiri script for the Hindu children and Urdu script for the Muslims; since 1914 such common Readers are used only upto the vernacular standard III. See the whole question fully discussed in *Dyarchy*, pp. 308-311, 323-5.

SECTION 67.

1. Swami Dayanand Saraswati established the first samaj in Bombay. though it was a little later that his movement spread quickly in Panjab and Rajputana.

2. The loyalty of all India in 1885 was warm and demonstrative, In the last days of March had occurred the Panjdeh incident while Amir Abdur Rahman and Lord Dufferin had been interchanging views at Rawal-pindi. "The danger" said Sir Alfred Lyell, "made the Indian people very loyal. They are in great dread" of what might happen "if we got an upset, and they are all afraid of each other.....". *Sir V. Lovett*, p. 34. Lord Dufferin wrote to Lord Northbrook in the same sense (*Sir A. Lyell Life of Dufferin*, Ch. 11).

3. On the occasion of the 23rd. I. N. Congress which could not meet at all that year, being thus broken up in humiliating disorder within a few minutes of the election of the president. The shoe was heavy and nailed.

4. The words in inverted commas fairly render what Tilak himself told H. W. Nevins. even when his object was to convince N. that there was little difference except in methods between his party and the moderates (*New Spirit*, pp. 71-77.)

5. *Lyell Life*, Ch. 13. The first minute recorded his own views, the second those of the Governor General in Council. Representation at least for the provincial legislatures was recommended. As to throwing more of the higher appointments open to Indians, the concessions drawn up by the Aitchison Commission were thought too liberal by the S. of S. or the S. of S. in council, and were whittled down, nor were they acted upon till 1896.

6. The Union of South Africa has a population of nearly 8 millions. only a million and a quarter being Whites. In Rhodesia out of 1.7 million inhabitants less than 40,000 are not native Africans. In Kenya the Indians and Arabs are to the Europeans as 7:2; and all three together are to the aborigines as 1:72.

7. Whether this is really the case at a particular time in any community is a question of fact, to be carefully and impartially gone into by competent men strictly as a question of fact, and by the application of tests capable of yielding measurable results. Assertions on the subject, partisan, demagogic and journalistic, ought not to count at all. And it is a complex question about which even amongst competent judges with all the evidence before them, there would be plenty of room for an honest difference of opinion.

8. R. C. Dutt called the Cotton duties Act 1896 "an instance of fiscal injustice unexampled in any civilised country in modern times"—*Victorian Age*, pp. 538-44. Has any one ever told Lancashire, I wonder, that the policy it has pursued has contributed its bit towards breeding irreconcilables and potential anarchists in India?

9. The most musical rendering of the song I ever heard was from two Bengalis singing it together on a memorable day a little before sunrise at the French Garden, Surat, in the pandal of the Congress, that only a few hours later was given the sack—or the shoe rather!—by the delegates from the Bombay Deccan and C. P. and Berar. I suppose it was the hour and the place which blended the liquid cadence for my ear into notes of a never-to-be-forgotten harmony.

SECTION 68.

1. Perhaps this one trait is sufficient by itself to show how raw and irresponsible Indian anarchism was even when some of its crimes revealed such baffling capacity for subterranean plotting.

2. For an example of how a pensioner retiring from a high position incurring the displeasure of local officials was ruined by them in those days, see W. S. Blunt: *India under Ripon*, p. 43.

3. *Speeches*, p. 829. Gokhale had been in England earlier during the year and the announcement of this as the 'goal' was deliberately decided upon in consultation with the elder congress leaders in England and also, probably, in India, See Dadabhai Naoroji's message to the Benares Congress, especially the following passages:—"We are now on the eve of our arriving of age, and we have to make a new start forward.....The work of the Congress in India and England has developed a clear and most urgent aim, viz. selfgovernment like that of the Colonies in the way most suitable to the peculiar circumstances of India.....The tide is with us. All Asia is waking up. The Isles of the East (Japan) have made the start."

4. Of course, in the rapidly growing volume of Congress oratory there were passages here and there of earlier dates pointing to this goal, e.g. Surendranath Bannerji's speech as president at Poona, 1895. But these were at those earlier dates, little more than flowers of rhetoric. With Gokhale began from 1905 the claim that this was the substance and the sum, that this was indubitably due to India in her own right.

5. See the Address, H. H. the Aga Khan's speech, Lord Minto's speech in reply, the Govt. of India's despatch to the S.S. No. 21, 1-10-1908 paras. 18-21 (Mukharji 1 pp. 283-7) &c. Morley strongly disapproved, but had to accept it as an integral part of the reform scheme. (*Recollections* II 315, 325 etc.)

Mr. Mahammad Ali said at the Coconada Congress session in his presidential address (1923) that the Muslim deputation to Lord Minto of which he had been a member, had been inspired by leading members of the I.C.S. Granted. The Muslim community accepted the advice or yielded to the pressure, and so the responsibility is theirs as much as if it had been their own independent act. And the Muslim community have throughout accepted the consequences and fruits of that initial step from that day to this, as beneficial to themselves. It is only the younger generation of Muslims now on the threshold of public life who are beginning to realise that communal privilege means disunion with and opposition to Hindus,

and so instead of a blessing it is a curse; that for harmonious and rapid progress Indians have to transcend communal differences—See reports of the debate at the Muslim University Union, Aligarh, Christmas 1925.

6. The proportion of elected Muslims to elected Indian members was to be—the Panjab one half; Bengal 40%; Bombay one-third; U. P. 30%; Bihar 25%; Madras and C. P. 15%; and it was also agreed that Muslim voters were to vote only through their special electorates.

SECTION 69.

1. See Sir Bhupendranath Basu's address as Congress president, 1914; his pamphlet "*Why India is heart and soul with England ?*"; the verses (good evidence even when indifferent as verses) of many writers from William Watson and Nawab Jung Bahadur downwards some of which will be found in the numbers of the newspaper *India* from September 1914 to the end of the War; the relevant resolutions of the legislatures and of the Congress and the League from 1914 onwards; the proceedings of the meetings and conferences convened for special war efforts etc.

2. Seelay's *Expansion of England* appeared and the Imperial Federation League was formed, 1883. The first Colonial Conference was held, 1887; the second 1894; the third 1902; the next was the first "Imperial", Conference, 1907. The second, 1911, had the diplomatic and foreign situation (the Agadir incident) fully expounded by the Foreign Secretary of State in a secret session. These have been followed by the Imperial War Conferences and Cabinet meetings during the Great War, the Imperial Peace Conference, and the Imperial Conference, 1921. For a very brief account, see in the *Edinburgh Review* for April 1921, J. A. R. Marriott: 'Organisation of the Empire.'

Mukharji I part VIII gives the Hon. Mr. Shafi's Resolution, Sir R. Borden and Mr. Massey's Resolution at the Imperial War Conference (April 1917) admitting India to the conferences, the Premier's speech, 18-5-1917, re the Indian representative attending the Imperial War Cabinet meetings etc. It followed as a matter of course that India took part in the Peace Conference at the end of the Great War, and that she joined the League of Nations as an original member of that body.

3. On the grant of responsible government to the Transvaal and Orange River Colony, Closer Union societies were formed in South Africa 1906-7. On the accomplishment of the Union of South Africa these were converted into Round Table societies, similar societies were formed in Canada, New Zealand, England, Australia, and Newfoundland, 1909-10; the problem of the reorganisation of the Empire was the subject they set before

themselves to study co-operatively, and the quarterly organ, the *Round Table* was started. Mr. Curtis published the *Problem of the Commonwealth* and the *Commonwealth of Nations*, 1916. He came to India in October (*Dyarchy*, pp. 39-90).

4. For instance here are a few sentences from the pen of a leader noted for the mildness of his nature and the habit he has cultivated of weighing every word. "The responsibility of ruling India will be accepted, Mr. Curtis assures us, as a high spiritual task; viz. that of 'preparing for freedom the races which cannot as yet govern themselves',.... This is the new humiliation that stares us in the face, if we do not make it clear betimes that we will not tolerate the pretensions of the Dominions.... Patience is a difficult virtue to exercise when a certain set of people brand you as an inferior race, exclude you ruthlessly from their territory, and then coolly offer to administer your affairs and exploit your resources, adding at the same time that it is all for the purpose of teaching you how to govern yourselves." (Srinivas Sastri, *Self Government for India under the British Flag*, 1916, p. 7.)

5. It is not too much to say that the very first service rendered by the Indian army in the Great War was comparatively and historically speaking of the most inestimable value. The Indian army first took up its position on October 24th, 1914, between Generals Pulteney and Smith Dorrien (Sir A. C. Doyle; *British Campaign, 1914*, Chs. 7-10). Over three weeks followed of a terrific contest, including the first battle of Ypres. A German force over six lakhs strong had started to drive the British into the sea, reach Calais and make it impossible for England to cooperate further with the French on land in France and Belgium. The English never had even half the number to oppose this advance; the disparity in equipment was greater still. And yet the Germans could advance only five miles in a whole month, they lost over 25% of the troops employed, and they fell back beaten. As Sir F. Younghusband said in a paper at the Royal Colonial Institute (May 11, 1915) "the seventy thousand troops from India were sent to the front while the Germans were making their tremendous lunge to reach Calais and just at the moment when the British line there had become thinned to breaking point; but for this Indian reinforcement, our brave little army would have been swept off the Continent."

6. *Ibid*, para. 28; and H. H. the Aga Khan's letter to the *Times* (London) August 14, 1917, publishing Gokhale's Scheme. H. H. says he gave copies soon after Gokhale's death (February 19, 1915) to Lord Hardinge, Lord Willingdon, and the Secretary of State. For Gokhale's scheme see *Speeches*, 3rd pp. 1025-9. (All the other references to *Speeches* throughout this book are to 3rd).

7. In the preamble to the Government of India Act 1919 instead of "the British Government and the Government of India", we read "Parliament upon whom the responsibility lies for the welfare....." The change was deliberate—see *Joint Committee Report*, para. 7. Mr. Vithalbai J. Patel as delegate of the Indian National Congress had told the Joint Committee, that the I. N. Congress and the people of India "repudiated the claim of others to decide for India the time and measure" etc., quoting in support resolutions of the I. N. Congress 1917, the special I. N. Congress August 1918, the I. N. Congress, 1918 etc. See in the above Report his evidence Vol. 2 pp. 101-119 and Appendix C.

8. The best brief summary of the proposals of the report is to be found in Mr. Montagu's and Mr. Chamberlain's Indian Budget Debate speeches, 6-8-1918; see also Lord Islington's speech in the lords on the same date. For an independent summary with criticism, helpful because fully accepting the underlying principles, see *Round Table* viii, pp. 778-802

CHAPTER XII.

THE DAWN OF DYARCHY: THE FIRST PHASE.

Section 70. A Revolution. The changes introduced by the Government of India (Amendment) Act, 1919,¹ are so far-reaching in character as to amount to a revolution. In inaugurating the new central legislature on February 9, 1921, Lord Chelmsford said,—

"History is a continuous process. In human affairs, as in nature, there are no absolute beginnings. But there are changes of degree so great as to be changes of kind, and this is one of them."

It is true, of course, that the growing number influence and pressure of the Indian nationalists and the tendency to freedom and representative government inherent in British history are the general causes, and the particular ideals and impatiences generated by, and the unprecedented services and sacrifices of India during the Great War are the immediate compelling causes for the new departure. It is also a fact that what Lord Chelmsford's government had proposed even a conservative temperament like Austin Chamberlain's rejected as not fundamental enough, and that the pronouncement of August 20, 1917, read out in the commons by E. S. Montagu, was a formula or *mantra* that had been agreed to after full consideration by Crown and Cabinet and Government of India alike. Nevertheless, in the Act as finally fashioned under the contact cooperation and conflict of many minds, none can overlook the personal and exceptional contribution of that devoted indomitable potter at the wheel, E. S. Montagu, the Secretary of State for India at this crisis in our history, a noble and resolute idealist, who permitted nothing whatever in the three Worlds ("Lokas"),* nothing however familiar or unusual, neither the Armistice, nor the Panjab frightfulness, nor the inherent bias of the services and their die-hard representatives in England, nor the inevitable dilatoriness of the parliamentary machine, nor finally the ideologist vapourings of Indian extremism, to slacken the motion of the wheel, his deft fingers

* A Hindu phrase meaning the heavenly, terrestrial, and nether regions.

incessantly moulding the wet earth brought up in lumps by his experts, his committees, and their witnesses, until the precious vase was ready in its finished contour and articulate individuality for the furnace of actual experience. Montagu is beyond all question the father of the new era in India, as A. O. Hume was the father of the congress thirty five years earlier.* And, moreover, it cannot be too emphatically asserted that the changes are not merely the natural development of a long antecedent process, but, in their depth and scope, they constitute a new era altogether, indeed, they initiate a political revolution as radical and noble as—and (of course) on a scale far greater than—that in 1869, which in a few decades created Modern Japan, or as that other revolution, with a longer period of gestation punctuated by wars, which gave Modern Italy to the world, a unified national constitutional monarchy.

Section 71. Provincial Legislatures : Structure. In popular government of the parliamentary, as distinguished from the presidential, type, the centre of authority, the pivot of power, or the working sovereign, in all matters political, executive, and legislative, is the cabinet or ministry. Popular self-government in this type of constitution works through the *de facto* sovereignty of ministers responsible to the electors through the legislature. This institution of cabinet rule grew up in England as the result of a long historical process. It has been imitated in many countries from France to New Zealand, with more or less success, developing some novel features in most of them but at the same time demonstrating its surprising adaptability to varying surroundings and circumstances. And it is this form of internal selfgovernment which the Act of 1919 introduces here, as "the one" remaining blessing, "without which the progress of a country cannot be consummated."† The changes in the provincial executives and legislatures are thus fundamental features of the new constitution, necessarily involving correlated changes introduced simultaneously into the other parts of the structure, in order that the whole might be transformed into a consistent workable machine.

* See the Right Honourable S. Sastry's fine and just tribute to Montagu at the unveiling of his statue, 14-5-1925. *Per Contra*, see Sir M. O'Dwyer: *India as I Knew it*.

† Royal Proclamation, 23-12-1919.

Nine of the provinces—Madras, Bombay, Bengal, U. P., Panjab, Bihar and Orissa, Assam, C.P. and Berar, and Barma*—now become Governments. Instead of depending upon the Government of India, they now have their own loans, taxes and budgets, and their money proposals, arising out of their annual budget statements, are submitted to the vote of their respective legislatures in the form of demands for grants, and any of these or any of its component items these legislatures might refuse or reduce in amount. There are, of course, limitations to the exercise of these powers and checks upon it. And the spirit of impatience distrust and opposition has been so rampant in recent years that a great deal too much is made of this. The far more important fact undoubtedly is that these limitations and checks are, in letter as well as in spirit, exceptional and provisional in character, to be only maintained until the transition from the status of a conquered dependency to the higher one of a selfgoverning and equal partner in the British Commonwealth or League of Sister Nations is fully accomplished. The provincial legislatures set up under the Act are autonomous bodies *in posse*, and it is only for a time that they are to behave like an heir who is under age, the Governor in Council being placed in the position of sole administrator of part of the estate, and the Governor himself in the higher position of a guardian and mentor to the heir. This period of transition, moreover, cannot be indefinitely prolonged. Nor is the executive to behave during the transition as before, as an autocracy or the agent of an autocracy, but as a guardian holding himself ready to be relieved of his vicarious burden as soon as possible, and pledged in the meanwhile to discharge his duties strictly according to the provisions of the Act, and so as to "further the purposes of the Act to the end that the institutions and methods of government therein provided shall be laid upon the best and surest foundations, that the people of the presidency (or province) shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-government."¹ *Fronti nulla fides*, once bit twice shy, are undoubtedly good rules of prudence; and politics, diplomacy and all strategy are of course the most important spheres for the application of such maxims; but it is sometimes the duty of the historical student

* The last from 1923. Coorg has a Legislative Council with very few powers from 1924.

to warn the young patriots of to-day that the younger patriots of the next decade might regret and condemn the distrust of today as having gone to unreasonable lengths.

The Montagu-Chelmsford Report had pointed out as cardinal defects of the Morley legislatures "the very restricted nature of the franchise" and "the lack of connection between the primary voter and the member who sits in the councils." "The vote of the supposed primary voter," it noted, "had no effect upon the proceedings of the legislative council." And it commented, "in such circumstances there could be no responsibility upon, and no political education for," the voter. The radical change to be made, the new foundation to be laid down, was "to call an electorate into existence capable of bearing the weight of responsible government."* The Morley-Minto structure had to be scrapped as incapable of developing into an organism embodying responsibility.

The new legislatures created under the Act enfranchised over five million persons as voters for the provincial councils, and over nine lakhs and a quarter for the central legislature. At the second elections, 1923, the numbers had risen to over seven millions and a half and nearly a million respectively, the increase in the first number being due mainly to the inclusion of Barma.† The numbers will be larger for the third elections, mainly by the inclusion of more women voters in the existing constituencies, and by the addition of some special constituencies of factory labourers. The number of votes actually cast was also, all things considered,‡ very fair at the first elections and jumped up at the second. It is one of the greatest achievements in recorded history, and its scope, magnitude and decisive character will come to be recognised more and more as political organisation grows up throughout the land and the voter learns what power he has acquired and how to wield it intelligently. Whatever people to whom the whole thing is so novel might feel about it today, the reform cannot fail to be seen in its proper perspective in less than twenty years.

* Para. 83.

† See the Tables—India in 1920, App. II; and Report. Reforms Enquiry Committee (Muddiman) App. No. 3.

‡ See India in 1920, pp. 65-6.

PROVINCIAL LEGISLATURES.

Category of Member	Madras	Bombay	Bengal	U. P.	Panjab	B. and O.	C. P. and B.	Assam	Barma
ELECTO-RATES									
General { T	9	11	11	8	7	6	9	1a	b
R	56	35	35	52	13	42	31	20	58
Total	65	46	46	60	20	48	40	21	
Communal { MT	2	5	6	4	5	3	1	..	8c
MR	11	22	33	25	27	15	6	12	5d
E	1	2	5	1	..	1	..	..	1
A	1	..	2	..	..	..	..	..	..
X	5	..	..	..	..	..	..	..	..
S	..	..	..	..	12	..	..	..	..
Total	20	29	46	30	44	19	7	12	15
Special { C	6	7	15	3	2	3	3	6	5
L	6	3	5	6	4	5	3	..	..
U	1	1	2e	1	1	1	1e	..	1
Total	13	11	22	10	7	9	7	6	6
TOTAL	98	86	114	100	71	76	54f	39	79
NOMINEES									
Official	23	20	20	18	16	18	10	9	16
Non-Official	6g	5h	6i	5j	6k	9l	6m	5n	8o
Total	29	25	26	23	22	27	16	14	24
GRAND TOTAL	127	111	140	123	93	103	70	53	103
VOTERS in 000	1248	548	1020	1348	506	328	145	203	p
1923	1274	623	1034	1554	622	337	150	233	1763

To face

An Indian adult of sound mind is entitled to a vote or votes, (a) if not convicted of certain offences (general² or electoral) at any time within the preceding five years, and (b) if possessed of the qualifications—residence, membership of a community (e.g. Muslim, Christian, etc.) or a class (e.g. factory labourer, university graduate, etc.), property, payment of taxes to a specified amount, education, certain kinds of service (e.g. military),—laid down under the electoral rules for the particular legislative chamber in respect of its various constituencies. The property qualifications vary from province to province, and in the same province are not the same for rural as for urban areas, or even for all the rural or all the urban areas. The constituencies are general, communal, or special; and one enrolled in a general or communal electorate may also be enrolled in a special, if he has the special qualification required for it.

The provincial legislatures formed of the numbers directly elected by these thousands of voters grouped in constituencies, are large enough to be representative in the full sense of the term. They are also predominantly popular assemblies, since the elected members must be not less than seven-tenths of the total in each. Their representative character is still further strengthened by earmarking for representatives of particular classes or interests a number of the seats, one-tenth of the total or less, which are to be filled by nominated non-officials. In the nine provincial legislatures taken together there are fifty-six such seats, out of which forty-two are earmarked, each of which is to be filled by the nomination of a non-official member of the special class or interest for which it is earmarked. Nominated officials are to number no more than two-tenths of the chamber, and in every province the administration nominates only as many officials as are absolutely indispensable to furnish the necessary guidance and information to the house, and to place before it the experience the difficulties and the views of the administration. The governor in council can also nominate in addition a person or persons as experts, not more than one in Assam, not more than two elsewhere.

The general constituencies are urban (marked T* in the Table opposite) or rural (R). The communal constituencies

* T has been taken to designate the urban or town constituencies, as U is required for the special University constituencies.

The special constituencies are the Landholders (L), the University graduates (U), and Commerce and Industry, Planters and Miners (C)*. They have been assigned only ninety-one seats out of the total number of seven hundred and seventeen seats filled by election, and some more representatives of these classes might get into the legislatures by nomination. The University constituencies in particular have only nine seats in all. Property, capital and brains, however, might be well able to look after themselves by getting into the legislatures through the general and communal electorates also. But the framers of the present legislative structures have certainly overlooked (1) factory labour.⁴ It has not only no elected representative of its own, even of nominees to voice its views and grievances, it has only five for the whole of British India. Other glaring defects are:—(2) in U.P. urban areas are under represented,⁵ (3) the Panjab and Bengal legislatures are too communal, and, *per contra*, (4) the C.P.

* Urban factory labour constituencies are likely to be added at the third elections.

Section 72. Provincial Executives. The head of the province is not to be a member of his legislature; he has only the royal right of the constitutional pivot to command its attendance and to address it on suitable occasions. He convenes it, he prorogues it, and he dissolves it. But after a dissolution he must order fresh elections within six months. or with the sanction of the Secretary of State, nine months. And the president of the legislature, after the first four years, is to be one of its members elected to the position by itself, and assigned a salary by its own vote. This provision has already come into operation in every province except Barma.

The creation of a popular and representative chamber with the object of making it an organ to convey the sovereign popular will to the executive government and win compliance from it by political and constitutional means, necessarily involves material alterations in the structure of the executive government itself, and, moreover, a fundamental change in its psychology. Of the provinces, the frontier provinces of Baluchistan and N.W.F.P., and Barma also at first, were left outside the scheme. Ajmer-Merwara, Coorg, Dehli, and the Andamans were either not large enough or not fitted for representative government. C.P. and Berar, Panjab, and U.P., out of the remaining eight, were one man administrations. This was one structural defect. All eight were mere sub-agencies of the Government of India, and this in turn was merely an agent of the British sovereign, i.e. Parliament, Cabinet, and Secretary of State. This was another structural defect. Both could be and were remedied by the same Act that created the representative legislatures of these eight provinces. On the decision in 1922 to extend the reforms to Barma, both defects were remedied there also. But the change in psychology was a problem that had to be left to solve itself as we went along; only, proper steps had to be immediately initiated to secure in the services a personnel increasingly sympathetic towards this radical revolution. And this was done. The new men as they joined in the premier and provincial civil services would naturally pick up a mentality suited to the new order just as they picked up all their work. For the

men already here, brought up in different traditions, liberal conditions were provided to enable them to retire from their posts and from India without serious loss, if they chose to do so; the implication being that if they elected to remain, they were expected to adapt themselves to the new aims, the altered methods, and the changed conditions; that, at any rate, it would not be sporting in them to view this change itself as an intolerable grievance. Moreover, all the services were to be manned in all grades more and more by Indians.* The Indianisation of the higher grades in the Railway and other services has also been taken in hand, as noted in an earlier chapter. Whether these and similar measures so far taken were sufficient to secure the objects aimed at, is a matter about which there is ample room for differences of opinion. The best informed view would appear to be that a great deal more must be also done without delay, some of it rather hard for England to agree to. But at the same time it should never be forgotten that some of the worst legacies of the past no merely structural or administrative remedies or merely political developments could touch. We can overcome them only very very gradually and long after selfgovernment in its main essentials becomes fully established from end to end of our vast country. But that parliament and our rulers and those who have the greatest influence with them are not only wide awake in the matter but also honest and serious, that they realize the nature of what they have here started and will see it through, is not at all open to doubt. The attitude of mind that still persists in looking upon the Reforms as a pretence and a sham is not only unfair to England, it is also highly injurious in many ways to the best interests of our own country. And this is being recognised more and more: numbers are leaving the Swarajist party, to give a trial to what they call the new principle of "Responsive Cooperation."

The phrase "superintend, direct and control" was first used, we have seen, in Pitt's India Act. It has been repeated in every subsequent Act on the subject. Even the Act of 1919 repeats it. The Secretary of State for India is to "superintend, direct and control" most things relating to India. The Governor-General in Council (paying due obedience to the Secretary of State's orders) is to "superintend, direct and

* The Public Service Commission for the All-India and all higher services has been appointed, and will begin work from October 1926.

control" the civil and military government of India. But at both places the Act of 1919 inserts a preliminary phrase—"subject to the provisions of this Act and rules made thereunder." And this short and unpretending phrase makes all the difference. These "provisions and rules made thereunder" are the new law. And we may grasp its sum and scope best by at once putting aside such of these provisions as are negative, which merely enjoin that the old order, the old executives and the old legislatures, the old distribution of power and the old fetters of the 1858 and 1861 Acts, should cease to be. Our concern is with the positive provisions which enable the creation of the new order.

But prior to these provisions negative and positive, there is one preliminary or analytical provision. "Subjects in relation to the functions of government"* are to be "classified" into "central", "provincial," and "transferred" subjects; and of these the second group, or such provincial subjects as are not transferred, are also called "reserved" subjects. With this single new conception or distinction, the whole of the new structure is built up so as to provide organs suited to the birth and growth of responsible selfgovernment.

"Subjects in relation to the functions of government" cannot be transferred from one authority to another without the "allocation of revenues or moneys" for their "administration," without some method of making good to the first the revenues or moneys it loses by the transfer, either by "contributions" from the second to the first, or in some other way; nor could the administration of such subject or subjects be carried on by the new authority to the best advantage, without the power or freedom to legislate about it, or to raise loans on the security of the allocated revenues, or to impose fresh taxation, if and when necessary. And if the new authority is to be given to a body, which—a mere agent—never has had such independent responsibility in the past, it is all the more desirable to confer upon it this higher status so as to leave no ambiguity about it. Selfgovernment means not merely the power to administer, but administration, finance and legislation all three in one, each used as required to win the best results out of the other two. Moreover it was not enough merely

* The words and phrases in inverted commas in these paragraphs are all from the Act.

to make the junior provinces which were one-man administrations, like their seniors and merely to give them executive councils. All the nine provinces required a new organ quite different from executive councils. The executive councils would merely deal with the "subjects in relation to the functions of government" which were not "transferred." The announcement of parliament was that there was to be a grant of selfgovernment "by stages." And although parliament had also declared that the very first stage was to be a "substantial" advance, it never meant to transfer all the subjects at once; at the first stage, at any rate, some important subjects were "reserved"; and the function of the executive councils was to attend to these as in the past. Again, the provincial authority had still to continue to function as the agent of the Government of India in the administration of some of the "central" subjects, and the executive councils would have to attend to these also as in the past, "with due obedience to orders." But some important subjects were to be "transferred." They were to be transferred by the old sovereign, viz. the British Parliament, Cabinet, and Secretary of State, to a new sovereign, viz. the people of the province. The executive councillors of the province could not be made responsible to this new sovereign, since they were and would continue to remain responsible, in the last analysis, to their own sovereign, the British people and parliament and their supreme executive. Hence the creation, under the "provisions of this Act and rules made thereunder," of extensive electorates, representative chambers, and as their executive agents, naturally arising out of them and as naturally responsible to them, of *ministers*. The head of the province and his ministers are to be the executive of the new sovereign, the people of the province, just as the head and councillors are the executive of the old sovereign, the British people, who still continues as the senior sovereign. This new system of government is a *Dyarchy*, which means rule by two rulers or sovereigns; in the present case they are the British people and the people of the province. And this is the fundamental meaning of the term. But as by the word 'ruler' is also meant the person or body actually wielding the executive power on behalf of the ultimate political sovereign, *Dyarchy* also means (1) the Governor in Council and (2) the Governor and Ministers. both bodies ruling together, the first being in authority in relation to the "reserved" subjects and functions, and the

second, in relation to the "transferred" subjects and functions, and, finally, the first to continue the senior of the two, until the second, rooted in the soil, grows up and overshadows it.

We have just said that the executive council can be responsible to their own sovereign only. How, then, can the Governor be responsible both to him and to the people of his province? The constitutional answer to that is very simple. Because he has express instructions from his own sovereign to that effect;* because the role he is thus commanded to fill is that of a "constitutional" head, which from the point of view of any well-ordered mind is far higher than that of either an autocrat or of his subordinate agent; and finally because it is only in so far as he does carry out this command that he becomes in reality the provincial "viceroy," a genuine replica (though only for five years) of his own constitutional King whom he reveres. In actual practice, of course, one has to remember that there will be the same variations in the interpretation and performance of their duties by Governors, as by other persons, high and low.

How are these central, reserved and transferred subjects and functions defined? Not philosophically, but in the characteristic British manner, practically. "The expressions," says the Act, "mean subjects so classified under the Rules;" that is to say, the distribution into the three groups is to be accepted as the Devolution Rules, made by "the Governor-General in Council with the sanction of the Secretary of State in Council, and with the approval of both houses of parliament," lay it down by legislative fiat, operating strictly according to the procedure provided by the Act itself. Not that a deal of precise and expert deliberation was not devoted to the matter before deciding it. This is an essential feature of the British tradition in politics and administration, the value and importance of which, the Indian mind, immersed for centuries in abstractions and logomachies, appreciates very imperfectly. We have seen in Ch. X. how the exigencies of the administration had induced the Government of India to hand over more and more of the work to the provinces, to be attended to by each of them, as its trusted agent. The phraseology employed had been framed with revenue and expenditure as

* See preamble to "Instructions to Governors."

the matters principally to be attended to, and so the devolution of administrative functions had been disguised by being spoken of merely as a classification of the revenue and expenditure into Imperial Heads, Provincial Heads, and Shared or Divided Heads. In this scheme substitute the word 'subject' or 'function' for 'head,' and we have the starting point for our further deliberations. Of the various functions of government, the Imperial government was specially and directly concerned with some: this group, in our new classification, would be called central subjects. The provinces, under the arrangement as it had historically developed, were specially in charge of some others. And out of these provincial subjects, land revenue, stamps, excise, income tax, and irrigation were, in the system as it had grown up, "divided heads": some, in some of the provinces only, the rest in all. What was to be done with these? Secondly, what would be the best changes to make in the old distribution, since the question now was wider than that of revenue and expenditure only? And, thirdly, what subjects out of the provincial group were to be "transferred"? These were the questions from which we had to advance to a solution of the new problem set to us by our new aims.

The Montagu-Chelmsford Report indicated the solution in outline. It recommended that—

- (1) Income tax should remain a central subject.
- (2) Stamps should be subdivided into general and judicial, and the first should remain a central subject.
- (3) The other divided heads should become provincial subjects; and since land revenue, the largest individual item in income, would thus become "provincial," the responsibility for famine relief and for major irrigation works, protective as well as productive, should also devolve on the provinces.
- (4) Applying this scheme to the budget figures for 1917-18, it was found to give the provinces as a whole a gross surplus of Rs. 15.6 crores, and,

conversely, to leave the central government with a deficit of Rs. 13.6 crores. Hence the Report also recommended that each province should make a "contribution" to the central government out of its surplus, and so calculated that the provincial contributions added together should be sufficient to wipe out the deficit of the central government.

- (5) The Report anticipated that the Reforms would mean a rising scale of provincial expenditure especially on education and other nation-building services; and it therefore laid down as a cardinal principle that any scheme of handing over resources to the provinces must give them greater resources than in the past, so that it would necessarily leave the central government less than what it required for its needs. In a few years no doubt the central government would be again able to balance its budgets; but, in the meanwhile, the provinces will have to hand over to it part of their surplus. And it recommended that such annual contributions must be the first charge on the provincial revenues.
- (6) And finally, since independent administration was unthinkable without legislative and financial independence also, it recommended that these powers should also be conferred upon the provinces as far as necessary.*

This, however, was but a sketch in broad outline. The central and provincial governments set to work collecting and arranging the relevant material along these lines, probing the difficulties and formulating suggestions, and the question was thoroughly examined by the Functions Committee. They prepared a detailed classification of "subjects," and advised that the power of the central government to interfere even in transferred subjects was to continue for two objects only; viz. (1) to safeguard central subjects, and (2) to decide interprovincial questions, when the provinces concerned were

* Report I. C. R., Ch. 8.

themselves unable to come to an agreement. And on reserved subjects they decided that, though the executive primarily responsible for them was the Governor in Council, the provincial legislatures were concerned with them as directly as with transferred subjects, and therefore they advised the higher authorities that in their control of these reserved subjects due regard was to be paid to the new aim of developing and progressively realising responsible selfgovernment in the provinces leading on to provincial autonomy.

Finally, the Joint Select Committee in reviewing the question as a whole observed that "India is not yet ripe for a true federal system, and the central government cannot be relegated to functions of mere inspection and advice. The Committee trust, "nevertheless," that there should be "an extensive delegation statutory and otherwise" to provincial governments. Again, distinguishing between reserved and transferred subjects, they advised that in so far as a reserved subject was purely provincial, the Secretary of State should ordinarily allow the provincial view to prevail "when the executive and the legislature of the province were in agreement and that in the transferred subjects" he and his agents (the Governor-General in Council) should restrict their control "within the narrowest possible limits." The Devolution Rules finally approved transferred

- (a) Forests to Bombay only.
- (b) Public works, Fisheries and Excise to all the nine provinces except Assam,¹ and
- (c) Sixteen other subjects to all the nine, in which the principal are Local Selfgovernment, Agriculture, Public Health and Sanitation, Medical Administration, Education other than that of Europeans and Anglo-Indians and exclusive of institutions like Chiefs' Colleges, the Benares Hindu University, and (for five years only) the Calcutta University and Secondary Education in Bengal, Development of Industries, and Co-operative Societies.²

Section 73. Ministers and Members of Council. It has been noted in section 22 *ante* that Mr. S. P. (later Lord) Sinha was the first Indian to be appointed a member of the Governor-General's executive council. Lord Morley added an Indian at the same time to the executive councils of Bombay and Madras, raising the number of councillors in each presidency from two to three. The Indian Councils Act, 1909, gave a similar executive council to Bengal, and Behar and Orissa obtained one by the Government of India Act, 1912. The other provinces were one-man administrations upto 1919. On the introduction of the Montagu Reforms, the executive in the three presidencies was strengthened to four members of council (two I.C.S. men and two Indians) and three ministers each, and in the other provinces to two members of council² (a member of the I.C.S. and an Indian) and two ministers each.* But at the second elections the Swarajya party obtained a majority in the C.P. and B. legislature³ and a working majority in Bengal; and as these two legislatures would not vote ministers' salaries, the Reforms there broke down, and the transferred subjects have had to be taken over by the Governor for administration, as an emergency measure.

A minister is to get his appointment on the selection of the Governor and to hold it during his pleasure. He will usually be one of the elected members of the provincial legislatures, but one who has not been elected may also be appointed, and the Act provides that such a minister cannot continue in office "for a longer period than six months, unless he becomes an elected member of the legislature."

All orders and other proceedings of government concerning the central and reserved subjects are to proceed from and are to be expressed as the acts of the Governor in Council, and those concerning transferred subjects are likewise to proceed from and to be expressed as the acts of the Governor and Ministers. And the Governor has to make rules for the more convenient transaction of business both in his council and with his Ministers, and for regulating the relations between these two halves of his government.

The Joint Select Committee advised and the Instructions to Governors enjoin that it is for the Governor "so to regulate

* See Muddiman, *Minority Report*, Ch. 4.

the business of the government," that the responsibility of each half of the dyarchy for its own share of the work "be kept clear and distinct." But the Committee advised at the same time and the Instructions also enjoin that the Governor should "nevertheless encourage joint deliberation between himself, his councillors and his ministers, in order that" government might have the benefit of the experience of the first as well as the knowledge of the second as to the wishes of the people.

Lastly, on the relations between a governor and his ministers in connection with transferred subjects, the Act says that "the Governor shall be guided by the advice of his ministers unless he see sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." Here the phrase "sufficient cause" is not really vague if we remember that the Governor has duties in connection with the central and reserved subjects, some of them bound up with such high matters as safety and order, religious toleration, and solvency; and that, even with regard to the transferred subjects by themselves, the view of the minister might not always be the view of the legislature or of the people. To quote again from the Instructions: "in considering a Minister's advice and deciding whether or not there is sufficient cause (note the use of the same phrase as in the Act) in any case to dissent from his opinion, you shall have due regard to his relations with the legislative council and to the wishes of the people of the presidency as expressed by their representatives therein" (Clause VI).

The Joint Select Committee's observations on some of these important matters deserve to be quoted at length.

I.C.S. men and Indians in the Executive Council. "The second matter which has been brought to the Committee's notice is the desire that they should reconsider the recommendation made (in their first Report) that if a provincial Executive Council contains two members with service qualifications, neither of whom is by birth an Indian, it should also contain two non-official Indian members. The Committee have given their best consideration to the arguments upon which the request was based, but they see no reason to change their opi-

nion." This is a good illustration in miniature of the determination of the Services to contest the ground, even in a losing battle, inch by inch; it is likewise a good illustration of the justification there is for the liberal faith that an appeal to the broadminded statesmanship of England if pressed home as it should be, has a fair chance of success.

Ministers. "The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council, enjoying its confidence and capable of leading it. A Minister will have the option of resigning if his advice is not accepted by the Governor, and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election; but if this course is adopted the Committee hope that the Governor will find himself able to accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers, while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so; and in the opinion of the Committee it is better that they should, and therefore that the fact should be recognised on the face of the Bill. They advise that the status of ministers should be similar to that of the members of the executive council, but that their salaries shall be fixed by the legislative council."

"The Committee desire at this point to give a picture of the manner in which they think that, under this Bill, the government of a province should be worked." Apart from the innumerable matters dealt with departmentally, "there will remain a large category of business which would naturally be the subject of Cabinet consultation. In regard to this, the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such

subjects." At the same time, "the Committee attach the highest importance to the principle that.....when it is clear" where the decision lies, it should be recorded separately either as the decision of the Governor in Council or as that of the Governor and Ministers.....

"The Governor may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction....He should never hesitate to point out to ministers what he thinks is the right course, or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to accept his advice, the Governor should ordinarily allow ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. In India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility."

"In the debates of the legislative council members of the executive council should act together and ministers should act together." When disagreeing, neither half of the dyarchy "should be required to support" the other "by speech or vote;" but neither "should oppose" the other.

Is this dyarchy, which has now been in force for over five years, succeeding? The more general question—Is dyarchy a success or a failure?—is to my mind unmeaning. Dyarchy has been introduced with the sole object of a gradual advance to responsible selfgovernment or *Swarajya* of the parliamentary pattern, and until we definitely attain the goal or decisively turn away from it, there can be no answer to the general question; on the other hand, when we do either, that itself would be a complete answer, and the only question of interest then would be the further one, What next? That dyarchy is not easy to work is self-evident: no halfway house can ever be comfortable to dwell in as a permanent abode. The many inconveniences we are able to put up with in the strength of our belief that they are but temporary, and in the strength of our hope and our firm resolve to attain our destination without loitering on the march. However, one

fact of cardinal importance is perfectly clear. That section of the Indian *intelligentsia* who are animated by the belief, the hope and the resolve just referred to, have been found wanting at a crucial moment in enterprising leadership. Liberals, independents, nationalists, evolutionists, Anglo-phils, call them what you will, at the end of the first elections they had a golden chance before them. The party of sentiment and Anglo-phobia, the haters of all that is western, the *shuddha* (pure) *swadeshi-ists*, the mediaevalists led by M. K. Gandhi and Mahammad Ali, the non-cooperators, the irreconcilables, the ideologists, call them what you will, had committed the colossal silliness of boycotting the Councils, and had left the game entirely to those who prided themselves on their sobriety, statesmanship, administrative experience, and constitutionalism. But the elected M.L.C.'s were quite unable to seize their chance and turn it to advantage. Any similar body of Anglo-Saxons, no matter how numerous the differences dividing them and how deep, would have in less than a fortnight created a majority party, and their ministers with these solid votes behind them, would have hit upon a policy of advance, simple enough to appeal to the masses, and at the same time securing substantial benefits so as to win over the thoughtful minority, a fighting policy that the bureaucracy would have found difficult to acquiesce in without a contest. The unspeakable horrors of the Panjab had been so recent, the Indian Muslim was in such a state, Lord Reading and the bureaucracy had no choice but to play a waiting game. They had to soothe, to mollify, and to gain time anyhow. And the M.L.C.'s all over the country merely played into their hands. The bureaucracy wanted the first legislatures to last their full term and their proceedings to be models of barren verbiage and empty encounters. And there were no statesmen on the popular side to perceive that that was just the reason why, from their point of view, the game to play was a fighting game on live issues, forcing the pace, compelling the Governor to dismiss the ministers, dissolve the legislature, and appeal to the constituencies within the triennium. Our first ministers and M.L.C.'s, however, were themselves not a little afraid at that time of facing their own constituencies or any public meetings whatever. How can such carpet knights be good for anything but mock tournaments and kaleidoscopic pastimes? The legislatures were merely a scene of shifting groups and dissolving unions, where whether a grant was voted or thrown out

or reduced, or a bill became law or was dropped or was altered beyond recognition, no decisive political advance was possible. A party with a stable majority was not formed,* a forward policy on live issues was not framed, and nothing else could have served the turn. An opportunity such as occurs but rarely in any country was missed; there were few in the country even to perceive that such an opportunity was ready to hand, if leadership was forthcoming bold enough to seize it and turn it to decisive account. With the advent of the second legislatures the opportunity had passed: the problem had become more difficult in proportion to the strength of the irreconcilable element inside each legislature; the problem had become more difficult in proportion to the confidence the bureaucracy had recovered in their own strength; the problem had become more difficult in proportion to the incapacity the liberals had betrayed for political organisation.

Thus the only answer we can at present give to the question—How far is this dyarchy succeeding, is it succeeding at all?—might be put somewhat as follows. At the time of the first elections a large number of the voters was irreconcilable and non-co-operated. At the second elections many of these non-cooperators so far cooperated as to send irreconcilables into the legislatures as their representatives. And during the triennium that is coming to a close an increasing number of these M.L.C.'s who began as irreconcilables are gradually learning that not root and branch non-cooperation but responsive cooperation is the right policy to pursue about the Reforms. This educative process is bound to continue both with the constituencies and their representatives, and as soon as the irreconcilable element finding its way inside the legislatures dwindles to a mere group, the moment will approach for forming a national, swarajya, or progressive party with a stable majority, trying to carry through a fighting policy on live issues against the determined and resourceful opposition of the bureaucracy. To repeat the constitutional formula of the Joint Select Committee, it is only when we can give to the Governor "ministers enjoying the confidence of the legislature and leading it," in other words, it is only when our ministers have a stable majority behind them in the legislature, that the advance to *Swarajya* by political

* The case of Madras is exceptional where both the elections sent to power a stable majority of Non-Brahmins.

and constitutional steps can begin in right earnest. Since we failed to throw up leaders who could supply this essential of political victory at the inception of the Reforms, we have to wait until experience and the growth of political organisation gradually educate legislatures and constituencies alike. Under the parliamentary system, politics are a game requiring team work and fair play under rules and conventions so well established as to be axiomatic. Our voters and representatives have to learn to play the game with all their intelligence vigour and spiritual idealism before we can win *Swarajya*.

The report of the (Muddiman) Reforms Inquiry Committee (1924) and the evidence the Committee collected, sifted and considered, are full of concrete instances of the manner in which this dyarchical system has been actually working in the various provinces. One minister is shown to have been ignorant about the limits of his own authority over the services, another is seen to have resigned as an act of personal fidelity to his colleague, and a number of witnesses with ministerial and administrative experience appear to hold that a few words more or less in the Act or in the Rules under it would be sufficient to introduce reforms vitally modifying the present system for the better. The growth of political institutions habits and conventions is not so simple an affair. The joint responsibility of ministers is impossible unless the legislatures contain a solid political party supporting the ministers jointly in all divisions and debates of importance. A rule that the Governor shall select as ministers only such persons as are acceptable to the majority of the legislature would be either futile or unnecessary. If any one in the legislature has such support the Governor will be obliged sooner or later to "send for him," in which case the rule is unnecessary. And if there is no one commanding such political influence in the legislature, the Governor must still select his ministers how he can, and will keep them as long as they work with him and are severally able to secure support for Government measures in the legislature. Political organisation or fishing for votes,—no third method exists by which legislature and executive can work together.

The formal power of appointing ministers must always remain with the Governor; his power and discretion will con-

tinne real and unfettered until the constituencies and legislatures are better organised. Personal and communal groups in the legislatures and momentary coalitions on particular questions only must give way to stable political parties, like the Non-Brahmin party in Madras, capable of preserving their continuous individuality in spite of a few members always leaving at one end and a few joining at the other. Nor can the stability cohesion and moral influence of political parties in the legislatures be independent of and unconnected with the condition of the constituencies; political organisation in both must go on more or less together, although at one period the parties in the legislature would appear as active forces trying to establish and spread themselves in the constituencies, and at another the parties in the constituencies would appear more dynamic, with the parties in the legislature as merely their reflected or selected agents. To quote once more the pregnant words of the Joint Select Committee, under a parliamentary system the ministerial half of the dyarchical executive cannot win real power and influence except in so far as the ministers are "the leaders of their legislature enjoying its confidence," and able to utilise the voting strength at their disposal on behalf of a policy of material benefit and justice to the people.

The Muddiman Committee Majority Report advises that "joint deliberation between the two sides of the Government on important questions should be definitely enjoined" (para. 96);* that the Instructions to Governors, Clause VI, should be amended "so as to provide that the Governor should not in transferred subjects dissent from the opinion of his Ministers unless to prevent unfair discrimination between classes and interests and to protect minorities," and that a Minister who has resigned should have the same right as in England to make in the Council "a personal explanation on the causes of his resignation" (para. 101); that both a Member of Council and a Minister should be able to bring any matter in his own department "before the joint Cabinet"; and that the secretary inform the minister of all important cases which the first proposes to "refer to the Governor" and especially "of every case in which he differs from the minister" (para. 102). These

* See Minority Report, Ch. 6 also, on all these matters.

changes would certainly serve to reduce the variations in practice between the different provinces and even in the same province at different times, and remove anomalies in the position of ministers, which have been shown to exist as a matter of fact. But under dyarchy the junior half of the executive cannot become the equal partner of the senior half and the *de facto* ruler of the transferred subjects, unless and until the legislatures become politically organised.⁴

Section 74. *Provincial Finance.* Administration, finance and legislation hang together. The provincial executives could not be raised from the position of agencies to that of governments, the people of the province could not become the sovereign with respect to any of the functions of government, unless a beginning was simultaneously made in ending their dependence upon and subjection to the former sovereign in finance and legislation. In considering the transfer of functions we have seen that the Montagu-Chelmsford Report also sketched the changes by means of which the provinces could be made financially independent of the central government. The Financial Relations Committee presided over by Lord Meston examined the matter in detail. And, to resume our summary of this complicated subject from the point where we left it in Section 72 *ante*, instead of the figures for 1917-18 which the Montagu-Chelmsford Report had taken by way of illustration, they took as their bases the estimates for 1921-22, and concurring with the Montagu-Chelmsford recommendations, they advised that Stamps in addition should remain undivided and the subject as well as the revenue from it should go to the provinces. This meant that the deficit to the central government for 1921-22 would be Rs. 983 lakhs and that the increase of income to the provinces collectively from the introduction of the reforms would be Rs. 1,850 lakhs. And recognising the great disparities in financial strength which were patent on the most superficial comparison of the provinces one with another, they decided to fix the contribution of the richer and more developed provinces at about sixty per cent of the additional income or spending power which each obtained in consequence of the reforms, to fix it at about forty per cent for C.P. and Berar and Assam, and to treat Barma and Behar and Orissa exceptionally, since in these two even the prime needs for bringing up the administration to the same level of efficiency as in the other provinces were far in excess of their

undeveloped resources. The actual figures are shown in the following Table, column 3:—

The Meston Award for 1921-22.

In lakhs.

1 PROVINCE.	2 Increased Spending Power	3 Contribution to Central Government.	4 Balance (2-3) left with the Province.	5 Column 3 as % of Column 2.	6 Col. 3 as % of Central Deficit- or 983 Lakhs.	7 Standard % of Contribution to Deficit.
Madras	576	348	228	60.4	35.5	17
Bombay	93	56	37	60.2	5.5	13
Bengal	104	63	41	60.6	6.5	19
U.P.	397	240	157	60.4	24.5	18
Panjab	289	175	114	60.5	18	9
Barma	246	64	182	26	6.5	6.5
B. and O.	51	..	51	..	..	10
C.P. and B.	52	22	30	42.3	2.0	5
Assam	42	15	27	35.7	1.5	2.5
	1850	983	867	53	100	100

It was obvious that the deficit in the central government would recur for several years, and an adjustment as precise as for 1921-22 was required for the next few years also. Something more equitable than the contributions for 1921-22 was necessary for these later annual deficits: some basis of calculation correlated not to the increase in the provincial spending power but to the deficit itself, and with the amount to be contributed by each province bearing some equitable ratio to its capacity relatively to the other provinces. By means of various calculations and considerations, including the allowance to be made for what each province was indirectly paying to the central coffers in the shape of customs, incometax, salt tax, etc., the Committee hit upon what they called the "standard percentage of contribution" to be paid by each province towards the deficit of the central government. And they advised that this standard rate, which has been shown in the last column of the above Table, should be payable in the seventh

year or 1927-28, and that the annual contributions from 1922-23 to 1927-28 should rise to or fall to this standard by six equal stages.*

Most of the provinces raised serious objections to this scheme, and the three presidencies expressed the greatest dissatisfaction with it. But the Joint Select Committee in view of the manifest "impossibility (in such a matter) of arriving at any solution acceptable to all" and "of removing by a stroke of the pen inequalities which are the result of long standing and historical causes," modified the Meston award in minor particulars only. The provinces were to pay the 1921-22 contributions set down by the Meston Committee. The standard rate the Meston Committee had worked out appeared to them as satisfactory an approximation to the equities of the case as was attainable under the present state of our knowledge about the capacities of the provinces relatively to one another. They also agreed that the provinces upon which an excessive burden had to be laid for the year 1921-22 should be asked to pay a progressively smaller contribution. But the so-called standard rate was after all an abstraction. They accepted it only as a basis for the above reductions. But for the provinces which had been let off lightly for 1921-22, they refused to agree to corresponding enhancements in order that in their case also the standard could be reached. Instead, they turned the contributions for 1921-22 of these provinces into the maximum contributions they would ever be called upon to hand over to the central government. And since Bihar and Orissa had no contribution to pay for that year, it thus acquired the enviable distinction of never having to make any contribution at all. These changes in the Meston award were embodied by the Joint Select Committee in the eighteenth of the Devolution Rules¹—which, however, the Government of India have not found it possible to give effect to. There has been a series of lean years requiring fresh taxation; but the scheme, even as pruned by the Joint Select Committee, is too elaborate to commend itself to any practical financier. Another particular emphasized by the Committee was that "special consideration" was due to Bengal on account of its "peculiar financial difficulties." And, thirdly, they advised a very small share to be given to the provinces out

* See Meston Report table—para. 28.

of the income tax proceeds collected by each from its own subjects.²

The net result can be stated very briefly. From 1922-23 the provinces taken together have received as their share of the income tax about Rs. twenty five lakhs per year out of a total annual income to the central government from this source of nearly Rs. 1,800 lakhs; this means one and a half *per cent.* or less than three pies in the rupee. Turning to the provincial contributions, Bengal has so far paid the first contribution only (1921-22). In 1922-23 it persuaded the central government to let it off for three years, so that from 1922-23 onwards the latter has only obtained from the provinces Rs. 920 lakhs per year. And in 1925-26, finding itself in a position to present a surplus budget without additional taxation, the government of India remembered its repeated promise to reduce provincial contributions and eventually to extinguish them at the earliest possible moment. It extended the exemption to Bengal for three years more, and reduced its total levy from the provinces by an additional sum of Rs. 250 lakhs, conferring the benefit, however, upon four provinces only—Madras, to the extent of Rs. 126 lakhs (50.4%); Panjab, 61 lakhs (24.4%); U.P., 56 lakhs (22.4%); and Barma, 7 lakhs (2.8%).*

Other essential parts of the Montagu-Chelmsford scheme are secured by other Devolution Rules. Rule 24 makes the financial responsibility for productive and protective irrigation works in each of the provinces wholly provincial. Even the Government of India debt for such works constructed prior to the introduction of the Reforms and not wiped off till then, is transferred to the province concerned. Rule 29 requires each province to establish and maintain out of its revenues a Famine Insurance Fund for itself, and forbids its use except on famine relief, or for works undertaken for the prevention of famine, or for protective irrigation works. The total amount to be thus annually set aside by the provinces collectively is fixed at Rs. one crore and seventy-five lakhs, and the amount each province has thus to reserve is also prescribed, in view of its recent famine history.³ The unexpended

* See Finance Department annual volume—Budget, for each year from 1921-22 onwards.

balance in any year is to be accumulated with the interest, until the total with the additions year by year grows to six times the amount fixed by the rule to be annually set aside out of revenues. It is only when the provincial Famine Insurance Fund reaches this figure that further annual provision for the purpose might be suspended. *Tagavi* recoveries and interest, as well as recoveries of loans and interest from cultivators helped under the Act of 1884, are to be credited to this fund as they are realised; and the unexpended balances may also be utilised, as in the past, in such indirect forms of relief or prevention. Finally the subject of provincial finance may be wound up by quoting Rules 19, 20 and 31, which explain themselves.

"19. In cases of emergency the local government of any province may be required by the Governor General in Council, with the sanction of and subject to the conditions approved by the Secretary of State, to pay to the Governor General in Council a contribution for any financial year in excess of the amount required by the preceding rules in the case of that year."

"20. The contributions and assignments fixed under the preceding rules shall be a first charge on the allocated revenues and moneys of the local governments concerned, and shall be paid in such instalments, in such manner, and on such dates, as the Governor General in Council may prescribe."

"31. Expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the government which is responsible for the administration of reserved subjects."⁴

Section 75. *Provincial Legislatures: Procedure.* The English parliamentary system is distinguished, we have seen, by a fusion of the executive and the legislature. The bodies in charge of each of these functions of sovereignty are mixed up and influence each other continuously. The legislature

creates and sustains the cabinet; this, on the other hand, rules the legislature and on occasion has the power to appeal from it to the electors at large. The actual working of so complex an organisation "involves three problems: first, the regular forms of procedure; second, the action of the executive and of private members, operating subject to these forms; and third, the methods by which the executive maintains a control over its own supporters, and through them over the house itself."* Of these three, the third problem emerges only when the "ministers" are collectively the leaders of an organised majority in the legislature: i.e. it would materialise only as political organisation develops in constituencies and legislatures alike. Until then Governors will be constrained to select as ministers such prominent members of the legislature as have a more or less stable following amongst the other members, and ministers and members of council alike will be constrained to fish for votes to secure the passage of government measures through the legislature. It is only as leaders come to the front steadily supported on political grounds by groups composed of an increasing number of members, so that the number of members unattached to any group falls to an insignificant fraction of the total, and the number of groups in the legislature as a whole also falls to five or less, that open and stable combinations between two or more groups on political grounds will come into existence, and the demoralising and underhand practices inseparable from fishing for votes will cease to be necessary. A system of parliamentary responsibility works at its best only when the whole country is politically organised into two parties, neither of them "irreconcilable," i.e. both loyally accepting the constitution; but it seems that in our vast and much divided country we shall not reach a two party organisation except only very gradually, and only through an organisation into political groups, four or five for each presidency. Nor will such groups easily develop the power to coalesce into larger political combinations except in provinces like Bombay and Madras, where fissiparous communalism and parochial narrowness are relatively weak.

The second of the three problems mentioned above is dealt with in the Indian legislatures, central and provincial, by an order from the Governor General or the Governor, al-

* A. L. Lowell, *Government of England*, I 252, generalised.

lotting a number of days in the session on which precedence is given to the bills and motions of non-official members, and the Governor General or the Governor has also the power to alter such allotment in the course of a session.¹ The order in which these private members' bills and resolutions are to be taken up is settled by ballot. A bill not disposed of during the session in which it is introduced is taken up again in the next session, and priority amongst such bills depends upon the stage reached by each during the preceding session, and amongst bills at the same stage of progress upon the date of the original introduction of each. At the end of the period for which a legislature is elected, all such bills as have remained unfinished die a natural death. Lastly, if a member is so careless about his bill that though unfinished during the session in which it was introduced, he makes no motion about it during two consecutive sessions thereafter, it lapses, unless in the third session the house permits its revival. Resolutions, on the other hand, which remain undebated during a session for want of time, lapse automatically at the end of the session.

The bulk of the Rules and Standing Orders for the conduct of business in each house deal with the questions arising under the first of the three problems mentioned above. The distinction between Rules and Standing Orders is that the former were made by the Governor General in Council, sanctioned by the Secretary of State in council, laid in draft before parliament and duly approved by them, while the latter were in the first instance made by the Governor General or the Governor in Council but are subject to alteration by the house concerned, with the assent of the Governor General or the Governor; and a Standing Order repugnant to any Rule is *ipso facto* void, but only to the extent of that repugnance. Another distinction is that the Rules lay down general directions while the Standing Orders supply the detailed procedure by which to give effect to them, so that both Rules and Standing Orders have to be taken together in order to grasp the actual procedure regulating the course of business in each house. The principal items of business a legislature is concerned with are:—(a) Questions and supplementary Questions; (b) Motions for Adjournment; (c) Bills and Amendments; (d) Resolutions; and (e) the Budget and Grants. Let us briefly note the procedure on each of these matters in order; and at the end we

shall also have to add some other important rules of procedure which may be grouped together as (f) Disciplinary and miscellaneous.

(a) The business each day begins with Questions, and the first hour is usually spent in answering them. Every question requires notice and must be confined to matter of fact; the President may disallow any question if it does not primarily concern the executive head to whom it is addressed, or if it is not properly worded, or if it is in his opinion an abuse of the right of questioning. Arising out of the answer given, a supplementary question to further elucidate some matter of fact might be asked, but if the minister or member of Council to whom it is addressed requires notice for it, it will be treated as a fresh question. A question to a non-official member must be in connection with some bill, resolution, or other matter for which that member is responsible.²

(b) As soon as questions are over, an adjournment of the business of the house for the day may be moved to afford an opportunity for giving expression to popular feelings and desires and for the purpose of eliciting the attitude and policy of government on some single specific matter of recent occurrence which is of urgent public importance; provided that the matter has not been already discussed earlier in the session, or is not coming up later in connection with some other motion, notice of which has been already given. A few hours' notice of such an urgent matter is all that would be possible, and the Standing Orders provide that if the member has handed over the matter in writing to the Secretary or the President before the house meets for the day, his motion would be in order. And the President has to certify in writing that he sees no objection. This corresponds to the right of the Speaker in the house of commons to decline to submit such a motion if he thought that it was not specific enough, or not urgent enough, or not of sufficient public importance. But in addition to the President, the house has also to show that it considered the matter urgent and important enough to spare time for it on that day. And it does this either by no member raising an objection to the adjournment, or in case some member objects, by not less than twentyfive members* rising

* For the Legislative Assembly the minimum required is 25; for the Council of State, 15; for the Bengal Legislative Council, 30; &c.

in their seats in support of the motion. If they do so, the President infers that the desire for an early discussion is not confined to a few members or to one section only of the house; and he fixes some hour in the afternoon for the motion. And the debate begins at that hour or as soon as the business for the day is completed, unless in the meanwhile the head of the government informs the house that such a debate on that day would not be in the public interest, or that the matter was not primarily the concern of his government, or that it concerned affairs on which it was not competent for the house to move any resolution. But if the head of the government raised no such objection, the debate would take place and the Standing Orders prescribed time limits both for the individual speeches of members on such a motion as well as for the discussion as a whole.

(c) The procedure with respect to bills is not the same in any two of our legislatures. But the general principles underlying the variations in detail are the same for all. A bill has to be published with a full statement of Objects and Reasons. When first introduced the debate is to confine itself as far as possible to the principle of the bill. Sufficient time is to be allowed as a rule for eliciting public opinion upon it. A bill that is contentious or in any degree complex is to be referred to a select committee of the house. When the member in charge of the bill presents the report of the select committee, the bill as recast by the committee may be republished and it may thereafter be sent back to the committee either without limitation or with instructions to them to introduce into it some particular change or changes. When the bill comes finally before the house any member may propose amendments; and the bill is considered in detail clause by clause with the amendments relating to each. At the end of the debate on each clause, the President puts the question of the clause (or that the clause as amended) stand part of the bill. And finally, and as a rule after an interval, the bill as a whole is put to the vote in its final form.

(d) A resolution must be on a matter of general public interest; it must be clearly expressed raising a definite issue and in the form of a specific recommendation to government; and only one such resolution on one and the same matter is allowable in the course of a year. The period of notice requir-

ed for it may be curtailed by the President with the consent of the member in charge of the department to which the resolution refers. Amendments of which due notice has been given and are otherwise in order may also be debated upon along with the resolution, and the President has full discretion to put first to the vote either the resolution or any of the amendments, and in doing so to put each either in the form adopted by the mover or to divide it up into parts and put each or any part separately to the vote.

(e) The Budget is to be dealt with in two stages. A statement of the estimated annual revenue and expenses is presented before the end of the current financial year, and on the day or days allotted for the purpose there is a general discussion on the statement as a whole, to which the finance member of council has a right of reply. The budget is then recast in the light of this discussion and with the estimates adjusted to the latest actual figures available, and the estimated expenditure for each department is presented in the form of a demand for a grant to that amount, but the demand must present not only the total amount asked for but detailed statements as well, showing the total divided up into items. The demands for the transferred subjects are to be kept distinct from the demands for reserved subjects; and the finance member is free to include the appropriations for more than one department in one demand, and also to present demands, such as for interest on loans, famine insurance and relief, &c., which do not fall under any one department. Twelve days as a maximum* are allotted for the house to get through these demands and not more than two days for any one of them. No motion for appropriation is allowed unless it proceeds from the executive, nor is any motion by a private member in order except one to omit or reduce any item in the grant, or to reduce the demand or omit it altogether. All motions about items have to be disposed of before the motions about a demand as a whole.

Supplementary estimates and demands for new grants or excess grants or reappropriations may be presented when necessary in the course of the year, and are to be dealt with just as if they were demands for grants. Rule 32† on the subject was to the effect that—

* The maximum time allotted in the central legislature is fifteen days.
† Corresponding to Rule 50 of the central legislature Rules.

“(1) An estimate shall be presented to the house for a supplementary or additional grant when—

- (i) the amount voted in the Budget of a grant is found to be insufficient for the purpose of the current year, or
- (ii) a need arises during the current year for expenditure for which the vote of the legislature is necessary upon some new service not contemplated in the Budget for that year.

(2) Supplementary or additional estimates shall be dealt with in the same way as if they were demands for grants.”

In July 1924, the Bengal Government presented to the Bengal Council as a supplementary demand “a grant for expenditure under the Head 22—General Administration (Transferred) on account of the salaries of the ministers.” At Budget time the legislature had rejected this item on the 24th March by a majority of one. And two members of the Bengal Swarajya party took the matter to the High Court praying for an injunction that the President of the legislature be restrained from putting such a grant to the vote. They relied upon the fact that the above Rule (and Rule 31 as well as Rules 50 and 49 of the Indian Legislature Rules which dealt with the same subject matter in identical terms) did not cover a second demand (for a transferred subject) within the budget year, for a grant which the legislature had definitely negatived at budget time; and they argued that the spirit of the Rules, and in fact of the dyarchical constitution taken as a whole, was incompatible with the course proposed. Mr. Justice C. C. Ghosh of the High Court granted a temporary injunction (7-7-1924), but added at the same time that the Rules would appear to require some amendment in view of the unforeseen situation that had arisen. The Government of India thereupon amended the above Rules (21-7-1924), adding a new subsection between the original subsection (1) and subsection (2),* as under:—

“(2) An estimate may be presented to the legislature for an additional or supplementary grant in respect of any demand to which the legislature has previously refused its assent, or the amount of which the legislature has reduced

* The old sub-section (2) was in consequence re-numbered sub-section (3)

either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed."

In reply to questions on the subject in the central legislature the government spokesmen relied upon an observation of the Joint Select Committee in their Report on clause 11 of the Bill of 1919: that "in cases where the legislature alter the provision for a transferred subject, the Committee consider that the Governor would be justified if so advised by the ministers in resubmitting the provision to the legislature for a review of their former decision, but they do not apprehend that any statutory prescription to that effect is required."³ The answers in the central legislature added that both the Secretary of State and the Government of India agreed in that view, but in consequence of the temporary injunction granted by the Calcutta High Court and because of the opinion expressed by the learned judge, they had thought it "desirable *ex majori cautela* to amend the rule." Dr. H. S. Gaur's supplementary question whether the amendment was not a departure from the established constitutional practice in the house of commons, remained unanswered.* And there is no doubt that the amendment would tend to weaken the position of ministers and of the legislature relatively to that of the senior half of the dyarchy, and would tend moreover to increase the fishing for votes by the executive, so as to upset an adverse decision of the legislature by a favourable vote at a later date.† The amendment, there can be no doubt, is a retrograde step, and is a clear instance in miniature of partisan blindness at one end provoking equal blindness at the other.

At the beginning of the financial year a Committee on Public Accounts is constituted, two-thirds of whose members are elected by the non-official members of the house, by proportionate representation and by means of the single transferable vote. The remaining members are nominated by the head of the Government. The Finance Member of Council is chairman of this committee, and the nature of its duties may be roughly indicated by saying that it enables the legis-

* India's Parliament Vol. IX, pp. 485-7, 489-90.

† See G. N. Banerji for similar criticism in stronger language, pp. 208, 208.

lature to control the expenditure of the administration in some detail.

(f) The house elects one of its members to be deputy President,* and the President nominates besides a panel of not more than four chairmen. The power of the chair in disallowing questions, or motions to adjourn, or resolutions, has been already referred to. Every item of business coming up before the house requires notice, and it rests with the chair to insist upon the full period of notice or to waive it more or less, generally in consultation with the member of government to whose department the matter refers. Then there are what might be termed the disciplinary powers of the chair. These are of various kinds and ample in each kind, in all legislatures framing their procedure upon the English model. The visitors' gallery and the press gallery are open only to those who obtain tickets of admission from the president; and he may order them to be cleared at any moment. Under the English system the legislature is a business-like body which respects itself and keeps the outside public outside. Those of its members who would rather play to the gallery have to get over their failing. The president's disciplinary powers over the members themselves are no less adequate. Only one member addresses the house at any time; as soon as he resumes his seat several may jump up together, but the president picks out one of them only, and the rest have to wait their turn. According to the matter before the house, and according to the stage of the discussion, time limits are prescribed for a speaker, but the president uses his discretion in enforcing them; and he may pull up a speaker at any stage of his speech who is repeating himself or is irrelevant or is otherwise wasting time or obstructing the course of business. The president has to be equally strict about unparliamentary language or personalities or treasonable or otherwise objectionable sentiments. And a member behaving in a grossly disorderly manner may be ordered by him to withdraw for the rest of the day; for a second offence of the kind during the same session, he may punish him with a longer period of rustication. If in the course of a debate or because of some incident in the house itself or outside, feelings are excited and the president sees little chance of orderly debate until the atmosphere returns

* The Deputy President elected must be approved by the Governor (or Governor General) as a person fit for the honour. If such approval is withheld, a fresh election is necessary.

to normal, he may adjourn the house for a short period or to the next working day. And in applying the closure, he has to see that all parties and all sections of the house have had a fair hearing. Finally, before putting a question to the vote the president can address the house to enable the members to see clearly what they are voting on and what would be the meaning of their vote; and he may take votes by voices unless a division is desired, in which case he shall divide the house.

Section 76. Provincial Legislatures : Powers. The provincial legislatures constituted under the Reforms are intended to be sovereign bodies with regard to the transferred functions of government and have greater powers than the Morley legislatures with regard to every matter, reserved as well as transferred, naturally pertaining to a representative law-making organ elected by the people. Each of them has power, "subject to the provisions of the Government of India Act," to make laws for the peace and good government of the province and to repeal or alter as to the province any law made by any authority in British India other than itself. And this power is either absolute or to be only exercised after the previous sanction of the Governor General. The legislature has absolute power to make any law imposing for the purposes of the province any tax on (1) non-agricultural land, (2) succession or acquisition by survivorship in a joint family, (3) any form of betting or gambling permitted by law, (4) advertisements, (5) amusements, or (6) luxuries, or impose by law (7) any registration fee, or (8) a stamp duty other than duties of which the amount has been fixed by the Government of India. And for the purposes of the local authorities under it it has absolute power to make any law imposing (or authorising the local authority to impose) any cess, rate, duty, or fee, such as (1) a toll, (2) an octroi or terminal tax, (3) a fee or rate in return for services rendered, or a tax on (4) land or landvalues, (5) buildings, (6) vehicles or boats, (7) animals, (8) menials and domestic servants, (9) trades, professions and callings, or (10) private markets.*

* For this and the following paragraphs see Part VI of the Act, the relevant sections, along with Scheduled Taxes Rules, Previous Sanction Rules, Reservation of Bills Rules, G's Legislative Council Rules, and Standing Orders of local Councils.

Laws imposing any other new tax or affecting the taxes and customs duties imposed by the Government of India for the purposes of India as a whole, or affecting the public debt, or the naval-military or air forces, or the relations of the government with Indian Native States or foreign powers, or touching any central subject, or any power with respect to provincial subjects which may have been specially reserved for the Government of India, or about any of the Codes or Acts specially declared by rules to be outside the absolute jurisdiction of the provincial legislature, or, lastly, affecting any parliamentary enactment:—a provincial legislature cannot make or take into consideration, without the previous sanction of the Governor General. And this limitation of its powers is perfectly natural.

The provincial legislative council has the power to vote the budget in the form of demands for grants, as we have seen in the preceding section. If it refuses or reduces a grant which relates to a reserved subject, it rests with the Governor to consider whether the expenditure is essential to the discharge of his responsibility for the subject; and if he certifies to that effect, the provincial executive has the power to expend that amount on that subject, just as if the legislature had voted the demand. The Joint Select Committee "wish it to be perfectly clear that the power (reserved to the Governor) is real, and that its exercise should not be regarded as unusual or arbitrary; unless the Governor has the right to secure supply for those services for which he remains responsible to parliament, that responsibility cannot justly be fastened upon him." *Per contra*, the power the provincial council has to refuse or reduce the supply for a reserved subject, should not be looked upon as nominal, merely because the Act authorises the Governor to override its vote if he thinks it his duty to do so. The council has the opportunity to put on record its reasons for its vote. It may have formed the opinion that too much money is being asked for that particular service; or that retrenchment is necessary even at the cost of some efficiency. Or its vote may be due to reasons unconnected with the merits of the particular demand. It may be due to a desire either to draw pointed attention to a crying grievance, or to propose a political deal. For instance, would it not be perfectly legitimate to hold that full provision for reserved subjects cannot be made in a budget that does not include an equally full pro-

vision for transferred subjects? Even if the Governor's certifying power nullifies the vote of the council for the year, if the latter has taken up a position that is sound, its vote cannot fail of moral effect in course of time; nor would the time of the legislature's eventual victory be far distant if the people are behind the majority who record that vote. But what is essential, both for the dignity of the legislature and for the political education of the people, is that the action of the legislature should be inspired by a full sense of responsibility. To throw out or reduce demands for reserved subjects in a haphazard fashion, or merely because of a vague discontent, or of a rooted and sentimental objection to the system as by law established, cannot bring to the legislature any accession of strength, influence, or dignity.

Contributions payable to the Government of India, the interest and sinking fund charges on loans, expenditure prescribed by or under any law, the salaries of High Court Judges and of persons appointed by the Secretary of State in Council or by or with the approval of the Crown, and similar charges, are heads of expenditure excluded by the Act from the control of the provincial council. And power is also reserved to the Governor to authorise such expenditure in an emergency as may be necessary for the safety or tranquillity of the province or for the carrying on of any department.² Such limitations and exceptions to the general control of a provincial legislature would be necessary in the interests of good government, even after the present dyarchy had developed into a system of provincial autonomy.

A bill passed by the legislature and not assented to by the Governor does not become an act and cannot have any effect. This is in strict conformity to the English constitution. The convention that the Crown has no discretion of its own and always acts according to the advice of the cabinet, cannot grow up here until political development here creates cabinets of the English pattern.

A bill passed by the legislature and assented to by the Governor is submitted to the Governor General, and becomes an act and has validity only on the latter also signifying his assent to it. If the Governor General withholds his assent he has to give his reason for doing so in writing. This provision means

that while the Governor in withholding his assent has in view the good of the province, the Governor General interferes only if through oversight the bill goes beyond what a provincial government is entitled to do, or because of all-India interests being affected, or because he knows that something similar, and applicable to this particular province along with others, is going to be shortly attempted by the Government of India.

A bill passed by the legislature may, and in certain cases shall³, be reserved by the Governor for the assent of the Governor General; such a bill becomes law only if the Governor General assents to it within six months.

A bill passed by the legislature may be returned to it by the Governor with certain amendments: a bill passed by the legislature and reserved for the assent of the Governor General, may within six months* and with the assent of the Governor General, be returned to the legislature with certain amendments: the legislature may then reaffirm the bill with or without amendment: but it does not become law unless, as in ordinary cases, the Governor and the Governor General assent to it.

Or the Governor General may reserve a bill submitted to him in the ordinary course† for the signification of His Majesty the King Emperor's pleasure thereon; and such a bill cannot become law unless His Majesty in Council assents to it and the Governor General notifies the fact.

Lastly, an act assented to by the Governor General may be disallowed by H. M. in Council and becomes void from that date.

These safeguards relate to bills which the legislature passes. But it may be necessary for the executive to intervene before a legislature passes a bill. In such cases the moment it is introduced, or any amendment thereon is proposed (which requires such intervention), the Governor may certify the bill or the clause or the amendment to be objectionable, as

* Or at the next session of the legislature; but the intention to return it to the legislature when it next meets, must be notified within six months.

† A bill reserved for the Governor General cannot be reserved by the latter for the signification of H. M.'s pleasure thereon.

affecting the safety or tranquillity of the province or of some part of India in whole or in part; and under his direction the council has to drop the bill or the clause or the amendment.

And the Act provides other safeguards to cover cases in which legislation desired by the executive is refused by the legislature. The concurrent powers of the central legislature can hardly be deemed an effective safeguard, since the central legislature would hardly have the time to attend to provincial needs; and moreover the central legislative chambers are no less popular than the provincial. So when a provincial legislature refuses to allow an official bill to be introduced or fails to pass it in the form desired by the executive, and if the bill relates to a reserved subject, the Act gives the Governor full discretion to employ what may be called his *power of certification*, if he feels justified in doing so. The Governor may certify that the measure was essential for the discharge of his responsibility for the subject. And he signs it and forwards it to the Governor General. It is for this higher authority to decide whether a state of grave* emergency exists, in which the provincial executive must immediately have the additional powers the bill would confer. And if that is his opinion, he has full discretion to assent to the measure, which thereupon becomes an act and can be given effect to at once. But if the matter does not appear to him to be so urgent, his duty is to reserve the bill for His Majesty in Council, who cannot take it into consideration until copies of it have been before each house of parliament for eight days. Thus under ordinary circumstances the act cannot go into effect until it virtually becomes an Act of Parliament. All that this section achieves besides is to arm the Governor with ample discretion for an occasion of grave emergency, about the existence of which at the moment he has to convince the Governor General. And the Joint Select Committee observe on this section (Section 72 E of the Act; Clause 13 of the Government of India Act, 1919):—

“The governor should not do so (*i.e.* use this power of certification) until he has given every opportunity for the matter to be thoroughly discussed in the council, and as sensible man he should, of course, endeavour to carry the coun-

* This adjective has been added from the report of the Joint Select Committee.

oil with him by the strength of his case. But if he finds that cannot be so, he should have the power.....His Majesty will necessarily be advised by the Secretary of State for India, and the responsibility for the advice to be given to H. M. can only rest with the Secretary of State. But the Committee suggest that the Standing Committee of Parliament, whose appointment they have advised, should be consulted about Acts of this character.”⁴

Section 77. The Central Executive. As the Governor in Council continues as the senior half of the dyarchical provincial governments, the Central Executive Government, *i.e.* the Governor General in Council, continues to be the predominant partner in the Government of India as reconstituted by the Reforms. But whereas the Morley legislature with its official majority and without any budget right was a partner only in name, the new central legislature is a partner *de-jure* and a partner *de-facto*, and possesses real power to that extent, although very much less than coordinate power. The day when it can become, in Seeley's phrase, the cabinet-making organ is not yet. The Governor General is not yet the viceroy of the constitutional king of a selfgoverning Dominion, incapable of doing wrong inasmuch as incapable of doing anything whatever except as advised by his councillors. We have described the position of the Governor General from 1858 to 1920 in an earlier chapter, and here, as a brief reminder of what has been dealt with in detail with some care, we will only quote some sentences from one of the most eminent writers on the subject.

“The Viceroy is surrounded by pomp and awe; ceremony walks behind and before him, and does obeisance to him....He performs three great functions. He personifies the Crown, he represents the Home Government, he is the Head of the Administration.

“The first is now his proper function....He is the seat of justice and mercy¹, and catches up in himself, by virtue of his office, the historical traditions and sentiments of rulership. The more this is isolated from his other functions, the better will be our system of rule in India.

"As representative of the Home Government....he has to carry out its policy or resign....The amount of this subordination, however, depends upon the personality of the Viceroy and the Secretary. Lord Salisbury made this subordination apparent with his fist, Lord Morley with his persuasiveness. On purely Indian affairs it scarcely exists (but) is most definite when British and Indian interests conflict, and when the Viceroy, believing that those of India lie in one direction, is yet forbidden to pursue it by the Home Government. His subordination in this respect involves the subordination of his Council....Again, as custodian of the foreign affairs of India he has to carry out the policy of the Home Government in all matters of Imperial interest whether for the good of India or not, but he is in a position—like Dalhousie—to make certain developments necessary. The rein that controls him is necessarily somewhat loose. In his relations with the Native States, he has a pretty free hand, and the frontier policy he pursues must be determined by what arises.... Nominally, the power of declaring war is withheld from him....

"As the head of the Indian Administration he has much opportunity of acting as autocrat....In performing this function he is limited by the India Office and the Secretary of State, and by his (own) Council, but an enlightened Viceroy will also take into account what he conceives to be Indian public opinion and will act upon it and will take the risks. But he has to bear his share of any unpopularity which his Council may receive,² and in this position he, like a Prime Minister, has the country for an official Opposition.

"Obviously, it is undesirable that this union of functions should last; it cannot last after the political consciousness of India has become awakened."*

And Mr. Ramsay MacDonald advises that the first alone is the Governor General's proper function; as responsible self-government develops in India, no one would be needed to perform the second function³; and "the President of the Executive Council" or the prime minister would naturally have to undertake the third as his special province. That is to say, when India becomes a Dominion, one of the sister nations

* J. Ramsay MacDonald, *Government of India*, Ch. 3,

of the British Empire. But that day is not yet. And the Governor General after 1920 has a position little different from that of the Governor General upto that date, except in two respects only. The governments of the nine provinces where dyarchy has been established, are less subject to him than before to the extent that they are subject to the representative legislature of each province and its executive agents, the ministers. And as we shall see further on, the Reforms have altered to some extent the position of the Secretary of State in Council, and Section 19A of the Government of India Act provides for a "relaxation of his control" over the Government of India.

The growth of the Governor General's Executive Council upto 1920 has been sketched in an earlier section. The Act removes the limitation of the number of ordinary members to six, providing instead that the number shall be such as His Majesty thinks fit to appoint. And this subsection along with the omission from the Act of any mention of extraordinary members has been availed of to turn the Commander-in-Chief of the Indian army into the seventh ordinary member of council. The qualification of at least ten years' service of the Crown in India, the Act requires of not less than three of them, and it permits the appointment of a pleader of an Indian High Court also as the Law Member. The Joint Select Committee advise in their Report that "not less than three members of the Council should be Indians." This means two Indians besides the law member, who would almost always be an Indian. And three Indians at least would seem to be absolutely necessary, now that the central legislature with its popular majority is more than an advisory body. The anticipation of the Committee that "the members of the council drawn from the ranks of public servants are, as time goes on, more and more likely to be of Indian rather than of European extraction," has been realised from 1924. Mr. (now Sir) A. C. Chatterji was the first Indian I.C.S. to rise to be member of Council in that year, and his place was taken in 1925 by Sir B. N. Mitra of the Finance Department. But when the Commander-in-Chief happens to be a soldier who has not put in ten years of service in India, and his colleagues happen to be a Finance Member who, as in the case of Sir B. P. Blackett, is an expert imported from England and a Law Member, also without the service qualification, out of the four

remaining posts, three must go to men with service qualifications, and the Council must also contain (including the Law Member) three Indians. That is, unless the Commander-in-Chief or the Finance Member or the Law Member possesses the service qualification, one of the three men required by law with service qualifications, must be an Indian. Another requirement of the Governor General's Council has also to be attended to as far as possible, although it would be contrary to policy to make any rule about it. At least two of the nine provinces must be represented on the council, and something like rotation is also advisable, so that none of the three presidencies at least (or four, including the U.P. as a presidency), remains without supplying a member to the Government of India for too long a period. If this view be sound, the presidency of Bombay has a real grievance in the matter. Lastly, there is also the acknowledged fact that the burden of work is too heavy for seven men to bear, and that it is increasing. An eighth member of council may have to be added before long.

Under a Government of India Order of April 11th 1923, the work of the government is distributed into nine Departments.* The member of council in charge of (1) Railways and Commerce also controls the (2) Ecclesiastical Department. The other seven members of the Government of India (including the Governor General) are responsible for one department each. (3) The Foreign and Political Department, which the Governor General keeps in his own hands, involves, in addition to the matters implied by its title, a general control over the administration of the Chief Commissioners' provinces, and—the Crown being the fountain of honour—all matters relating to the Indian Orders and Titles, and all questions of ceremonial. (4) The Commander-in-Chief has charge of the Royal Indian Marine and the Royal Air Force as well as the Army. The other five Departments are (5) Home, (6) Legislative, which goes to the Law Member, (7) Finance, (8) Education, Health and Lands and (9) Industries and Labour. Posts and Telegraphs, Public Works, Irrigation, Civil Aviation, Geology and Minerals, International Labour Organisation, and many other matters in addition to those directly indicated by its title, are assigned to this last Department. Forests, Botanical Survey,

* This paragraph should be read as supplementing and bringing up-to-date what has been said on the subject in para. 84-87 ante.

Survey of India, Zoology, Civil Veterinary, Libraries and Records, Archaeology and Museums, External Emigration, Famine, Local Self-Government and other matters besides the major ones after which it is named belong to the Department of Education, Health and Lands.⁴

The rules of business followed by the Council and the mutual relations between the Governor General, the Member of Council, and the Secretary to Government in a Department have been noted on an earlier page. A recent illustration of these in a notorious case may be briefly referred to. A prosecution against certain individuals for fraud was launched by Government in 1921, presumably at the instance of the member of council in charge of the Munitions Department, with the concurrence of the Law Member. Then while the case was proceeding Sir Thomas Holland, the member of council concerned, suddenly ordered the prosecution to be given up, without placing the matter before the Governor General or the Council. But it is the duty of a member of council to submit "every case of major importance in his department with the orders proposed by him" to the Governor General. And it is also the duty of every Secretary to see that "the statutory rules of business," drawn up for the Council, "are duly observed;" and every Secretary has also "the right of referring at his discretion any case (in his department) at any stage for the Governor General's orders." Sir T. Holland "expressed deep regret at his error of judgment in failing to submit the matter to the Governor General,"⁵ and resigned.

Section 78. The Central Legislature: Structure. We have said that the changes in the provincial legislatures and executives amounted to a revolution. No less revolutionary, no less fundamental, were the changes introduced by the Reforms in the Indian Legislature. They revolutionised its structure, introduced into it the procedure proper to a representative law-making body, and armed it with powers to legislate, to mould the budget, to supervise the administration and to control the executive, upto a certain point. And these powers are conferred upon a legislature composed of two chambers instead of one. The more numerous chamber of the two is the **Legislative Assembly**, the smaller, the **Council of State**. The first house sits for three years, and the second for five, unless dissolved earlier;¹ but, as in the case of

the provinces, the executive is not to rule without the legislature for more than six months, or even with the permission of the Secretary of State, for more than nine months. In other respects, too, the Governor General's position is similar to that of the Governor with respect to his legislature. He is not to be a member of either house, but he can address either or both together, and he alone convenes, prorogues and dissolves each.

The Council of State has a nominated President;* but the President of the more popular house is to be elected by itself after the first four years, and the first President was chosen for his experience of the house of commons, and his knowledge of parliamentary procedure precedents and conventions. It was his duty not only to set the Assembly going on right lines, but also to be the guide and adviser of the presidents of the provincial legislatures.

Both houses have an elected majority. The Council of State consists of not more than sixty members, thirtyfour (including one from Berar) elected, not more than twenty official nominees, and six non-official nominees. The Assembly is to consist of not less than one hundred and forty members, and fifteen out of every twentyone are to be elected, and of the rest who may be nominated members, not less than one-third are to be non-officials. The present Assembly has 144 members, 104 (including one from Berar) elected, and 40 nominated (including 15 non-officials). The number for each of the provinces, elected and nominated, is shown in the Tables facing this page.

The electorates for both chambers are general, communal (Muslim, European or Sikh), and special (Indian Commerce, European Commerce, or Landholders),² as in the provincial legislatures. Nominations are not made until the results of the election are known, and the head of each province is consulted in nominating non-officials, so that inequalities and defects in the representation from the province might be remedied as far as possible.† The qualifications for becoming a member of either house are, generally speaking, the same as have been noted for the provincial legislatures. Member-

* The Deputy-President and Chairmen are also nominated.
† Member Report, para. 275.

LEGISLATIVE ASSEMBLY.

	Govt. of India	Madras	Bombay	Bengal	U. P.	Panjab	C. P. & B.	B. & O.	Assam	Barma	Dehli	Ajmer Merwara	Total
Electorates													
General	..	10	7	6	8	3	4a	8	2	3	1b	..	52
Communal	..	3M1E	4M2E	6M3E	6M1E	6M2S	1M	3M	1M1E	1E	..	..	41c
Special	..	1C1L	2C1L	1C1L	1L	1L	1L	1L	..	..	..	..	11d
Total	..	16	16	17	16	12	6	12	4	4	1	..	104
Nominees													
Official	12	2	2	2	2	1	1	1	1	1	..	1	25
Non-Official	..	2	4	3	1	1	2	1	..	..	..	..	15
Total	12	4	6	5	3	2	3	2	1	1	..	1	40
TOTAL	12	20	22	22	19	14	9	14	5	5	1	1	144

COUNCIL OF STATE.

	Govt. of India	Madras	Bombay	Bengal	U. P.	Panjab	C. P. & B.	B. & O.	Assam	Barma	Dehli	Ajmer Merwara	Total
Electorates													
General	..	4	3	3	3	1	2a	2½b	1½b	1	..	..	20
Communal	..	1	2	2	2	1½d	..	1	1	1C	..	..	11
Special	..	..	1C	1C	..	..	..	..	..	..	..	..	3
Total	..	5	6	6	5	3½d	2	3½d	1	2	..	..	34
Nominees													
Official	12	1	1	1	1	1	..	1	..	..	1	..	19
Non-Official	..	1	1	1	1	2	..	..	..	..	..	..	6
Total	12	2	2	2	2	3	..	1	..	..	1	..	25
TOTAL	12	7	8	8	7	6½	2	4½	1	2	1	..	59

NOTES:--

- a Including 1 from Berar.
b Returned to the second Assembly; the first had 103 elected members.
c 30 M 9 E 2 S.
d 4C 7L. The C in this Table means Indian commerce. In the Council of State Table C means European commerce.
- a Including 1 from Berar.
b 1 member alternately. Thus Assam is represented alternately by a non-Muslim and a Muslim; B. & O. alternately by 2 non-Muslims and by 3 Panjab alternately by 2 Muslims and by 1:—all three alternatives began to run from the first Council of State.
c 10 M 1 S.
d Panjab—4 and 3 alternately; B. & O. 3 and 4 alternately: similarly in the grand total also—7 and 6; 4 and 5.
e And the President who is the sixtieth member.

To face p. 420.

ship, past or present, of a legislative body or a title conferred for literary merit are special qualifications enabling a person to be an elector for a general or communal constituency of the Council of State, and therefore also qualifying him to offer himself for election by that constituency to that chamber. Finally, the property qualifications for the Council of State are the highest of all, and those for the Assembly are higher than for a provincial legislature.³

The Muslim *bloc* in the central legislature, taking the elected and nominated members together, appears to be much too large from any point of view; and the same criticism would apply with the same or even greater force to a majority of the provincial legislatures also. The Muslims are to the total population of British India as **22 to 100**; and the position they could claim either on the score of intellectual ability or of property would be even lower than this. As the Government of India observed in their Fifth Despatch on the Reforms, "If we were writing on a clean slate, we should greatly desire to establish a ratio of Muhammadan seats which would bear a closer relation with their strength as a community, while amply fulfilling our undertakings to safeguard them as a minority. In determining that ratio in the various provinces, we should have to start with certain established data. In the first place, the Muhammadans have been definitely promised some electoral advantage on the ground of their political importance. We should have to measure that advantage and to fulfil that promise. Secondly, the Muhammadans are the poorer community, and therefore any property qualification common to them and the Hindus will make the Muhammadan electorate smaller in proportion to the Muhammadan census, than will be the case with the Hindus. In the third place, the census strength of the Muhammadans by no means corresponds to their political strength. In Bengal and Assam the Muslims are politically weaker than their numbers would indicate, while in the United Provinces with fourteen **per cent.** of the population they are incomparably stronger than in Bihar and Orissa with 10.5 **per cent.** Past history and the presence of Muhammadan centres count for much. Fourthly, it might be urged that inasmuch as a majority can always impose its will upon a minority, it does not greatly matter whether the Muhammadans in places where they are in a conspicuous minority are awarded, for example, fifteen or twenty **per cent.** of

the seats. But we think it a valid answer to observe that the effectiveness of a minority depends upon its being large enough to have the sense of not being entirely overwhelmed. Finally, we should have to remember that whatever advantage is given to the Muhammadans is taken away from some other interest or interests. These considerations would suggest to us a system of weighting which would lead to different results from those agreed on at Lucknow.* It would no doubt involve assumed factors, but these would have a more logical basis than those embodied in the compact."⁴

In 1919 the slate was not a *tabula rasa* because of the Hindu-Muslim pact of the Lucknow Congress, which all the leaders of both communities, all other Indian leaders, and all organs of opinion that mattered in 1919, accepted unanimously. One reason, however, of this unanimity was that the Indian was a little doubtful at the back of his mind how far the Government would endorse the demand. No ruler ever likes the initiative or the decision to pass out of his hands on an issue of prime importance. But our rulers (in spite of their appreciation of the principles enunciated above) not only endorsed the pact, their lavish provision of Muslim representation and nomination on the reformed legislatures exceeded what the pact itself would have justified. And whereas there was not a word in the pact about posts, they have been equally generous in the "share" they have been giving to the Muslims of the highest executive offices as ministers and members of council. But this generosity must be called by a different name when we look at the matter, as every one must, from the point of view of the highest interests of India as a whole. It may be conceded at once that the Muslims selected were the best Muslims available. But no one can claim for a moment that they were the best Indians available; and surely, if considerations of efficiency must be paramount anywhere, they must be held to be such in the selection of ministers and members of council, for these high officers have not only to carry on the administration, they have also to lay down policy and pilot the ship of state. The consequences of this misplaced partiality of the British rulers have not been slow in ripening. On the one hand, the Muslim appetite has grown to insatiable heights. On the other hand, sober opinion not

* For the Lucknow Pact between Hindus and Muslims in December 1916, see pp. 350, 372, ante.

merely in Hindu ranks but amongst all non-Muslim Indians is realising that this cannot go on. Again, the council-entry school of non-cooperators under the astute leadership of the late Mr. C. R. Das found it advisable as a move in their game in Congress politics, to go one better in this matter than the Government; they proposed a revision of the pact even more favourable to the Muslim community; and this too has hastened the ripening of sober opinion. The Das pact or the Lucknow pact has no longer any earnest and convinced support behind it outside the ranks of Muslim extremists who are Muslims first and Indians only in the second place. The problem for Indian patriots, Hindu and Muslim, Christian and European, is to get together and work out a better structure for our legislatures, to be placed unanimously before the Statutory Commission, a structure conceived on juster lines than those which have divided the country more and more during the last six years.

Section 79. The Central Legislature: Procedure and Powers. What we have said in a previous section as to the procedure in provincial legislatures applied *mutatis mutandis* to these houses also. The quorum for the Assembly is twenty-five, for the Council of State, fifteen. While any member not "fluent in English" may be allowed to address a provincial legislature in a vernacular, in the central chambers the business "shall be transacted in English," except that a member "unacquainted" with English may be allowed to use a vernacular. The notice necessary for a private bill is in a provincial legislature fifteen days for a bill on a transferred subject, but for all other bills in any house, it is one month, or longer if the Governor General or Governor so desires, but in no case longer than two months. The procedure after a bill is passed by one house and is sent up to the other, is the procedure natural in a bicameral legislature, of which both the houses are constitutionally coordinate in legislation. A Joint Sitting of both chambers it is for the Governor General to convene, and at such a Sitting it is the president of the Council who presides. A Joint Conference may be held at the desire of the two houses themselves; to such a conference each house sends an equal number, the president of the Council takes the chair, and the members settle their own procedure, making it as informal as the matter to be considered might require

And the Rules also provide for a bill originating in either house to be referred at any stage to a Joint Committee of both houses.

The Budget is submitted to both houses for a general discussion. The demands for grants arising out of it are, under the Act, submitted for the vote of the Legislative Assembly only. But, of course, the Council of State can express its views not only at the general discussion just mentioned, but also in the form of Resolutions (as did the Morley legislatures upto 1920), and proposals for new taxation and changes in any existing tax that might have been imposed by law, have to be submitted as Bills, and thus come before and are voted on by both the houses.

The procedure as to questions, motions for adjournment, and resolutions is similar to what obtains in the provincial legislatures; similar, too, are the limitations in each case, the differences from the provincial procedure being such as are consequential upon the difference between the functions and position of the central and provincial governments. In law-making, the central legislature has plenary power to make laws for all persons, all courts, and all places and things within British India; for all subjects of His Majesty and all servants of the Crown within India; for all native Indian subjects of His Majesty beyond as well as within British India. Provided that it cannot make any law affecting an Act of Parliament that extended to British India or empowered the Secretary of State to borrow money for India in England; or affecting the authority of parliament, or the allegiance of any person to His Majesty, or the sovereignty or dominion of the Crown over India, in any way whatever.*

The Act also provides that the previous sanction of the Secretary of State in Council was necessary before any Bill could be introduced abolishing a High Court or empowering any court other than a High Court to sentence a European British subject (or the children of such subjects) to death.

And the previous sanction of the Governor General was required for the introduction of any Bill affecting the public debt or the public revenues or imposing any charge upon the

* Cf. p. 131, ante.

revenues; or touching upon the religion or religious rites and customs of any class of Indians; or the discipline and maintenance of the military, naval, or air forces; or the relations of the Government with foreign powers or Native States; or of the Government with provincial Act, or touching upon repealing or amending any provincial Act, or touching upon a provincial subject, unless power had been reserved for the purpose by this Act and the rules made thereunder; or affecting any Act or Ordinance of the Governor General. The list is a long one, but there is hardly one of these restrictions but will be found on reflection to be reasonable at present and for some time to come. Some of them will continue in force even after dominion status is reached; and the previous sanction of the Governor General will come to mean the previous sanction of his cabinet, when India advances to the convention that the Governor General acts only as advised by his constitutional advisers.

No bill becomes law unless passed by both houses and assented to by the Governor General; but any such law may be disallowed by His Majesty in Council and it becomes void from the date such disallowance is notified. Instead of assenting to or withholding his assent from a bill passed by both chambers, the Governor General may return it to them for reconsideration. Or he may reserve it for consideration by His Majesty in Council, (who would act on the advice of the Secretary of State in Council), and the bill does not become law until His Majesty in Council assents to it and the fact is notified.

When within six months after a bill has been passed by either chamber, the other chamber does not pass it in a form acceptable to the first, the Governor General may convene a Joint Sitting, and the bill as passed (by a majority) at the Sitting, is deemed to have been duly passed by both. Thus the Joint Sitting appears to be a constitutional device (1) to expedite legislation, or (2) to obtain an agreement between the two chambers which they appeared unable to arrive at in any other way within reasonable time.

The Governor General has full discretion under the Act to "certify" as to any bill or any clause of it or any amendment to it, and at any stage of the proceedings, that it affects the safety or tranquillity of British India or of any part of

it, and to direct that the bill or clause or amendment be dropped. And conversely, when either chamber refuses leave to introduce a bill or fails to pass it exactly as the executive want it passed, the Act gives the Governor General power to "certify" that the bill is required for the safety, tranquillity or interests of British India or of any part of it. On the Governor General exercising this power, the bill though passed by one chamber only or by neither, becomes an Act. And it would go into effect at once (and continue in force until disallowed by His Majesty in Council—as in the case of any ordinary Act), if it be the opinion of the Governor General that a state of emergency exists requiring it to be immediately availed of. But if there is no such emergency, the "Act" must be laid before each house of parliament for eight days at least, and presented thereafter for the assent of His Majesty in Council, who would decide in such a case on the advice of the Secretary of State and the Cabinet; and these in turn would formulate their advice in accordance with the attitude of the parliament in the matter. Thus such an "Act" would go into force only when His Majesty in Council assented to it and the fact was notified by the Governor General in India².

This power of "certification," therefore, reduces itself on analysis to two parts: (1) emergency power; (2) the plenary power of parliament to legislate for India itself or by allowing a subordinate to do so, under proper safeguards. To object to the second part is futile. And every executive, which is not an absolute tyrant, must have emergency power in one form or another. The absolute monarch alone does not need it, simply because day in and day out he is always exercising a power that knows no law, except his own will. The executive in a self-governing India, whether within the British Empire or outside, will be as unable as any other executive to do without emergency power in some shape or form. A constitution that allowed no extraordinary action of any sort even by the head of the State, whatever the emergency, would have to be smashed up every time there was a grave emergency.

But leaving abstract argumentation, let us note briefly the cases in which this power of certification has been actually exercised by the Governor General. The first case occurred in September 1922. The Narendra Mandal (Cham-

ber of Princes) had requested government to renew the protection from scurrilous attacks in newspapers and publications in British India that had been accorded to Native Chiefs and their administrations by the Press Act from 1910; protection of which they had been inadvertently deprived when that Act was repealed. The Government of India after full deliberation with local governments and the Secretary of State decided that they were "bound by agreements and in honour" to continue that protection. And they drafted a short bill embodying in it the relevant clause from the Press Act and adding that no such prosecution could be started except with the permission of the Government of India. But when this Indian States (Protection against Disaffection) Bill, as it was called, was brought before the Assembly, that house refused to permit its introduction. It had the right to do so. But it was hardly the right action to take about a matter of this character. In the relations between the British Government and Native States we are always in the region of high policy, and the Government of India took this refusal of leave by the Assembly, as itself an adequate reason to display before the Native States in its fullness the exceptional legislative power with which it was armed. The Governor General certified that the Bill was essential for the interests of British India and recommended the Council of State to pass it in the form in which he was placing it before them. The Council debated it fully; several important amendments were considered; and they were either dropped on the ground that no change in law, even if theoretically an improvement, was contemplated at the moment, or were negatived on the government giving the assurance that any defect or hardship discovered in working the Act would be remedied. And the Council passed the Bill without amendment,* at the same time that they acquitted themselves with credit in an unexpected and delicate situation by their scrutiny of a measure in consequence of which the British Indian subject liable to be charged, would have as his real prosecutor an opponent of such influence and resources as a Chief. Taking a broader view, it is also obvious that the decisive factor in the incident is not that the bill was a piece of legislation, but that it was a matter concerning the executive government in its foreign department.

* Lord Reading's address to the legislature, 5-9-1922, and the Proceedings of the Council of State, 25-9 & 26-9-1922.

The Indian Finance Bills of 1923, 1924, and 1925 are our next instances. We cannot examine them at length; we have not the space for doing so, nor is a book of this character the right place for elaborate statistics and technicalities. An increase in taxation is never popular, nor could any piece of taxation be more widely unpopular in India than the doubling of a tax so intensely disliked as the salt tax. Instead of acquiescing in any increase of it, Modern India should strain every nerve to reduce it below Re. one a maund, "if there is to be any decency in taxation at all."* Secondly, if the people have an aversion to additional taxation, the departments have an equally rooted aversion to retrenchment. Left to themselves the departments will retrench little, and even in a series of lean and difficult years they will never retrench enough unless forced to do so. The representatives of the people have to exert a continuous pressure to obtain any substantial results. The Assembly of 1923 can claim that but for their dogged fight the Inchcape Committee might not have been appointed so soon, or given so free a hand. And, on the other hand, the executive government can also claim that but for the power of certification the deficit in the budget would have remained uncovered in 1923, for the fifth year in succession. Thus we may leave 1923 with the remark that both the legislature and the executive did their duty,³ although at the moment there were few Indians who could take a sufficiently dispassionate view to recognise this. The moral of the Indian Finance Bill, 1924, is altogether different. The Swarajists entered the legislatures with a view to wreck the Reforms from within; they rejected the first four demands for grants—such important items as Customs, Income Tax, Salt, and Opium; they voted for the remaining demands with only nominal reductions; both in rejecting and in accepting they behaved without reference to the merits of any demand; on the Finance Bill coming up with the first four demands restored but with the other items in accordance with their votes, they refused to consider it; and lastly, on a fresh Finance Bill being submitted so modified and reduced that it provided the bare necessities for carrying on the administration and balancing the budget, they refused to consider that also. This series of acts furnishes such a record of irresponsibility and recklessness in legislators that it would be difficult to find a parallel to it in the history of representative

* Morley, See p. 28, ante.

governments.⁴ The case of the Indian Finance Bill, 1925, is almost insignificant when compared to either of the two preceding years. We may therefore relate it so as to illustrate the complex procedure in some detail. The Government resolution for the separation of the Railway Budget from general having been accepted by the Assembly (20-9-1924), the Railway Budget was presented for general discussion on the twentieth of February. Arising out of this, fifteen demands for grants were placed before the Assembly to vote on, out of which it reduced four. The General Budget was submitted to the two houses on the twenty-eighth February, and, arising out of it, seventy-three demands for grants had to be voted on by the Assembly, out of which it reduced six. But three of these ten reductions were nominal, viz. the reductions of Rs. one hundred each in taxes on Income, Salt, and Opium. The Governor General in Council restored two and partially restored a third out of the remaining seven reductions, considering the restoration essential to the discharge of his responsibilities. Next, the Indian Finance Bill embodying the changes in taxation proposed in the Budget was introduced in the Assembly on the 28th February, and was passed by it on the 18th March with one alteration: it reduced the salt tax from the proposed rate of one rupee and four annas to one rupee per maund. The Council of State, however, passed it without any reduction in the rate; and when the bill as passed by the Council returned to the Assembly because of this difference in what the two houses had done, the Assembly agreed to accept the rate of one rupee and four annas. Finally the Indian Finance Act, 1925, and the Budget for 1925-26 with the final figures were notified on the twenty-eighth of March, after thirty-six days of hard work by both the houses.

The members of the central legislature have failed equally with those of the provincial legislatures in organising themselves into stable political parties. And the present constitution cannot become an instrument to secure for the country a progressive advance towards selfgovernment until they do so. Two stable political parties inside the legislatures as well as amongst the voters at large, both loyal not merely to the land as a whole and the people as a whole but also to the State and the Constitution and the Flag as by law established, both of them at one in this fundamental matter, but differing radically from each other in their conception of

the welfare to be won by means of the State, its laws, and its administration and policy,—as individualists or as conservatives differ from their political opponents, while at the same time acknowledging them to be as good patriots as themselves: and each of the parties having masses of adherents in every one of our creeds, communities, and partial nationalities, at present warring against one another:—that is the political organisation capable of deriving the maximum benefit and winning the maximum freedom out of representative institutions of the English type, based upon the ideal of a chain of responsibility connecting the cabinet minister at the apex of the socio-political pyramid, with the humble voter at the base. Such a political organisation we have so far failed to produce. And it is impossible to tell how long it will take for a vast and ancient country like India divided into warring camps full of animosities, suspicious, and differences, with their roots in a past stretching back to over a thousand years, to develop a political organisation of this character. Nor is this all. We not only fail to see ourselves how great and real is this obstacle to our progress, when any one tries to open our eyes to it, we suspect him at once of being unfriendly to us, and have not the slightest hesitation in attributing interested and unworthy motives to him.

Due allowance being made for this baffling handicap, the central legislature will be seen to have already played a not unworthy part in achieving a fair amount of excellent and necessary work by virtue of the power and position the constitution confers upon it. So much so that although it has been in existence for such a short time, there is already no comparison possible between it and its predecessor, the Morley legislature. Lord Reading told it on the twentyfifth July 1923:—“All matters of importance to India are reflected in your Questions and Resolutions. When I first came to India my impression of the burning questions of the day in Indian opinion was as follows. There was a deep tide of resentment regarding curtailment of liberties, such as the statutory restrictions of the freedom of the Press, the repressive laws, and particularly the Rowlatt Act. Strong views were expressed to me as regards the army, its composition, and the burden of military expenditure. The military position was represent-

* Condensed.

ed as showing a total want of confidence in India. The absence of any regular scheme of Indianisation of the army was quoted as designed effectually to prevent the ultimate realisation of responsible selfgovernment. India was represented as dominated in fiscal matters by the economic interests of Great Britain. Finally, the bureaucratic government were charged with having established for the perfection of their own ends an unduly complex and expensive administrative machine out of all proportion to India's resources. I need hardly recall to you how the case now stands. For I know that you count the measures which have been adopted by my Government on the strength of your representation of public opinion in these matters, among the most priceless pages in your annals. (Moreover, there are other matters to be mentioned of a more constructive character which will have an important and beneficial effect upon the future of India; such as the Indian Factories' Amendment Acts, the Indian Mines' Act, and the Workmen's Compensation Act. In the Indian Emigration Act the final decision of measures for the protection of Indian emigrants has been vested in the legislature itself. The law abolishing racial distinctions is a permanent monument of the mutual desire to work together to a common understanding. In the Criminal Procedure Amendment Act the legislature brought to a successful conclusion a task that had occupied nearly a decade. You may not have accomplished in the short period (of three years) all that you had hoped. You may perhaps find the pace of progress too slow. But can you point to greater achievement for India during so brief a period? Would other means have accomplished so much?"

The second triennium, too, has much to its credit; and if it turns out that it has really taught the country, once and for all, the futility of ideologue intransigency, it would be impossible to value the achievement too highly.

"It is the clear intention of the Act that the policy and decisions of the Government of India should be influenced to an extent incomparably greater than they have been in the past by the views of the Indian Legislature; and the Government will give the fullest possible effect, consistent with their own responsibilities to parliament, to this principle of the new constitution. From now onwards your influence will extend

to every sphere of the Central Government. It will be felt in every part of its administration." This is what England proclaimed to India when inaugurating the Assembly.* This is the only right test to apply in judging the new legislature; and in doing so the historical mind cannot overlook the cardinal fact that this infant and foreign institution is the agent of heterogeneous millions who have never known what it is to exert their will as a united nation.

Section 80. Changes in the Home Government. The last organ in the complex machinery constituting the government of British India is the Secretary of State in Council. We have seen that the principal change of structure in the Government of India introduced by the Act of 1920 is the revolutionary change in the structure of the central legislature. But this itself has brought the irremovable executive (consisting of the Governor General in Council) face to face with a popular legislature free from the responsibility of having to reduce its own theories to practice. And parliament has deliberately yoked the two together in this transitional constitution, with the intention of thus gradually changing the executive from the autocratic temperament it has inherited from the past, to one required in the head of a selfgoverning democracy. As Lord Meston observes,—“I think we must assume that the purpose was clearly to habituate the executive, even in discharging its own functions, to rely more and more upon the support of the legislature, and less and less upon the support of the parliament accorded through the Secretary of State. Under the old dispensation, if a Viceroy proposed to introduce a new policy, he had to persuade the Secretary of State of the necessity for it, and of its wisdom; he had also to get the Secretary of State's consent to the measures for financing it. Under the new dispensation, the Secretary of State will be difficult to persuade, unless the scheme has first obtained the blessing of the Indian legislature.... Thus under a puzzling constitutional form there is being effected a remarkable transference of power, or at least of influence so significant as to be barely distinguishable from power.”†

* H. R. H. The Duke of Connaught's address, 2-2-1921.
† *Libert and Meston, New Constitution of India*, pp. 151-2.

And this change from a legislature advising freely but without any power to modify executive decisions at all, to one endowed through its budget right with an influence so material as to make it a partner of the executive, although a subordinate partner, cannot but necessitate corresponding changes in the position and powers of the Secretary of State in Council. The changes introduced in the law itself are few.¹ The India Council is now to consist of a smaller number of members, eight to twelve only, each appointed for a shorter term (*viz.* five years), and the service or residence qualification noted in an earlier chapter is required of only half the number. A new officer called the High Commissioner for India is created, to whom may be delegated “any of the powers previously exercised by the Secretary of State or the Secretary of State in Council in relation to making contracts,” so that he could act for such purposes and also as the accredited Agent in England of the Indian governments, central and local. The sections detailing the matters for which the concurrence of a majority of the India Council was required are repealed or modified, doing away altogether with the so-called financial veto of the council.* The procedure and rules of business are simplified and left to the discretion of the Secretary of State. Power is given to the Secretary of State in Council to “regulate and restrict by rule” their “superintendence, direction and control” of the government of India. And finally the salary of the Secretary of State and of the members of his council and part of the expenses of the India Office are now to be paid from the British treasury.

The changes thus introduced are more substantial than the above list would at first sight indicate. Even under the Act of 1858 the India Council had no real power in matters which the Secretary of State decided as a member of the cabinet, or in matters which were secret or urgent. But the Act of 1920 reduces it to an advisory body only in all matters except those in which it is, under parliament, a guardian of the vested interests of the all-India and higher services, and a trustee for the property and revenues of British India. It is in these two matters only that the

* See pp. 90, 91 and 97-8. *ante*. Also Report, *Grews Committee on the Home Administration of Indian Affairs*, para. 12.

powers of the Home Government are to be exercised in accordance with the advice of this expert body.

The Crewe Committee distinguished between the political and administrative functions of the Secretary of State and those which he attended to as the agent of the Government of India, and recommended that the latter be handed over to a new officer and office subordinate to the latter.* They judged that the reform would mark the advance of India "towards Dominion Status." The Act provided for this, the new office and establishment were created by an Order in Council of the thirteenth August 1920, and the late Sir W. Meyer was appointed the first High Commissioner.² The Indian Stores, the Indian Students, and some minor departments of the India Office have been transferred to the office of the High Commissioner and he also acts as the agent of the Indian governments in England. Under these arrangements and with the Government of India as the supreme authority, it will now be possible to cut down purchases from England and substitute for them Indian articles in the purchase of government and railway stores in increasing measure.† Waste or bad bargaining like that of the sums spent upon the dredgers for the Bombay Back Bay Reclamation will now be exposed more and more to Indian public opinion. Moreover, as the principle involved in the separation comes to be fully applied, the India Office will eventually retain only its political and administrative functions, the entire charge for these will fall upon the British treasury,³ and the house of commons Indian debate in the committee of supply will become more real than the annual Indian debate has usually been during the era from 1858 to 1920. The Joint Select Committee's recommendation that there should be a bi-cameral standing committee for India has also been accepted, and this too will tend to keep parliament better informed on Indian questions than in the past.‡

The relaxation of the Secretary of State's control in so far as it may appear necessary or expedient to give effect to

* Crewe Report, para. 29. For this Report see Mukharji, *Indian Constitution* part II, pp. 460-60.

† See, e.g. The Speech of Sir O. Innes introducing the Railway Budget for 1925-26 in the Assembly, 20-2-1925.

‡ See Mestorf Report, paras. 290-295; J.S.C. Report on clauses 31-35.

the purposes of the Reforms is to be carried out by the Secretary of State in Council by means of Rules which, when relating to transferred subjects would be valid as soon as promulgated and would continue in force until parliament annulled them; or of Rules relating to subjects other than transferred, which, however, must be approved by parliament before they could be acted upon. The principle which such Rules are to apply was described by the authors of the Report on Constitutional Reforms as the voluntary retirement by parliament from the exercise of its sovereignty on matters which the voters in India were ready to control by means of their elected representatives acting through their own responsible executives. The Crewe Committee described the same principle in other phrases when they recommended that where the executive government and their legislature were in agreement, the Home authorities should not interfere except only for the sake of the highest interests of a State, viz. safety, tranquillity, or good government, or of some paramount object of Imperial policy.* And the Joint Select Committee reiterated the same principle even more emphatically. Hence the Rule made by the Secretary of State in Council for transferred subjects is a selfdenying ordinance and lays down that his "powers of superintendence, direction and control shall in relation to these subjects be exercised only for the following purposes, viz.:-

- (1) to safeguard the administration of central subjects;
- (2) to decide questions between two provincial governments when they themselves fail to arrive at an agreement;
- (3) to safeguard Imperial interests;
- (4) to determine the position of the Government of India in respect of questions arising between India and other parts of the Empire; and
- (5) to safeguard the exercise and performance of his powers and duties arising out of
 - (a) the newly created High Commissioner's office;
 - (b) provincial borrowing; and
 - (c) the parliamentary privileges of the all-India services."

The Governor has thus full authority to sanction expenditure on transferred subjects to the extent of a grant voted by

his legislature, except where before he could include an item in a demand for a grant he is required to obtain the previous sanction of the Governor General in Council or even of the Secretary of State in Council.⁴

No statutory Rule was found possible with respect to reserved and central subjects or functions, since these still remained outside the sphere to which dyarchy was being applied, and thus inside the sphere of parliamentary control as in the past. The change in this sphere—apart from delegation of his powers by the Secretary of State*—could for the present only be a change in temperament and in practice, which by force of habit might solidify into convention having all the force of statutory Rules. And the Joint Select Committee explaining this, laying stress upon the new legislatures with budget rights and elected majorities, and bearing in mind the purposes of the Act as set forth in the Preamble, select for particular emphasis a special case requiring relaxation of control from England.

"This examination of the general proposition leads inevitably (they observe) to the consideration of one special case of non-intervention. Nothing is more than likely to endanger the good relations between India and Great Britain than a belief that India's fiscal policy is dictated from Whitehall in the interests of the trade of Great Britain. That such a belief exists at the moment there can be no doubt. That there ought to be no room for it in the future is equally clear. India's position in the Imperial Conference opened the door to negotiation between India and the rest of the Empire, but negotiation without power to legislate is likely to remain ineffective. A satisfactory solution of the problem can only be guaranteed by the grant" to India of fiscal autonomy. "It cannot be guaranteed by statute.....It can only therefore be secured by an acknowledgment of a convention. Whatever be the right fiscal policy for India,....it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa. In the opinion of the Committee, therefore, the Secretary of State should as far as possible avoid interference on this subject when

* See Rules re. Expenditure by Government of India on subjects other than Transferred and Rules re. expenditure by a Governor in Council on Reserved Provincial Subjects (*Bauer*), p. 468-470)

the Government of India and its Legislature are in agreement, and they think that his intervention, when it does take place, should be limited to safeguarding the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government is a party."

We have noted in an earlier chapter that under the exigencies of the Great War and in order to help England with a handsome contribution Sir W. Meyer and the Governor General in Council raised the duties on cotton imports by four per cent. without any increase in the countervailing excise, and that the cotton interests in England had to rest content at the moment with a resolution in parliament that the matter should be reviewed at the end of the War.* Lancashire lost no time in pressing for this, but in March 1921, the Secretary of State informed them finally and decisively that it was absolutely impossible for him to interfere with the right of the Government of India to consider the interests of India first, just as the government did in every other part of the Empire. In the meanwhile a committee of the old central legislature had reported (March 1920) that the best method of considering the future fiscal policy for India would be by means of a Commission with power to take evidence from all the interests concerned in various parts of the country. The members of the new Assembly did not allow this report to be overlooked, the Indian Fiscal Commission was appointed in October 1921, with Sir Ibrahim Rahimtoola as president, and it reported in July 1922 in favour of a policy of discriminating protection, to be applied to selected industries only after full investigation by means of an expert Tariff Board.† And as soon as the Assembly met again, the executive and the legislature, by mutual consent, enunciated the new fiscal policy of India in terms of far reaching import.⁵ To those who look at the matter historically from the days of John Company onwards, and can note, moreover, that England's economic position today,—with her illiberal creditor and bankrupt debtors, with her intractable coal strike and her million unemployed—is none too favourable, this sudden advance by India to fiscal industrial and economic freedom, which even ten years ago no one could have dreamed of as possible, is not the least remarkable of her solid gains through Montagu's Government of India Act, 1920.⁶

* Pp. 261-8 ante.

† Report, Indian Fiscal Commission.

Section 81. Some of our Problems. An irremovable executive and an irresponsible legislature are thus working together in the Government of India, and the friction between the two does not cause a breakdown because the legislature, in spite of its budget right and its law-making power, is only a subordinate partner. Or, if we look at the provinces, ministers who are not yet leaders of their councils and members of the executive council who owe no allegiance to the legislative council are working together, and the friction (though greater) does not cause a breakdown even there, because the ministers are more like government officials and administrators and not yet tribunes of the people. Nor are these the only obstacles we have to surmount in our advance to *Swarajya*. In fact, what I wish to emphasize most in this concluding section is that the constitutional obstacles in the path of our advance are not the greatest nor the toughest of our problems. I cannot help thinking we are making far too much of our constitutional obstacles. We are attaching far too much importance to the merely legal amendments required in the instrument known as the Government of India Act, 1920. Dyarchy has many serious defects undoubtedly; the Government of India as at present constituted cannot be defended by any school of political science or philosophy except merely as a temporary makeshift. But it is possible to make too much of all this. And it is one of the most conclusive proofs of our political immaturity that we devote too much of our thought and our feeling to this, and thus are not directing sufficient mental and emotional energy to problems which are both incomparably graver and deeper.

A.

NATIVE STATES.

Our Native States are one such problem. It is no use closing our eyes to it. It is futile to keep repeating that this problem can wait until we have attained complete *Swarajya* in British India; that we shall know then what to do with Native States. We shall never attain full *Swarajya* in British India unless the mass of Indian humanity in the Native States is marching with us. Equality before the law and modernised progressive administration must be secured to the inhabitants of all the larger Native States, as they have been in some few of them. The light of publicity must play upon the acts and intentions of the executive in all the larger Native States as it

already does in some few of them. Men appointed to posts high and low must be selected according to rule and for their qualifications in all the larger Native States, as is already the custom in some of them. And the Chief and his bureaucratic ministry must become more or less amenable to popular influence exerted through representative institutions in all the larger States as is already the case in less than half a dozen. None of these reforms is inconsistent in the slightest degree with treaty rights or with the hereditary position of any of the Chiefs, even the most exalted; for otherwise they could not have become so well established as they are in the best Native States. What is wanted now is a rapid extension of these and similar reforms in all the larger States without exception.

But the larger of our Native States number less than twenty-five; about a hundred are hardly large enough to sustain a self-sufficient administration of the modern progressive type; and the rest, numbering several hundreds, are too small for separate existence; some are so ridiculously small that one could pass through several of them in an hour's ride. It is absurd to lump together all this variety under a single category, and treat every item in the entire mass as sacrosanct. And the so-called Chiefs of such tiny or fractional States never have done—never can do anything—for their people. How could it be expected of them? The sooner these petty Chiefs are pensioned off and their territory turned into British India, the better for all concerned. Even the Chiefs and their descendants freed from their hereditary bondage to a hollow unmeaning misleading and antiquated position might develop into useful members of society. Each of these territories is, no doubt, a mere fraction, supporting only a few hundred or a few thousand people; but there are so many of these shreds and patches that when added together, the land and the population would form a material accession to British India.

In some parts of India the territories of two or more Native States are interlaced. The fact is that as soon as the protecting shadow of the British Umbrella (Symbol of Paramount Power) fell upon a tract, it petrified the tract just as it was at that moment, and all the accidental anomalies of the moment have continued unaltered and unalterable for a century or more. How long are they to continue, when all around the tide of radical transformation is rising more rapidly than ever in the

past? A friendly arrangement between the Chiefs concerned, so that each gets a territory more compact than before, is all that is necessary, and would conduce to the lasting benefit of all concerned.

But the fundamental problem will be no nearer solution even after these three highly beneficial reforms have been accomplished throughout Native States India. For the fundamental problem of our Native States is the problem of those chiefdoms among them, about a hundred in number, which are hardly large enough for individual existence, and of those other chiefdoms, much more numerous, each of which is distinctly too small for a selfsufficient administration on modern progressive lines, and yet is not so small as to be ranged with the tiny or fractional States mentioned above. Moreover, it is one of the ironies of the situation that the best and the most representative types of the *real* Indian Chief as time, tradition and environment have moulded him, are to be found neither in the smaller nor in the larger but in this intermediate class of our Native States, which, taken in the lump, constitute more than a moiety of the problem as a whole. If any out of the hereditary autocracy and aristocracy of India deserve to survive and hand on to the future the torch of the storied past, one is tempted to say that Rajas of this intermediate class deserve the honour much more than their brethren above them or below. But, in India as throughout the world,—

"The old order changeth yielding place to new,
And God fulfils Himself in many ways,
Lest one good custom should corrupt the World."

What is the goal of our policy in India? Towards what haven are we to steer the ship? Is our conception of the eventual future of India a sisterhood of selfgoverning States with the Central Government enveloping them representative of and responsible to the Indian millions and guardian of the interests of all India on equal terms with the other members of the British Empire? The biggest maharajas and highnesses, not twentyfive in number,† may remain outside our

* Montford Report, para. 849, adapted.
† Excluding Nepal, which is independent, the Indian States whose Chiefs have the hereditary honour of a salute of 17 guns or more. But some of the smaller States with a large progressive and compact population, or for historical reasons of outstanding import, may have to be added to the number.

institutions, associated together in some institution of their own like the Narendra Mandal (Chamber of Princes), not a legally integrated part, but still a satellite of our system. It will be enough if in the internal administration of these larger States (which will maintain their separate entity for an indefinite period), life reputation and property have the same security as in British districts, if the same laws and the same Reign of Law prevails there as in British India, if public opinion within the State has recognised channels of influencing the executive, and if the State and the people shoulder their share of the burden of defence in the army system of British India.* The petty rajas at the other extreme of the scale have, on the other hand, all to be turned into zamindars, jagirdars or sardars, and their territories, as said above, have to be added to the contiguous British districts. The towns and villages will have local selfgovernment as in British India, the people will swell our general constituencies, and the members of the old reigning family will also become voters in our landlord constituencies. If annual consolatory allowances and *inam* lands be offered in exchange on a liberal scale, the more intelligent of the petty Chiefs will not be unwilling to welcome the reform, as the fractional powers of jurisdiction and the other privileges (if any) which they would lose by the change have never been of any real use either to themselves or to any one else. The real difficulty are the remaining or intermediate class of our rajas and nawabs. They, too, must be mediatized, but the problem is, how the reform is to be brought about. Islands of autocracy cannot last for ever in a sea of selfgoverning democracy. But, of course, for any one of the four reforms I advocate in this subsection, there is not the remotest intention of suggesting the use of force, or even of pressure amounting to force, either by the paramount power or by the subjects of the States concerned. The changes must come as naturally as fruit ripens on the tree. The Victorian administrators of our government had some vague expectation that the education of the young cadets of royal houses in public schools of the English model might help in this direction. T. C. Hope, for instance, said at the opening of the Rajkumar College, Rajkot, 1870:—"These boys of the younger generation have come here to enter an institution which will differ in no essential point from an English Public School. From times of which history gives no certain account, some of these Houses have observed the course

* See sub-section C further on.

of events from the thrones and the strongholds of this Peninsula. But I venture to say that from the day when Mahmud Ghaznavi stormed the temple ramparts of Somnath to the day when the last Maratha squadron withdrew from the shorn fields and smoking villages of Saurashtra, they learnt not one lesson of constitutional government from their invaders..... It will be our aim that they may become and feel that they are wiser than their subjects, and yet that they shall be prepared to respect that voice of public judgment on the acts of public men* which has been likened to the Voice of God. To what results the enterprise begun today may tend, whether these boys when grown to man's estate will be careful to perpetuate their hereditary right to govern in honourable rivalry of their mighty neighbour and protector, or whether they will select—as I think the nobler choice—by a voluntary surrender of their isolated sovereignty to enter the councils of India as Nobles of the Empire, time will decide.† This speech was delivered on the 16th December 1870, when the world was ringing with the triumphs over France of the German Empire from Saarbruck (3rd August) to Sedan (1st September). And semi-voluntary mediatisation had played a great part in the unification that had built up the Bismarkian Empire. But the idea underlying Hope's speech has a value apart from its topical propriety at the moment of its delivery. One of the outstanding lessons Western history teaches is that the day of the small State is over, and this lesson may be learned by our rajas and nawabs either in the public schools where they receive their early education, or from their later reading and travels. The social influence of the English official class with whom they come in contact in India and whom they look up to, has so far tended in the opposite direction; because the majority of these officials have treated the raja class alone as their equals, and consciously or unconsciously encouraged them to look down upon all other Indians as inferior. This influence, however, is on the wane, and as Indians multiply in the higher services and fill the posts of Residents and Agents also, it will disappear altogether. Some raja without issue may prefer to hand over his state after him to his next door neighbour and his heirs, and thus two small territories might by amalgamation become a State large enough to enter the class of the largest

* I. e. themselves.

† Forty years of the Rajkumar College, compiled by H. H. Bhavsinghji, of Bhavnagar, Vol. II.

States, each of which (as noted above) might continue a separate entity for an indefinite period. Or two neighbouring States with a homogeneous population may have two friends as rajas, and they may by mutual agreement prefer to administer the combined territory as one unit. Such cases, however, would be most exceptional only. The great majority of our rajas must out of their own free will and accord become enlightened and patriotic enough to perceive that they and their descendants will lose little and the country as a whole will gain immensely by their parting with jurisdictional rights and privileges in return for handsome estates kept together by primogeniture, and a hereditary seat in the Council of State, that would open to them, according to their capacity, a career such as even rajas might envy. These are some of the ideas which I throw broad-cast in this sub-section. It is only as opinion solidifies and people are ready to take advantage of facilities, that such facilities can be provided for them by executive order or legislative enactment.

B.

COMMUNAL DISSENSIONS.

Communalism is another of our problems, and it is growing more and more acute as people are realising more and more that the Reforms have transferred real power from the bureaucracy to the people, and that under the constitution as it develops we must all bow down more and more to majority rule. Moreover, only a stable majority is an effective majority, that is to say, the will of the people will count only to the extent they are organised, and the only organisation easy to our people today, because of our past history, is organisation by creeds and communities. To say to the Indian of today, do not organise by creeds and communities, stop the *shuddhi* (purification) and *sangathan* (consolidation) movements, Muslim* as well as Hindu, is to waste words. The problem is how to evolve out of these crude antiquated and injurious lines of action, organisations that are secular, political, and national. This cannot be brought about in a day or in a triennium. Light travels slowly from the skies to the mountain tops and thence along the plateaus and valleys to the seashore. The Ganges, says a hoary *subhashita* (aphorism), comes down from

* The corresponding Muslim words are *tabiq* and *tanzim*.

the heavens to Kailasa the image of Siva, and flows thence to the lower levels, purifying and blessing the teeming millions in the cities and villages on her bountiful banks. The purifying waters of liberalising thought and aspiration have not reached the Muslim to the extent that they have been absorbed by and have modernised the Hindu. The Indian Muslim is a generation behind his fellow religionists in Turkey and Egypt. On the other hand, the Hindu leaders from Raja Ram Mohan to Sir Narayan Chandavarkar have been too lazy. Contemplation of the Ideal as an end-in-itself is one of the besetting sins of the Hindu heritage. The Hindu leader sits cross-legged lost in the introspective enjoyment of the "sum-m-m-ject om-m-m-ject"* rigmarole, with his eyes fixed rather on the tip of his nose than on the needs and problems of a humanity far inferior to himself and deservedly wretched. If the Indian Muslim is still mediaeval and credulously militant, the Hindu is still fifty *per cent.* mediaeval and ninety-five *per cent.* supine. And the Muslim forcing his way into India burst in upon a world that the Hindu had been too inactive throughout the centuries to completely assimilate. The Muslim raider and conqueror not only stopped the process of assimilation midway, he added still further to the heterogeneity, and knocked elasticity out of the whole. The Hindu is a House Divided. The Hindu is a man past his prime suffering from a chronic internal discord weakening every limb and organ.

What is the remedy? Modernisation. The modern conscience, the modern sense of active duty, the modern ideal of sympathy and fraternity, the modern devotion to the secular good of the Whole as in itself the sum of spiritual vigour and health possible to man by such means as even so feeble a creature as man can himself apply and control. That is the only remedy. And that is no nostrum promising triumphant success "in a day," in a month, "in a year."¹ But as it grows, as more and more people accept allegiance to it and learn to live upto their allegiance, it advances from partial success to success less partial, until it becomes cumulatively irresistible.

What is the duty of England to India in this matter? First and foremost, to help and foster this modernisation by all the resources open to a modern and western government.

* Carlyle on Coleridge.

English statesmen have speechified, English commissions have indited voluminous reports, and the educational system of the country has continued backward, inefficient, and marred by the defects and shortcomings noted in an earlier chapter. The best laid and most promising schemes have been defeated by want of faith, want of driving power, want of money in the amounts required, want of men in sufficient numbers and of the right mettle. Take but a single instance. Compulsory primary education is a doubtful good at the best without a host of men and women teachers trained to their job. But the training colleges are few and far between, nor are those in existence working at full pressure. The figures which have been quoted for the U.P.* are a fair sample for the whole of India. Even the presidency towns with over a million inhabitants have not yet established training institutions for a supply adequate to their own growing needs.

The system of election by which the voters in their thousands send their representatives to man the local boards and corporations, and the provincial and central legislatures, is itself a system of political education. Minto, Morley, Montagu, and the British parliament have blundered in weakly consenting to communal electorates. Muhammad Ali and many other Anglo-phobes cite this as irrefragable proof of England's settled policy that she is determined to continue mistress in India by fomenting divisions in the land. But the results as we see them and have to suffer from today are as nothing to what they will inevitably grow into, if the present system be continued for another decade. And Anglo-phobes are not wanting who aver in the accents of omniscience that all these results and worse were clearly foreseen by Satanic England, and have been deliberately brought about. Nor is it difficult for them to buttress this view by quoting what continental, Irish, and American Anglo-phobes have said time and again about perfidious Albion; or to refer to that sorry chapter of events from the annexation of Tripoli by Italy to the Greek attack on Angora and the Ibn Saud conquest of Mecca,—not one of which need have taken place exactly when and how it did, had English statesmen not been pursuing a wretched hand-to-mouth policy in the Eastern Mediterranean and the Near East.²

* P. 326 ante.

To say that there could be no change until a majority of Hindus and a majority of Muslims join together and state in clear terms what they want instead, is no doubt the constitutionally correct attitude for a Viceroy, since he has but to work implement and supplement the constitution as parliament has forged it for India. The Viceroy *vis a vis* the people of India is only the first servant of the State, the head of the executive administration. The Secretary of State for India, too, or even the Premier of England, when speaking from his place in parliament, is speaking much more to India than to the people he is directly addressing. But both Viceroy and Secretary of State *vis a vis* the cabinet and in their confidential consultations where policy is framed must be statesmen, whose highest ambition it cannot be merely to carry on the day to day administration. Again, in a fullgrown democracy it is very natural for leading politicians to be time-servers, and to play a waiting game until the ruling democracy makes up its mind, and issues a fresh mandate. But is India a fullgrown democracy? Was the announcement of the 20th August 1917 what the Indian democracy had asked for? If in framing an Indian constitution parliament had intended merely to confine itself to what India had desired, would its enactment not rather have been on the lines of the scheme of the Nineteen as expanded by the Indian National Congress and the Muslim league, or of the will Gokhale left behind*? But the Reforms and all their leading principles as most carefully elaborated by parliament are not such as India had asked for, but such as parliament in its superior wisdom saw would be for the good of India in the trying period of transition from centuries of subjection to a new era of selfgovernment. And if this be the essence of the matter, the argument loses all force that we must adhere to the most pernicious blunder in that constitution until India herself, i.e. Hindu and Muslim majorities jointly ask for a change. The longer the delay in rectifying the blunder, the greater will be the difficulty. And it is the manifest duty of such Hindu politicians and Muslim politicians as are Indian patriots in the first place and Hindus or Muslims only in their individual capacity, or at any rate only in the second place, to get together and to place before the Statutory Commission of 1930-31 as cogent a plea for ending communal electorates as the wit

* Pp. 326, 373, ante; and Keith II 111-121.

of man can devise. It is also the duty of patriotic representatives of the smaller communities, Christians, Anglo-Indians, Sikhs, Parsis, and that most ignorant cat's-paw of all anti-Hindus viz. the Non-Brahmins, to strengthen the hands of such Indian patriots from Hindu and Muslim ranks as much as they can.

It would also be a step in the right direction to familiarise the most active centres and the most intelligent electorates in India with some more scientific system of electing representatives, such as proportional representation. This may be tried at first only for municipal elections and only for the twentyfive largest and busiest cities in the country, viz. the nine provincial capitals from Bombay to Rangoon and from Lahore to Madras, and Peshawar, Amritsar, Delhi, Agra, Lucknow, Cawnpore, Bareilly, Benares, Dacca, Ajmer, Karachi, Ahmadabad, Surat, Poona, Bangalore, and Madura. The danger of the substantial people in India leaving the political game to professional politicians, journalists, adventurers and cranks is by no means small. A healthy and active public opinion as the West understands the term cannot grow up quickly in India unless substantial people who will not readily take to the rough and tumble of politics are drawn to it step by step; and this cannot happen unless they see at least a sporting chance of meeting the politician on even terms from the outset, by bringing into play such influence as they have in their own way. In Bengal and Bombay, for instance, there are men of outstanding literary reputation who would have a chance of election under a system of proportional representation, which they might not have under a system of one member and two member constituencies. In the larger cities there are leading men in the learned professions other than the law of whom local and Indian politics as they are today do not attract many. The active workers amongst the politically minded today are not yet in sufficient numbers to permeate the mass of voters. The number would increase rapidly all over India by proportional representation.

But to proceed to other aspects of the communal question. There are two manifestations of communalism which constitute grave and urgent problems in themselves: the communal riots, and the communal greed for jobs.

Whenever a Hindu-Muslim riot occurs the police are on the spot in exceptional strength; for such riots break out on festival days which fall according to the Hindu or the Muslim calendar. The people who start the fracas and are the first and foremost to pass from words and brickbats to blows ought to be caught in the act, and made examples of. Swift, stern and degrading punishment of such persons need not be vindictive and would serve, it seems to me, as a preventive. It would be better still of course to prevent even the first blows being exchanged, for in that case the riot itself could in all probability be prevented. And I accept the claim of the administration that the number of riots so prevented far exceeds the number of the riots which unfortunately break out in spite of every precaution. But although this is true, it is not enough. We must make more use of deterrent punishment also as a preventive.

Perhaps the worst feature of recent riots is that parties of Hindus and Muslims keep fighting one another for days afterwards. If we take the place of the initial outbreak as a centre, the radius from this point to the points of the later collisions is also lengthening. But whereas something might be said in extenuation of the crime of the riot itself (though in very exceptional cases only), these later fights are not religious at all, in any sense whatever. They are hooliganism or revengefulness or both, without the slightest justification, and the crime of the individuals is the blacker in that it prolongs and spreads the epidemic. The local authorities should be encouraged and supported to the utmost in stamping out these sporadic embers of a central fire already extinguished. The crimes of wrecking desecrating or polluting a place of worship, Hindu or Muslim, should also be dealt with more sternly and swiftly. The memory of such vandal outrages by either community against the other rankles, and one such incident in a street uproots in a moment all that tradition of neighbourliness and good fellowship which might have been fostered by innumerable kindly exchanges between Hindus and Muslims for decades.

Apart from deterrent punishment, it does seem necessary to take up the entire question of prevention in a new spirit. The leaders of each community can do a great deal by themselves. The processions would be made more orderly, they

could be reduced in duration, instead of a giant procession of the whole mass slowly meandering along the highways for several miles, we could have a number of simultaneous processions each starting from a separate point and ending at a different point, the order and the numbers in which each was to cross the danger zone being carefully prescribed. And various counter-attractions, of a more or less "religious" nature could also be arranged to draw away large numbers from the one traditionally enjoined act of piety that experience has shown to be liable to be desecrated by such orgies of impiety. In one word, creative leaders in our midst have to gradually build up new and innocent and more civilised manifestations of the religious spirit. This would be the only radical cure; thus alone can we transcend the heritage of our barbarous past; and such creative advance each community can achieve only by its own efforts, no outsider can render any help in the matter. But such an advance needs time to mature. And in the meanwhile?

Custom will be respected, say the officials; the customary rights of the Hindus and the customary rights of the Muslims we will guard impartially; let either overstep the customary bounds at his peril. The British autocracy proclaimed this formula from the beginning of their rule. And for decades it was accepted not only loyally and quietly, but as one that could not be bettered. But no live society can thus remain chained to the dead past for indefinite periods. Villages have grown up into towns and towns into cities, some of our most important and biggest centres of population are altogether new, places predominantly Hindu or Muslim have ceased to be so; the population has become more mobile; on festival days there are everywhere large members who do not belong to the place; the crowds congregating for any festival are growing larger everywhere; the people have become more sensitive and more assertive than their elders decade by decade; nor is the proportion falling in our large crowds of people out for a spree, or of confirmed bad characters; nor are the officials and the police on the high pedestal they once occupied. The "customary rights" must be re-examined in many places if not in all, and in doing so the officials should seek the co-operation of the leaders of both communities and encourage the freest discussion. And I do think that every attempt should now be made in the direction of replacing local variations by

regional uniformity as much as possible. It is of course too early yet to jump to one custom for the whole of India from end to end. But let us have one custom uniformly for every village and town in each division of a presidency or province: one custom for Gujrat, one for Sindh, one for Bombay, one for the Central Division, and so on. Let this custom consist of a few clear and simple rules which any one can understand, all can remember, and all and each have to observe. Nor should this be taken to imply that each division should make it a point of honour to have some special features in its formulated custom. Neighbouring divisions should, on the other hand, vie with one another in achieving the greatest simplicity and uniformity. And the two communities should vie with each other in each making the greatest possible concessions to the other's sentiment. The leaders in each community ought to prove their leadership as all-Indian in value and not merely communal, by leading their respective communities in these directions, even at the cost of much temporary unpopularity and unpleasantness with the local extremist sections. One of the greatest lessons to be learnt from English history is that sections and parties and creeds in England have almost always had the good sense not to press their rights to extremes.

Finally, what is a masjid?—what is a temple? A strict definition uniformly applicable all over India is necessary. There should also be regulations to satisfy, equally applicable all over India, before a house, a shop, or a theatre could be turned into a recognised place of worship, as well as before a new mosque or temple could be erected in a quarter where none existed. The English *laissez faire* policy is, in such matters at any rate, not freedom; nor does it conduce in the long run to the wellbeing of the people.

To proceed, next, to the communal claims to the loaves and fishes of office. Bertrand Russell speaks of "envy in that broad sense in which it includes the instinctive dislike of any gain to others not accompanied by an at least equal gain to ourselves."* And personal envy well-bred individuals would be ashamed of; communal envy, not the most advanced or the most ancient clan, but would look upon as merely a demand for its just dues: for that is crowd mentality or group

* Roads to Freedom, p. 164.

psychology. What is meant when an individual grudges another getting something and wishes it or something better for himself, becomes ennobled into a fight for bare justice when instead of a single individual we have in his place that many-headed individual, a community. But on the other hand, the ruling principle for the selection of individuals to fill posts whether in Government institutions and departments or in private concerns, must be the possession of the qualifications required for an intelligent and regular performance of the duties of the post. To take up inferior men where better qualified persons are available because of extraneous considerations such as community or creed, is to sacrifice efficiency and to put up with inferior work in return for good money. When this is done it is not only the work of that particular post—or the reputation of that particular individual—which suffers. The whole institution department or concern is weakened to that extent. And the better qualified but rejected candidate has a grievance besides. In proportion as appointments are made on such irrelevant grounds inefficiency waste and unpopularity increase, until long before communalism is satisfied, the institution department or concern that is a victim of such weakness breaks down. Moreover, communalism in a matter like this cannot be satisfied. It is not in the nature of clannishness to limit itself even for its own preservation or reputation for fair play. It follows the law of its being and grows by what it feeds on. And the higher the responsible appointments in filling which communalism deflects the choice, the greater the rapidity and completeness with which the above results emerge.

Of course there would be many cases of frequent occurrence in which one candidate is not clearly above his competitors. There often are several candidates nearly on a level, and belonging to different communities. In such cases, but in such cases only, it would be allowable to pay attention to the community to which the candidate belongs. And if an institution department or concern happens to have at a particular moment too large a number of people all of the same creed or community or locality or "clan," it would be not only allowable but advisable also to favour fresh recruits from a different clan. To allow any large institution department or concern to fall into the hands of a ruling clan decreases its efficiency. For instance, it would be a mistake not to

maintain a balance between the Oxford graduates and Cambridge graduates in the Indian Education Service of a province. But note that even in such cases recruitment from two or more communities or clans is justified, not as a recognition of the claims of a particular community or clan, but on the score of the proved fact that greater efficiency does thereby result.

Backward communities deserve sympathy and help. But to recruit individuals of such communities for work for which they are not fully qualified injures the country as a whole and does little to advance the community itself in the long run. Favouritism never advances a community. The habit of leaning upon influential support prevents a community from acquiring selfreliance, perseverance, and all those qualities which enable men and communities to face difficulties and adverse forces and overcome them. The qualification a community wins by its own effort is the only royal road for advance. The facilities by which the highest range of qualifications may be acquired should be equally open to individuals of all communities and creeds. And individuals of backward communities may be shown a certain amount of favour in their efforts to avail themselves of such facilities. At schools and colleges there may be more freeships and scholarships for a period for students of backward communities. But to grant them and thus to give a start to selected students of backward communities is one thing; it is quite another thing to allow these students to continue to enjoy them on conditions easier than those applied to others. Such laxity would affect the discipline of the institution and thus the value of what it does for all its students. Where apprentices are admitted or posts are filled on probation, similar considerations apply.

All communities in a minority are not necessarily backward communities. In India especially there are some very small communities producing individuals in numbers who are amongst the best qualified and most advanced individuals we have. It is as much the duty of the State to see that such individuals are not prevented by communal jealousy from obtaining the posts they desire and deserve, as it is the duty of the State to preserve a balance between the principal communities and nationalities in its big departments, so far as this could be done without loss of efficiency.³

C.

INDIANISATION OF THE ARMY.

The army that selfgoverning India needs to evolve before she can claim the status of a Dominion on a footing of unquestioned equality with the sister nations of the Empire, is the third problem we come to in this rapid survey. A. O. Hume prophesied in 1894,—“A Great War will be India's opportunity of proving that if in periods of peace she clamours (at times somewhat angrily) for equal civil rights, in the hour of war she is ever ready and anxious to accept equal military risks.” The war came twenty years later, the British Cabinet and the Viceroy decided to employ Indian troops at the front, and the glorious service they rendered from the moment they were rushed to the support of the attenuated British line in the Ypres theatre of operations, has been already noted. The unanimous and wholehearted support of the Allies by India throughout the duration of the war and the enormous drain she gladly submitted to in men, munitions, supplies and money, have also been mentioned.* That India could have done far more to help the Allied cause if she had been better organised industrially and stronger financially, and if her manhood had had military training, is perfectly true. It may even be held that if India could only have put forth her full strength, the war could not but have been won, before the United States joined the Allies. But it is also no less true that her inability to do more was through no fault of hers. Free trade England had been averse to industries growing up in India to compete with her own in their best and most reliable market. The gold interests in England had been vigilant and kept India shackled by a currency system that helped England to remain the central gold market of the world. The shipping interests in England were too fond of their monopoly of the Indian Ocean, ever to consent to any step in India unfavourable to its perpetuity. And English “military bosses saw to it” that throughout their regime India remained as weak (to repeat a simile Hegel had employed early in the nineteenth century), as a woman just after delivery.†

* Section 69, ante.

† *Philosophy of History*, p.

This last and greatest triumph of benevolent imperialism was achieved by a number of devices. (1) India was kept completely disarmed. (2) The Indian portion of the army was recruited as much as possible from frontier tribes, Nepal, and the most backward people in India, on the plea that efficiency and economy required recruitment from "martial" races. (3) The Indian Sepoy during a lifetime in barracks had no general education to speak of, hardly anything was done to train open and liberalise his mind. (4) The sepoy entering this army went behind a rigorously maintained *pardah* of complete segregation from the general population. The thought and emotion currents starting from cities and spreading over extensive areas slowly or quickly, failed to reach this defender of the land, who though living on Indian soil and breathing Indian air, led an isolated existence in an environment created for him by his foreign employers. One of the effects of these two devices combined was that the Indian sepoy was not a "national," and if he cannot be branded as a mercenary either, that was due merely to the Indian tradition of loyalty to one's salt and to family or caste *ijjat* (sense of self-respect). (5) His training and equipment were kept very much inferior to those of the British Garrison. In fact, the function of the Indian portion of the army might be said, with a little exaggeration, to have been merely to form the bamboo staff for the British army, which was the real spear-head of the weapon as a whole. (6) The hereditary and historical communal feelings and caste and local divisions which are the curse of India were taken full advantage of. The Hindu was balanced against the Muslim, the frontier Muslim against the Indian Muslim, the Sikh against the Gurkha, the Rajput against the Maratha, and the caste Hindu against the casteless. (7) And lastly, for a period of over fifty years, not a single sepoy was ever allowed to rise to the rank and authority of a commissioned officer. Rajput and Dogra, Sikh and Muslim, Brahman and Mahar were all equal in this wonderful army in the sense that they had all to learn to look up to the British officer as to a demi-god and infallible oracle. Without the "steel frame" of its British officers an Indian company was deliberately kept almost as helpless as cattle.

To avoid misunderstanding I hasten to add that this view of its peculiar structure should not be taken to indicate a failure to appreciate the great value of the services, internal and

external, performed by the Indian army during such a long period as sixty years. British statesmen found India weak in a military sense and made it weaker,* by building up their army here on such lines. But undoubtedly this army, though only what it was, answered the purposes its creators had in view. The tasks assigned to it were all performed by it most successfully decade by decade, and it would be unhistorical not to say ungrateful on the part of Indians not to admit this in unequivocal terms. It is altogether due to the protection afforded by this sure shield, however composed and manufactured, that India has progressed.

But by universal admission such an army has had its day and cannot continue any longer. The declaration of August 1917 implemented by the Reforms Act has altered the whole situation. We have now new aims before us requiring new institutions and new methods. What India needs now is a national army, national in all its arms, relying on India alone as to all equipment from aeroplanes to submarines, and manned exclusively by sons of the soil. Selfgovernment can only be ours in proportion as we succeed in achieving this. Nor can we progress in this cardinal matter without the active and hearty cooperation of England: a cooperation that we cannot win unless all that is noble generous and just in the English people is decisively on our side. How long will it take India, befogged by her non-cooperation advisers, to understand that the only way to genuine trust, cooperation, respect, and brotherliness (*bhratribhava*) on one side, is equally genuine trust, cooperation, brotherliness and respect on the other?

The creation of a wholly Indian army, however, is a problem vast, intricate and delicate, and the process is bound to be further complicated by the inexorable necessity to carry it out in such a manner as to maintain intact, throughout the period of transition and transformation, an instrument of war fully adequate to whatever calls might emerge for internal order or external defence. A gradual substitution—and it cannot but be gradual—of Indian officers for British, is not enough. A gradual creation of a territorial force tuned up by a course of training, steadily increasing in intensity and range, to become a worthy "second line" in our scheme of defence and pre-

* I should be very glad indeed if this charge could be shown to be baseless.

paredness, is not enough. A gradual improvement in the Native States Imperial Service Troops of yesterday until they become as effective as their comrade in arms, the Army of British India, is not enough. A gradual surrender of the "martial" races superstition is not enough. A gradual change from long to short term service is not enough. A gradual creation of preparatory and completing institutions for military training in India is not enough. A gradual increase in the industries for the manufacture of military requirements in India herself is not enough. These moves are in the right direction, many others limited or extended in scope could be suggested, and we are advancing in so far as these are being already pursued with faith and vigour. But what is required first of all is a view of the problem as a whole, a vision of the goal in its essential features, and a reasoned conviction both in India and in England that that is indeed the goal to aim at, and to march for steadily, without inconsiderate hurry, but without delay.

Look at the North-West from Afghanistan to Russia. There is as high a percentage of men expert in the use of the latest firearms in that quarter of the world as in any other. They have always looked to India as the land of diamonds and jewelry and gold and luxurious ease and enviable plenty, and they have always looked down upon the people of India as effeminate and divided. This great mass of vigorous and unscrupulous humanity are at length emerging from the darkness chaos and supineness of five generations.* The prestige of Europe, the prestige of Russia and of England, have waned, the prestige of the White Man is a tale of yesterday. The White Man as a Kshatriya has ceased to inspire fear or respect. The White Man can continue to influence the destinies of the world now, only if he can rise from the status of the Kshatriya to the higher status of the Brahman of humanity, and he is yet too uppish and domineering, too greedy of power and wealth, for that consummation of his culture. And thousands from these awakening regions are now themselves travelling beyond Mecca, Cairo and Constantinople, to Moscow and Berlin, Paris and London. Hundreds in these regions will soon pick up all the military science there is. Nor has there ever been any dearth in Europe of lawless adventurers and freelancers, but there will be more available now because of the larger

number of petty states in the place of the German, Austrian, Russian and Turkish empires. Hence, unless we wake up in time, the next great event in the chequered history of our land is bound to be another invasion from the North-West. It needs no gift of prophecy to perceive this from today. On the other hand, whether it will come before the middle of this century or after, no human being can tell. And there can be only one certain method of warding it off for ever: India has to become organised and drilled into something very like a Nation in Arms. Nothing short of that will create in this region from which danger lowers, a wholesome respect for India's strength, and a public opinion in that region against invasion, as being only a step into the jaws of death. The traditional reputation India has borne for centuries of being both worth looting and easy to loot again as soon as the British garrison becomes weak, cannot be counteracted by anything short of a thorough military preparedness all over the land. What the Sikh did in the Panjab, what the Maratha did in the West in an earlier age, all India has now to achieve throughout her length and breadth, and under the guidance and with the sympathetic help of England. This is the great national adventure to which we have set our hand, and England too is pledged to help us in seeing it through.

India may again ease off her military harness later on, but only after she has turned herself into a Nation in Arms and maintained herself in that condition for about a generation, so as to acquire once for all the highly complex science and art of becoming at will an armed nation ready to put forth her whole strength at need. Thus alone can she acquire both confidence in herself and unified control over herself, and, what is no less important, thus alone can she let all the world see her strength and especially these wild people on the North-West. The divisions and mutual jealousies of the various sections of our people would be also cured for good by the same process. Hindu and Muslim, Brahman and Non-Brahman, high caste and low caste, Panjabi and Madras, are at loggerheads today because they are all equally undisciplined, because each has a low opinion of the other's strength nor any trust in his fairness, because each is today really placing his community or province before the country, and has not acquired the fixed habit by which he would instinctively put the whole before the fraction. Military training on a fairly

* Counting from Ahmad Shah Abdali and the battle of Panipat, 1761

extensive scale and entered upon not merely as a leisure-hour frolic for the few but as a serious business for thousands in every province, commencing at the right age and going on for several years on a plan uniformly applied throughout the land, will mend it all in less than a generation and more effectively than any other creative policy we can think of. It would discipline the individual not to rush to blows on the prompting of uncontrolled emotion. It would organise individuals into groups, each group itself a mere unit in a larger entity, so that every individual will wait for the word of command and the man whose position it is to give the word, will never do so except under a full sense of responsibility. It will give confidence to all and each. It will teach respect for all. And these and many other things besides it will achieve by accustoming Hindu and Muslim and all other communities and sections to march shoulder to shoulder as the striking arm of the common Mother equally beloved of all, worthy of the equal allegiance of all,—and not as at present in communal mobs one marching against the other or against it never knew what, and bidding fair if allowed to go on as they have begun, to turn fair India into a pandemonium on earth “Where is Mother? Who is our Mother? In this mystery-ocean of Time-Destiny where art Thou?”—asked the author of the *Bande Mataram* song in a meditation that was also vision. “A divine music filled the ear, the sky glowed with the ruddy lustre of the dawn a gentle breeze fanned the temples; and I saw far off in the dancing waves of this Ocean the golden Half-Moon of the seventh night in *Sharad*, smiling in the waters, glowing upon them, spreading her rays all round. Is this—Mother? Yes, this is Mother, this our Motherland, this earthy section of the earth, adorned with a hundred jewels, but today hidden in the bosom of the Ocean. The jewelled ten hands extended flashing in the ten directions; each arm bearing weapons still more flashing, each weapon a potent *Shakti*; crushed enemies under her feet; warriors brave as lions attending upon her footfall. This Her Image is not visible unless we cross (the present section of) the Ocean around us; it is not visible at this moment, not visible today, not visible tomorrow. But a day will rise when it will appear: the arms spread in all directions, each arm bearing a Weapon of Power, victorious over all enemies, riding in glory, prosperity and destiny in her right hand, science and all learning in her left: *Kartikeya* the god of power on one hand, *Ganesha* the god of successful achievement on

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the other: in this very Ocean of Time-Destiny do I see far-off this golden image.”* *Bankim Chandra* saw this vision in the seventies of the last century. We are no longer floating in that tract of the Ocean. Or, in English phrase, much water has flowed under bridges since then, and a new Yuga (era) has dawned. Has the moment come for the realisation of this vision? The Peace of *Asoka*, I know, is dearer to many Hindu hearts than the embattled might of *Chandragupta*. But the plain teaching of history is that an era like that of *Asoka* cannot dawn except after and only as the necessary sequence to an era of successful military might like that of *Chandragupta*. The unification of India is a problem vaster and far harder than the unification of Italy in the nineteenth century. The recognition of India by the world as a selfgoverning nation able to defend herself is a problem on a level altogether higher than the recognition Japan achieved by continuous effort from 1869 to the end of the China-Japan and Russo-Japan Wars. And India must be prepared to win what she desires by sacrifices in proportion. To realise her aspirations singlehanded and in the teeth of opposition would be altogether beyond her. But luckily what she has to apply herself to is a task not at all impossible with England at her side pledged to help her and see her through.

Trying then to view the problem as a whole and concretely, the first and the main question to examine is, what changes are required in the recruitment of the Indian soldier. The more numerous (but till recently the less well-equipped) Indian section of our army is still, as it has been all along, communal through and through. Gurkha, Jat, Sikh, Dogra, Rajput, Brahman, Maratha, Madras, Pathan, Panjabi Muslim, Deccani Muslim, Garhwal, Bhil, low-caste, and no-caste,—each individual on recruitment has gone into a unit of his own community and creed. Class regiments and class battalions have been only recently given up and class companies and class squadrons are being given up now.⁴ This most salutary reform should be carried to the farthest point possible. Not only should every company and every higher formation be mixed, but even the platoon should not be a class communal or creedal unit, except where absolutely necessary; and the great majority of the pla-

* *Bankim Chandra: The Meditation of Kamala Kanta.* The passage is also quoted by A. Das-Gupta in his book on Bengal's premier novelist.

toons in the Indian army as a whole must be mixed.⁵ I venture to suggest further that the recruitment should be for

- 3 years—service with the colours ;
- 3 years—service in the First Reserve ; and
- 3 years—service in the Second Reserve ;

so that a recruit joining the army at the age of eighteen—twenty-one would complete his military duties, even the lightest, by the time he was twentyseven—thirty, and his heaviest military duties, which would—form him into a military man for life, would fall in the age period eighteen—twentythree. Service in the First Reserve need not be for more than two months in the year and, if possible, in two periods of one month each, at two different seasons of the year. Service in the Second Reserve need not be for more than six weeks in the year, in two periods of three weeks each; and experience might show one period of three weeks only to be sufficient. Further, the basis of recruitment should be territorial. We have nine provinces; the smaller provinces and what I have called the intermediate and the smaller Native States should (when the time comes for it) be, for the purposes of recruitment, merged in the major province geographically and linguistically allied to each. But Native States in one large block, like the Rajputana States, and the premier States like Hyderabad, Kashmere, Gwalior and Mysore, should rather be pooled together and formed—when the time is ripe—into two or three other circles for recruitment purposes. Thus, we shall have eleven or twelve provinces or recruitment circles. And the number to be annually recruited for each of these territories should be in proportion to the population of each. We have at present ten "divisions"* with one headquarters station each. The total number of these circles may be increased to eleven or twelve,—let us say (just to facilitate calculations here) to twelve;—in removing the headquarters from one or two out of the ten places where they are at present and in creating two additional headquarters, the convenience of Madras, Bengal, Assam and Bihar and Orissa can be considered as far as possible. Each of our twelve territorial circles should have, besides its headquarters, a sanatorium, and at least one other station or military camp, as different as possible in climate and physical

* Here 'division' does not mean 15000 but a geographical unit.

features from the headquarters station, so that the training of the soldier might leave nothing to be desired. As a rule only the first portion of the training of recruits would be with in their own province; for the balance of their period of three years with the colours they would be moved about, so that they would know various parts of India from a military point of view and in other ways; and the completely trained recruits would be stationed for what remained of their three years at the headquarters nearest the North-West Frontier, viz. Peshawar, Quetta, Lahore and Rawalpindi. These and many other matters are, comparatively speaking, details which the Army chiefs would work out themselves with their expert knowledge, and the Army and the Government of India would be able to decide, with or without reference to the central legislature according to the nature of the case. But these proposals necessarily involve a departure from the established principles and practice on two or three fundamental matters, which therefore only the supreme authorities in England are competent to settle. To these then we may now proceed.

Merging the intermediate and smaller Native States into the adjoining territorial circles for purposes of recruitment involves a conception of the relation of Native States to British India radically different from what has so far prevailed. And the issue is raised still more definitely by the companion proposal to pool together the Rajputana States and the premier States into two or three recruitment circles by themselves. Neither of these steps could be taken except with the consent of the Native States concerned. Perhaps it would be better to do nothing for some time and to go on with the improvement and strengthening from the point of view of military efficiency of the troops drawn from these states, whom I will continue to call by the name under which they distinguished themselves in the Great War, viz. the Imperial Service Troops. Supposing in the scheme as a whole we fix the total number of divisions of the Army as it will be when completely developed at 24 and the total Native States contribution to it at 3 Divisions or one Army Corps (51000 combatants) the balance or 21 Divisions (seven Army Corps=357000) combatants will be the maximum strength of the Army of British India, wholly Indian in personnel, officers as well as men in every branch. I mention these figures merely because concrete proposals must be put forward in order that examination and criticism by

responsible experts might lead to better proposals. To focus attention on our most fundamental underlying problems and to press for an enunciation of principles, and concrete proposals corresponding to them, from responsible quarters, are my sole objects in whatever suggestions I am throwing out in the whole of this concluding section.

The actual strength of the Army in India on the 1st September 1923 was—British ranks, 66106 combatants; Indian ranks, 138714 combatants, total 204825: Imperial Service Troops (now called Indian State Forces), 27000.* And the cost of a British soldier to India is about four times that of an Indian. To replace 10 British soldiers by 33 Indian would not add to the present annual cost of the army as a whole. And this is the principle on which I have worked out the above suggestions. For $66106 \times 3.3 = 218150$; and adding to this the present number of Indian soldiers or 138719, we get a total of 356869, which I have rounded to 357000. Moreover looking to the wealth, population and territory of Native States in India, an army of 51000 is much smaller than India can reasonably expect them to contribute towards the defence of the whole; besides a complete army corps is from the military point of view a better unit to organise train up and keep in being, than any fraction of it larger than a division. In a three years' scheme, again, the total increase is realised only in the third year. And I do not propose any additional recruiting—now I come to my most fundamental suggestion, which can only be decided upon by the British Government, —except in proportion to a gradual decrease in the British Garrison, and to prepare for it in advance.

No scheme of transformation in a matter so vital as an army is, I submit, worth anything that contemplates for its completion a period longer than a generation. To assume that world conditions would continue unaltered for a longer period is not statesmanship. Whatever we want done in such a matter must be carried through in the course of about thirty years or less. The British Garrison today numbers 66106 men. But this includes 2096 officers in the Indian section of the army; and in the artillery on the date I have taken there were 14000 British soldiers to 5600 Indian, a disproportion going to be

* Army in India and its Evolution (Official publication, 1924.)

righted in due course as Indian artillery units increased. What I suggest then is that the British Garrison to be reduced might be taken, for the purposes of calculation, at the round figure of 60000 only. And the crucial question in the entire problem is, in what stages their reduction is to be carried out. I suggest that on a particular date to be fixed in advance 15000 (the strength of a division) should be reduced. And we should work forward to this date, by (A) tuning up the whole army as to efficiency, and (B) recruiting 90000 additional Indians from our nine circles in three years and training them up as thoroughly as we can. Our Indian army today is in round numbers 140000, and this requires renewal at the rate of, say, 7000 per year. These should also be recruited from the same date on the three year plan, so that in three years we shall have another 21000 soldiers, 14000 in various stages of training, and 7000 thoroughly trained. In the fourth, fifth and sixth years from the date on which the scheme is launched, 37000 trained soldiers would have thus gone into the reserves, or 111000 in all, and there would be in the seventh year as in the third, fourth, fifth and sixth years (140000 + 30000) 170000 first line Indian troops; apart from the British garrison. What I propose then is this: that in the seventh year from the date on which parliament sanctions such a scheme, the British Garrison be reduced by 15000; and that further steps be initiated on the lines indicated here in outline,* for another reduction in the thirteenth year of 15000 or any larger number.

Now whatever other defects such a scheme might be criticised for, it is hardly possible to say of it that it does not make ample provision for the defence and safety of the country throughout the period of transformation; and that of course is the one requirement to be satisfied at all costs.

Another principle involved in the scheme would also require to be sanctioned by parliament. The recruitment, I have said above, should be proportional to the population of each circle. And from the moment we begin this transformation of our army, the ordinary military budget—apart from the extraordinary items in it—must be shared between the central government and the provinces, in some equitable proportion.

* I.e. from the seventh year more than 30000 are to be recruited annually, in view of the second reduction in the British Garrison in the thirteenth year.

portion. This would be a fairer and more democratic arrangement than to continue for ever the present system of contributions from the provinces, which had to be started merely as a temporary measure.

Lastly, what a high proportion of army requirements arms, munitions, equipment, stores, and what not is imported from England? Why should it not be our aim not to import even a pie worth from abroad? Even when the raw material e.g. rubber, has to be imported, why should we not import it direct from the country of origin in a crude form and work it up here into the required finished articles? What is the independence of a country worth that possesses an army indeed but an army which is itself dependent for some of its indispensable equipment on some other country, however friendly? Without selfsufficiency in this matter, daily becoming more important as war becomes more scientific and technical, how can improvements and economies be effectively monopolised? How can the army budget, for a given standard of efficiency be reduced to a minimum otherwise? Or take an instance of another kind, such as the supply of horses. A country as vast and various as is India can itself breed all the horses it needs in every variety of type, and to do so would be in the long run the cheapest method of securing regularly an abundant supply of the horses we require not only for our army but also for a number of civilian needs. Take any instance, however extreme, the principle applies. A country that does not make itself everything the army needs from aeroplanes and tanks to pins and bandages, is a country dependent for some of its needs upon the good will of another, it will necessarily have to spend more than it ought, to obtain these articles, and moreover when, as during a war, the time-factor is important, or the importation is over unsafe routes, or the country of supply cannot execute orders, there will be other difficulties and complications. A country like England must put up with these and many other drawbacks. She never can be selfsufficient however hard she tried. But that is no reason why we who can, should not try our utmost to be our own producers for all our requirements.

Doubtless the necessary workshops, factories, industries and departments cannot be created in a day. But with a fairly

complete plan to work out methodically, advancing from key industries to allied and subsidiary industries and crafts in concentric circles, much can be done more quickly and economically than would otherwise be the case. The initial costs should not deter us, since they would be investments. The wealth of a country depends upon its ability to produce itself whatever it needs. And the general and indirect gains to the industry and productiveness of the country as a whole would be incalculable. Moreover, as the young men finish their three years with the colours and go into the reserves, a number of them could be taken up according to need for these industries and workshops, and could thus acquire a craft or several allied crafts and a definite place in the highly complex industrial and economic organisation of a modern society. Their sense of discipline and military order, their active habits energy and capacity for teamwork, would set up standards of the work turned out, both for quality and quantity, the cumulative effect of which would be of the highest advantage to the industrial and productive life of the country as a whole. An army needs all that the civil population needs and much besides. And finally, if the men with the colours are also trained in their spare time and according to facilities to one or more of the crafts and industries which produce army needs, to that extent does the army cease to be unproductive, as economists are fond of labelling it, and becomes not only a productive fraternity in itself, but a reservoir from which greater economic productivity efficiency and resource flow out into the general population year by year as the army men return to civilian callings. Modern national armies mean lakhs of men in the prime of life. And that being so, the men at the head of such a huge organisation, whose word is law throughout the mass of humanity they control, should also look beyond the military efficiency of their 'lads,' 'boys,' 'infants' or 'Tommies,' to the economic, social and human efficiency of these individuals whose fates they control and whose souls they fashion so thoroughly for better for worse; especially as to do so would alone enable the country to possess an efficient army whose real waste is less than nothing, although year by year the gross sums provided for and consumed by it amount to tens and hundreds of crores.

There is no arguing with those who might look down upon a scheme of this magnitude and intricacy as a mere dream

Purely negative opposition like that is absolutely worthless. We are committed to the task of transforming our present army and creating one wholly Indian to fill its place adequately. However great the obstacles and difficulties, howsoever great the sacrifices required, England is in honour bound to attempt it, India is in honour bound to carry it through under the guidance of England. Some scheme fairly complete in essentials has got to be framed; whether based upon a three years' or a longer term of service. If the one here presented in outline is imperfect, as is highly probable, if it be also impracticable, as is not impossible, some one better qualified has got to produce a better. We shall only be marking time until a scheme fairly adequate in essentials, nor making too violent a breach with the past, is, after a thorough examination, decided upon, and we commence the progressive execution of the necessary measures with something of that faith and driving power, of which E. S. Montagu has set so noble an example in connection with the Reforms.

D.

CONSTITUTIONAL ADVANCE: PERSONNEL.

In the debate on the Government of India Bill, 1919, Lord Selborne in the house of lords told Indians that "they had come nearer than many of them knew to turning a very great body of public opinion in England against their aspirations."* Lord Carmichael observed on the same occasion,—"in India the more numerous body taking an interest in politics is always the youngest men, and therefore, the men who have least experience."† And Srinivasa Sastri has reported how the late Mr. Montagu was being driven into more and more impatience at the impatience of the politically-minded Indian as a class. He was almost driven to suppose that the differences between many of the moderate men and the extremists among them must be differences not of convictions and principles but merely of degree. Now as long as "reforms" merely meant the creation of more or less representative legislatures subordinate in all essential respects to the executive, the attitude that there was little in the novelty in proportion to the claims made and the bugles sounded, was not at all unnatural. And this was the strong point in the attitude of men like Tilak

* Mukharji, *India Constitution*, p. 599.

† *Keith II* pp. 270-1.

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and Arabindo Ghose against that of their moderate fellow-patriots, Gokhle and Pherozeshah Mehta. But the moment we enter the region of genuine preparation for popular sovereignty, representative and responsible, the attitude that unles and until the entire sovereignty be fully achieved, there was little in it, is little short of blind perversity. For what is now sought is not merely to transfer something but to transplant a living seed and to foster its growth. And growth must take time. It is only the juggler who can plant a mango-tree and show it to the credulous fullgrown (though diminutive in size) inside an hour: it is only the quack who can promise swarajya to any land and people in a year. The administrative and legislative powers dyarchy has so far allowed, under safeguards, to the people and their representatives, are with the intention of helping the birth and growth of popular sovereignty on Indian soil, able to assert real growth takes place through constitutional channels. And it is only as real growth takes place that further advance would be possible. As long as irreconcilable ideologies are the chosen representatives of the people, who hold cooperation with England even for the benefit of the people to be disloyalty to the people, swarajya cannot grow up in India by constitutional process. As long as the representatives elected by the people, even though willing to work the constitution so as to benefit the people, and march in step with England constitutionally, are so divided amongst themselves on creedal communal or other lines that there is no stable majority in the legislatures obeying and supporting recognised leaders, popular sovereignty remains, in spite of the constitutional facilities, merely a paper label with little substance in it. As long as any large section or community of the people want to dodge majority rule and would rather threaten to rebel than consent to work the constitution, **constitutional** progress cannot grow. As long as a majority in power is keen about using that power to help itself without thought of the country as a whole, we can never have a true democratic state but what Aristotle stigmatised as its perversion. Unless a majority in power will learn to use its power so as to inspire confidence in the minorities that their inalienable rights and privileges as citizens and as human beings are just as safe in these hands as in the hands of their own men: unless minorities will also learn self-restraint enough to distinguish between these inalienable rights and privileges on the one hand and power to oppress on the other,—for power to disregard the

equally inalienable rights and privileges of other men is nothing but power to oppress them: India must continue, whatever the constitutional forms enshrined in the statute-book, under a third power, alien, but civilised and tolerant enough to rule over both the Indian communities with impartiality. And can any one assert that the present dyarchical constitution, with other safeguards for minorities than the illjudged concessions to Muslims altogether inconsistent with the spirit of the scheme as a whole, does not afford sufficient facilities for political equality, political responsibility, political intelligence, and political opportunity to grow up under it? Further progress towards swarajya will be the inevitable outcome of growth along these lines. And such growth takes time; especially in a land with our history, traditions and divisions.

To set down an Indian making such statements as merely a slave or a flatterer or worse; to set down an Englishman making such statements as merely unwilling to part with any of the power his people have in this land; to set down any one else making such statements as merely ignorant or unsympathetic: may be natural to intellectual indolence or obstinacy: but it will never enable the self-styled patriot to get any nearer to the truth or to Swarajya.

To go on to questions smaller and more concrete.

What do we mean by **provincial autonomy**? Will any Indian today subscribe to John Bright's ideas of 1858—that there should be neither a Government of India nor an Army of India, but that each province should be directly dependent upon England, a sovereign state with its own army and navy, executive and parliament, with subordination to England as the only defect in its sovereignty? No. Not a single Indian wishes India to be dissected thus into several lands and nations. Even those in favour of **linguistic entities** or **cultural entities** as provinces, want them recognised as subordinate and coordinate units under a single central government for the whole of India. The political unity of India is as precious to them as is the separate recognition of their beloved unit as an individual organ inside the whole.

That the provinces as they are at present grew up historically we have seen. The distribution of India into these provinces has only a historical justification. But to admit this, and to admit the many anomalies and inconveniences of the present distribution, is not at all inconsistent with a recognition of the greater difficulties of any redistribution on a large scale. One of the most individualised of our fractional nationalities is that of the Marathas. Fractional though I call it in contrast with the Indian Nation as a whole, racial, linguistic, social and historical bonds make of it a distinct sub-nation with as good an abstract or sentimental title to a province of its own as any other. But it grew into an imperial people and besides the central block of the mass of its population in its original home, it has colonies separated from the mass in half a dozen provinces. The central mass itself is in Bombay, C. P. and Berar, and the state of Hyderabad. Gwalior, Indore, Baroda, and Kolhapur, not to mention smaller ones, are its own States, of which the first three are outside Maharashtra, and with non-Maratha populations forming the vast majority of their subjects. Consider again the case of Bombay City. It must be included in the Maratha Province, some will demand with vehemence. Others will resent the demand with equal vehemence. Lastly, Indians are moving more and more freely all over India, and with the rapid increase and cheapening in transport facilities, with the equally rapid growth of industries which we hope to witness as soon as the present period of depression is over, and with the increase in the army and its headquarter stations that is bound to come, our population will become more and more mixed decade by decade. Nor is the case for any other Indian language, culture, or sub-nation as strong as that of the Marathas. Some rectification of frontiers between adjacent provinces would be advisable and could be carried out as soon as the two provinces concerned put forward a joint proposal. But any redistribution on a large scale does not appear to be a practical proposition.

To return to the problem of provincial autonomy on the assumption that the present provinces will continue in the main for an indefinite period.* We have seen how subjects (and functions) were distinguished from one another as central or provincial.

* See Muddiman Minority Report, p. 180.

vincial; and the provincial subjects again as reserved or transferred. Transferred means transferred to the control of the people of the province acting through their legislature. The sovereignty of the people of the province is most unfettered in respect of transferred subjects and functions; and the most superficial meaning of the phrase 'progress towards autonomy' would be a transfer from the central government of more and more subjects to provincial control. But as the Muddiman Committee observe, the matter is not so simple. Administration, legislation, taxation, finance and borrowing powers will all have to be examined; the lines of demarcation in each between the central and provincial spheres will have to be drawn with precision, that is, scientifically on stable principles instead of merely as a matter of convenience; and both the right of central control under the constitution and the right of the province to protect itself under the constitution against encroachment, will have to be safeguarded. The Minority Report admit further the necessity for a strong central government as perhaps the most potent unifying factor between province and province, and hold not only that the vital responsibility of securing national safety must be its special charge, but that all residuary power should be vested in it.*

It is clear that the problems of constitutional advance in the local and central governments are interconnected. The assignment of increased power scope and independence to local governments, the relations between the local governments and central, the introduction of responsibility, whether by stages or at one leap, in the central government, and the increase in its independence of the Secretary of State in Council, by law or by convention or by both, are all subjects to be envisaged in their mutual bearings, in order to create a complex constitutional whole thoroughly harmonised and workable in all its parts.

The Minority Report summarises the views of Indian ministers, ex-ministers and other non-official witnesses as being in favour of an immediate advance to a responsible Government of India with reservations in respect of the army and foreign relations. The army budget (according to these views) might be separated into ordinary and extraordinary

* Majority Report part II; Minority Report, Ch. 7.

of which the ordinary provision might be settled periodically for a number of years and the extraordinary provision for any year should be made votable by the legislature with plenary power in the Governor General (alone, since the executive council with the exception of the Commander in Chief, would under this scheme consist of responsible ministers) to provide (i.e. certify) whatever was required for the sake of national safety. And as a necessary corollary the legislature should be free, under this scheme to discuss any resolutions on army matters. On the equally important subject of foreign relations the Minority Report is less specific: the necessary reservations, it merely says, would have to be on parallel lines. And the minority conclude that they were themselves in general agreement with the above views, which, in their judgment, were not incompatible with the principle of responsible government.

But the most important problem raised by the accepted principle of India gradually taking over her defence in her own hands, is not the transfer of power to her legislature to vote the army budget, nor even a steady increase of Indian officers in the army on an adequate plan, but it is the problem of reduction of the British Garrison. How long this process of reduction is to take, by what stages it is to be carried out, with what simultaneous safeguards for safety during the period of transition,—that is the basic issue. And it is extra-constitutional.

Similarly, the most important problem raised by the accepted principle of India gradually acquiring the power of deciding her own foreign policy is also extra-constitutional. The Native States have to be transformed. Public opinion in India has to be instructed, mobilised, and organised, until in the fulness of time a revolution by peaceful persuasion ripens, and Chiefs and their subjects willingly come into line with a predominantly democratic and wholly selfgoverning British India. England can do little in this either by an exercise of power or by constitution-making. England can do a great deal by her influence and persuasion; she can only exert this, however, as she discovers Indian opinion solidifying more and more in this direction. But all the spade work has got to be done by Indians and in India: and it can be done in a few decades, if leaders exalted over the concomitant difficulties by their faith and cheerfully facing the inevitable

risks, came forward in sufficient numbers. Genuine love of country will not waste breath over the past that has left us as a legacy a task of such magnitude and difficulty; and it will be right glad that the task is of so peculiar a nature that only spiritual means will avail. A nation achieving such a revolution by such means will be able to hold up its head with the greatest in the world.

The reduction of the British Garrison, on the other hand, is a matter in which the decision rests altogether with England. Out of her own good will to India she has to treat this as an urgent problem of high policy, and decide upon a scheme. Out of her own good will for India she has to train up a national Indian army, just as she trained up the Fellaheen to stand up against the fanatics of the Mahdi at Omdurman. But this Indian national army has to be built up on a larger scale, complete in every arm, and so constructed that communal and provincial jealousies and animosities would not only not be fostered by it, but that it would itself become a most potent factor in replacing them by mutual trust and brotherhood. It is only as India can achieve this that she can rise superior to her centuries of mediaevalism and chronic internal dissension. And India can never achieve this except only under the protection guidance and tutelage of England. In 1917 England committed herself to a course involving this high adventure as the last and the greatest of her services to India. In 1920 she has taken the first step and introduced a first instalment of the new era in the shape of a constitution of divided responsibility. But a divided house can only be a temporary makeshift, whether socially or politically. A divided house a family or a nation puts up with cheerfully only in the expectation of a better structure affording scope to fuller selfrealisation. Both England and India have to work incessantly during the years of transition to turn the expectation into reality. England's main part in the labour is to create the army of the Indian Nation. And the moment she is perceived to make a start in this direction in earnest, intransigents in Indian politics will be reduced to negligible proportions.

India's part in the labour—besides the sacrifices she will have to make to build up her national army—is the education of constituencies and their representatives. The moment

the legislatures are organised into stable parties with recognised leaders, opposing each other on political issues for what each believes to be the political good of the whole, ministers will have real power, the central legislature will have real influence, responsibility will cease to be a mere paper label, the forms of the constitution will become living realities, and constitutional advance will follow as a matter of course.

Will the Indian constitution as it develops conform to the unitary type or the federal? India needs strength in the central institutions; the fissiparous tendencies inherent in her society and history will have to be guarded against for some generations until the national history and traditions of the new era are strong enough to prevail from end to end of our vast country without safeguard or support. And although my scheme as adumbrated in subsection A *ante* accepts the preservation of the largest of our Native States as separate governments under hereditary "constitutional" monarchy for an indefinite period, it seems to me that a perpetual subordinate alliance of each such State with British India would be a better method of regulating the relationship than their inclusion within a federal system.⁶

The officers in our army number a little over four thousand. The civil administration and the railways are controlled by less than six thousand men. This legion of (roughly) ten thousand people rules and administers India from end to end. They are as one man in loyalty to the Flag and in disciplined and expert industry in daily and hourly service of the Flag. The British Empire in India as a spiritual entity active militant and beneficial has its living embodiment in these ten thousand men in power, fully conscious of what political power and positional influence are, and past masters in the art of wielding it for its own preservation and glory, as the highest good of the crores achieving their own advance in civilisation and humanity under its canopy.

Take this legion as a whole, review its work during the four generations of its growth and domination, India has never known a body of administrators abler larger-minded or more disinterested throughout the centuries of her long history. The only body of men within Indian memory to whom they can be compared with any justice were the Buddhist *bhikkhus*

in their Sangha, what time Buddhism was in its ephemeral prime in this land of its birth,—and power and the material advance of the people through a wise organisation and employment of it, this ochre-robed and itinerant order of the begging bowl never aimed at. These ten thousand rulers and administrators of India have, on the other hand, made secular good through secular means their principal aim, they have put their heart into their work, and it has been a matter of honour to them, as it is to members of a spiritual order, to excel in it according to the highest standards of human achievement. The wastage in their numbers from death or retirement may be set down at five to six hundred a year, about five or six hundred raw and ignorant young men join the legion every year, but the life and work of the legion as a whole go on, as if it was not at all subject to these twin incidents of every mortal institution. The novices get into their work, are naturalised to their surroundings, and become seasoned bureaucrats in a surprisingly short time. And this is due to a large extent to (a) the principles of selection, (b) the security of tenure and prospects, and (c) the equality fairplay and *camaraderie* maintained by the higher services as their life-breath. Thus the first remark I have to offer under this head is that, though we change the nationality of the individuals forming our legion, these principles and practices essential to its organisation and efficiency must be adhered to as sacred and inviolable. No merely constitutional advance would compensate for any deterioration in these preservatives of sound, efficient and progressive administration trusted equally by all sections and parts of the population. The knowledge efficiency continuity devotion and trustworthiness of the administrative machine are built up with difficulty, and that legislature alone uses its sovereignty well, who appreciates these virtues in its executive, and knows how to encourage and foster them. Communal considerations, for instance, however unavoidable it might appear today to allow them weight, are certain, if persisted in, to act as a powerful and dangerous solvent of all efficiency and loyalty in any administration.

An alien bureaucracy and a sovereign democracy are incompatible, and Indianisation has not been commenced a moment too soon. But the pace of the process of Indianisation is also a matter for serious consideration. Many of our public men speak and vote as if speeding up the process was

also an unlimited good in itself. This extreme view may be the natural result of Indianisation having been delayed too long and treated too long in the Chesneyan and Curzonian fashion. But now that steadily progressive Indianisation as a fundamental of the Reforms is in no danger whatever, a little deliberateness in the advance would give sufficient time for the new **personnel** to acquire the virtues of the exclusively British bureaucracy as we have known it for over a century from the days of Lord Cornwallis. Another point of cardinal importance is that Indianisation in the civil half at a pace altogether unrelated to that of Indianisation in the military half would hardly be an unmixed advantage!

Finally, one of the great virtues of the British legion was their instinctive solidarity and their disciplined unity in action. Scions of a homogeneous and domineering nationality, brought up in homes, schools and colleges, and surroundings not very different from one another, and lost here in an ocean of oriental humanity very different in instincts incoherent of oriental structure and outlook, with a surprisingly heterogeneous social structure and through these foreign rulers and administrators created in their gymkhanas, clubs, cantonments and hill stations a life of their own, where their superabundant energy multiplied occasions and means whereby, though living scattered over an area so extensive, they came to know one another almost as well as if they were citizens of some model City State of Aristotle's ideal. For a new commission or an extraordinary charge the Governor General, Commander in Chief, or Member of Council had only to formulate his special requirements with some care, and in a month or so he could discover out of this legion half a dozen men any one of whom could be reasonably trusted to undertake the job and carry it through. Temporary importation of special men from England was an equally easy proposition. This mutual knowledge of one another, this solidarity and *esprit de corps* are now going. The ten thousand Indians who will, on the other hand, get into the vacated places in less than fifty years,—will they be as divided in instinct, upbringing, outlook, and all that parts man from man, as are from one another today (to take concrete instances only) Mahammad Ali, J. Baptista, Jagadish Chandra Bose and C. Y. Chintamani, Darbhanga, M. K. Gandhi, the Gaikwad, Hari Sing Gaur, Ali Imam and Sivaswami Iyer; Jam Ranji, Mukund Jaykar,

M. A. Jinnah, the Aga Khan, and Sardar Kharak Singh; Lala Lajpatrai, M. M. Malaviya, Sarojini Naidu, Sankaran Nair and Motilal Nehru; R. P. Paranjpye, Vithalbhai Patel, K. T. Paul and Sir Abdul Rahim; Brajendra Seal, Chimanlal Setalvad, Shraddhanand, Sachchidanand Sinha and Tejbahadur Sapru; Rabindra Nath Tagore and Purushottamdas Thakoredas? Out of this list of thirty names the reader may strike off such as in his opinion are not of the first rank, and reduce the list to twentyfive, or he may also add others raising it to forty or more: he may make for himself the most perfect list he can think of, including in it any number from twentyfive to fifty: let him then compare the men with one another, right and left, up and down, creedally, provincially, racially, and in as many other ways as he can think of: will men like these brought together in an administrative hierarchy, give us the mutual trust and loyalty, the solidarity and *camaraderie* that are going, with the alien bureaucrat whom we are scrapping? Catch able men while they are still malleable, and put them into a live institution with traditions which commands their wholehearted devotion and the desired transformation however miraculous it might seem to the abstract thinker, can be achieved as a matter of fact. A great deal however must depend upon the inherent qualities of the raw material put into the institution, year by year. And far more necessarily depends upon the solidarity zeal and good will among the senior men themselves. It needs no prophet to utter a grave warning about the fissiparous tendencies so powerful in Indian history and Indian society. A strong central government a head and shoulders above the provincial governments, and a thoroughly unified Indian army will not suffice to keep selfgoverning India united and effectively operative as a single state, without an all-Indian bureaucracy also, at least ten thousand strong, that is united in spirit, however diverse the individuals composing it in religion, language and nationality of birth. The need of such a bureaucracy is all the greater during the period of transition while the army and the political constitution are themselves in the meltingpot to be recast according to our ideal. And the only force available that can give us such a bureaucracy even while we are also changing its personnel is a uniform higher education intensely modern and secular, combatively English and European. Deprovincialisation, suppression of the fractional nationalities in which they are born, and modern or

INDIAN ADMINISTRATION.

European ideals in a militant form are the necessary conditions in which an all-Indian patriotism can grow and spread from the higher educated classes to the people throughout the land. Hinduism and Islam will help only in so far as each can drop its mediaevalism and is re-expressed in the light of the modern spirit of toleration and brotherhood. Militant linguistic and provincial fidelities, which cannot help at all. Like petitive jealousies and rivalries, on the other hand, are common religious bias they are also apt to deflect the actions of the individual, unconsciously to himself and even against his unity of India, not merely a unity of hate against the alien occupant, but a unity of love and patriotism expressing itself in daily deeds of administrative, social and economic existence. And such higher education in India as is not fully in harmony with the devoted loyalty of the educated to the unity of India not only as a practice but also as a habit and even as an instinct, would strengthen the militancy of the various fractional provincial and creedal nationalities (or cultures, if that word be preferred), and instead of counteracting our history and society. When once the Indian Nation is solidly established as a spiritual fact, subordinate loyalties of culture and province may on the other hand help to diversify and enrich the spiritual content of our world. Thus, the present rage for linguistic and provincial and one-centre universities appears to deserve discouragement rather than the reverse during this period of transition while our whole future is in the balance. With Indian unity and swarajya assured, all energy and philanthropy in these directions would be doubly welcome as incapable of doing anything but good. The tendency in the old universities to gradually replace European history, philosophy and literature subjects by Indian, is also open to a similar objection. Scientific research in these subjects is overdue in India itself, and as between Europeans and Indians equally equipped for the pursuit, it is obvious that Indians would advance it much better. On the other hand, it is no less obvious that the political mentality specially required amongst the higher educated Indians for this age of transition, in order that they might influence the moulding of events in their own day in harmony with the ideals we have set before us, or in other words with the root principles of the Reforms, can be better produced by European history, phi-

osophy and literature than by any other academic studies. I may vary the argument by putting it a little differently. All higher education is for the promotion of the higher life. And the higher life of India united and selfgoverning, kept thoroughly modern and efficient and at the same time pacific by being merged as a sister nation among the group of the British Empire nations, will undoubtedly soar far higher than we can form any conception of at the present moment. Thus to divert higher education today to (or to restrain it within) such channels and pursuits as are most conducive to the winning of union and Swarajya for India is not only not to sin against the light, but it is the contrary course that is sinful. So true it is today as it was in the ancient Greek world,—as Aristotle has graphically delineated it for all time,—that the nature aims and methods of educating the people and especially their potential teachers, authors, writers, leaders, administrators and rulers, are at any period a matter for statesmen, which they must regulate on principles in harmony with their view of the supreme needs of the state, it is their privilege in that period to mould; that to allow education not in harmony with these needs weakens the state and may even lead to revolution and catastrophe. "Without the education of the citizen in the spirit of the polity, the wisest constitutional and legal provisions, although ratified by the consentient voice of the whole civic body, are of no avail."*

CHAPTER XII: NOTES.

SECTION 70.

1. The Act of 1919 was so drafted as to become automatically merged in the Government of India Acts, 1915 and 1916, which consolidated all earlier enactments. In fact the Digest which formed Ch. 3 of Sir C. Ilbert's *Government of India* (first published 1898), had been prepared with a view to such consolidation. Thus this finally consolidated Act of 1915, 1916, and 1919 is the parliamentary enactment for our constitution today, along with the rules and regulations under it. And in interpreting it and especially in trying to get at the spirit from the mere letter of the law, the Report of the *Joint Select Committee* of the two Houses, presided over by Lord Selborne, is the one authoritative commentary to be used at every step. P. Mukharji *Indian Constitution* (1920); S. M. Bose, *Working Constitution of India* (1921); and D. N. Banerji, *Indian Constitution and its Actual Working* (1926) are also helpful to the general reader.

* Aristotle: *Politics* (Wellson's trans., Bk. VIII, Ch. 9).

SECTION 71.

1. Instructions to Heads of "governors' provinces;" viz. the nine provinces named in the text. The only difference now remaining between presidencies and the rest of these provinces is that while the heads of all nine are appointed by warrant under the Royal Sign Manual, in the selection of the heads of the provinces as distinguished from the presidencies, the G. G. has a voice. The salary of the head of the U.P. has been raised to that of a presidency governor. Thus there are now four presidencies, and members of the I.C.S. will generally be appointed as heads only in the other five. The appointment of an outsider—Lord Sinha—as head of Bihar and Orissa was an altogether exceptional incident, and he resigned, moreover, in less than a year. The elevation of Sir W. Marris, who rose from the I.C.S. to be head of U.P., to the status of a presidency governor, is also an exceptional recognition of exceptional merit. Between Sir R. Temple (Bombay 1877-80) and Sir W. Marris not a single member of the I.C.S. has been appointed Governor of a Presidency.

2. The disqualification arising out of a sentence of imprisonment for more than six months may be removed by the provincial government. In the parallel disqualification for election or nomination to a legislature the term of imprisonment has been raised from more than six to more than twelve months, by an amendment to the Rules notified in July 1925.

3. Bombay City North returns three members; Thana, Ahmadnagar, Nasik, Poona, and Ratnagiri districts, two each. One seat in each of these six constituencies is reserved for Marathas. One other seat is reserved from three other Deccan districts, to be taken for this purpose in rotation.

In Madras the Non-Brahmins are to the Brahmins as 22:1. At the first elections the Non-Brahmin voters were to the Brahmin voters as only 4:1. This itself is conclusive proof of the great disparity between the two communities in wealth, education, and standing. And the average Madras Brahmin is still domineering intolerant and mediaeval enough to excite against himself the ill-will and passions of selfrespecting people.

4. The Joint Select Committee pointed out that the representation of the urban wage-earning class was inadequate. At the third reading Mr. W. Adamson called attention to the defect, House of Commons, 5-12-1919 (Keith II 264). The Muddiman Committee (1924) have recommended additional nominees of the depressed classes, ex-

cept where in any province the government could formulate a system of election; and elected representation of urban factory labour both in the provincial legislatures and in the central assembly (Para. 64). Earl Winterton's reply to a question in the commons, 14-6-1926, shows that the Rules for the 1928 elections might give effect to these suggestions to some extent.

5. In the U.P.—to take another point—"one of our members would have preferred that the revenue and rental qualifications" be doubled in order that "the representation of landlord and tenant interests should be more equally balanced. The lower standard was however kept as proposed by the local government."

—Franchise Committee Report.

6. By reducing the over-communal character of the Bengal Council and by enfranchising a larger number in C.P. and B., future councils in the two provinces might be less inadequately representative in character than from 1921 to 1926.

SECTION 72.

1. The Muddiman Committee recommend that Fisheries and Excise be transferred in Assam also, and that Forests too should be a transferred subject except where the province itself "makes out a convincing case" for not doing so. But for these and other recommendations, which are too detailed to give here, see para 93 of the Report.

2. The other transferred subjects are—Adulteration of food, stuffs and other articles, Civil, Veterinary Department, Libraries, Museums and Zoological Gardens, Pilgrimages within British India, Registration, Registration of births, deaths and marriages, Religious and Charitable Endowments, and Weights and Measures. But see the complete lists of central, reserved, and transferred subjects (Bose: *Working Constitution*, pp. 38a—53a).

"It must not, however, be concluded that these partitions of the functions of government are absolutely clear cut and mutually exclusive. They must in all cases be read with the reservations in the text of the Functions Committee's Report, and with due regard to the necessity for special procedure in cases where their orbits overlap." (Joint Select Committee Report).

SECTION 73.

1. Section 47 of the Act says the Executive Council "shall be of such number not exceeding four as the S. of S. in Council directs;

of whom "one at least" must be a servant of the crown of not less than twelve years' standing.

Bengal had three ministers to begin with but on Mr. S. N. Mallick resigning, the third place was not filled.

2. Bihar and Orissa had three councillors to begin with, two I.C.S. men and an Indian, since the Governor was an Indian; and this arrangement continued for some time even after Lord Sinha had resigned.

3. The Swarajya Party obtained a majority in C.P. and B., 1923. Their leaders declined to serve as Ministers and in 1924 refused all supply. In 1925 and 1926 they passed the budgets, but on the question of ministers' salaries, they have stuck to their 1924 vote of only Rs. 2 per annum.

The Bengal Swarajists, entering the legislature in 1923 under the late Mr. C. R. Das, made a pact with the Muslims of the province, and this composite majority, though narrow and with an unreliable tail, has still been able to make the reforms practically unworkable in the province during the triennium. For details see *India in 1924-25*.

4. The majority report of the Muddiman Committee, summarises the views of the provincial governments and of some prominent men connected with them as to the actual working of the Reforms. I give here a few extracts from Para. 8 to 21:—

Madras. Political education has begun, and the population has become more articulate and to some extent more conscious of the meaning and value of the vote. But no signs yet of the division of parties according to political principles. Even among the politician class the formation of independent groups is not so much due to political as to communal considerations or to the personal influence of individuals. Personalities (and communal bonds) count more than principles.

Bombay. No organised parties in the first council. In the second, the Swarajya party does not command a majority and is pledged to a policy of refusal of political responsibility. The ministers were therefore necessarily selected from the smaller groups, and this is the most important cause of the weakness of their present position. They have to rely for support upon the official vote, and thus the distinction between the two halves of the government is obscured. Further, a large section of the House is parochial in its outlook.

Bengal. No party with a real constructive programme. The ministers are left to evolve a policy, and this the members proceed to

criticise. In the first council the ministers were able to influence a sufficient number of members and, with the aid of officials, to carry through useful legislation. The second council contained a body of non-cooperators who along with the "independent" members proceeded to prove that the present constitution was unworkable and to press for provincial autonomy as early as possible. Social boycott and terrorism were resorted to. The constitution needs strengthening in order that the executive might have sufficient power to deal with persistent obstruction.

U. P. The constitution satisfies neither Liberals nor Swarajists. The financial control exercised by the legislature has (because of the inexperience of that legislature) seriously constricted the administration of reserved subjects. And in transferred subjects, local bodies and universities becoming selfgoverning, the executive have been deprived of effective control, with consequences, as yet in the initial stages, which if allowed to develop must spell deterioration and injury. To allow selfgoverning bodies to learn (if ever) from their mistakes is a costly process. The ministers themselves have been working loyally and energetically, and cannot be blamed for results which depend mainly upon the general conditions in which their work has to be done. There are few signs of a common patriotism capable of dominating sectarian animosities or parochial prepossessions. There is no large body of impartial opinion upon which ministers can rely.

Panjab. The authors of the scheme could not have foreseen the speed with which its working would drive Hindus and Muslims into open dissension and would develop antagonism between urban and rural interests. There is no evidence yet of a thinking and selective electorate; little evidence of that close touch between representatives and electors which constitutes the vitality of an elective system. The ministry of education has been criticised for its leaning towards the communal interests of Muslims. Constant efforts are being made to induce the Governor to control ministers in order to safeguard the communal interests of minorities.

Bihar and Orissa. The council remains divided into two parties, official and non-official. Where the issue is not an anti-government one, ministers are supported, but this support cannot be relied on to assist government in times of difficulty.

C.P. and Berar. The educative value of the first council was weakened by the lack of connection between the members and their constituents, by the absence of any party organisation effectively making the ministers responsible to the council, and by lack of funds. At

the second election the Swarajists made no attempt to explain their policy of obstruction (neither did their opponents); they promised a vague millennium; and won. Until the electorate gives evidence of an active and intelligent use of the franchise, any advance would be premature.

Assam. With such an improvement in the financial position as would enable ministers to carry out schemes of public utility, and so consolidate their position with the electorate, there is a reasonable prospect that reasonable men prepared to work the constitution in a reasonable spirit would command a majority in the council.

Burma. Only eighteen months of working, too short a period to judge by.

Sir A. P. Patro (Madras). The council does represent public opinion and does a great deal to create it. But the reserved subjects are a difficulty. The lack of power over them leads, in the council, to a sense of irritation and despair. And the position of the ministers under a Dyarchy is very difficult. On critical questions they must vote with the administration, and this impairs their hold on the majority in the council.

The Indian Members of Council and the Ministers, Bombay. In the present circumstances there can be only two parties: the government party, and the opposition. No palliatives will be of any effect; full responsibility in the provinces with due safeguards, should be introduced as early as possible.

Mr. A. K. Fazlul Huq (Bengal). Western representative institutions utterly unsuitable to Indian conditions; the incessant communal strifes and other causes make their growth here impossible. This constitution has been thrust upon India; to extend its operation would be a serious blunder.

The Indian members of council and ministers in the other provinces generally express views similar to those of the Bombay ministers and Indian members of council. So did several other Indians who had been either ministers or members of council under the Rectorial system. Sir Purshottamdas Thakurdas went further still. Since the dyarchy was unworkable, he held that even in the central government there should be government by a cabinet responsible to the legislature, and the only safeguards should be (1) the Governor General's veto in respect of foreign relations; (2) and a quinquennial budget in respect of defence by an independent body (Paras 22 to 24).

Out of the nine members forming the Muddiman Committee, Sir T. B. Sapru, Sir P. S. Shivaswami Aiyer, Mr. M. A. Jinnah, and Dr. R. P. Paranjpye present a *Minority Report*, going beyond the terms of reference. As we have just seen, there is ample support for the view taken by the minority, in the evidence placed before the committee. I have said in the Text that the Liberals failed in leadership at the critical moment. But the creation and expression of public opinion through constitutional expedients such as committees they thoroughly understand, and they have served the party of progress in India very ably by placing before the committee ample material to enable the minority to say, negatively, that India wants Dyarchy ended, and, positively, that India wants provincial autonomy established, without delay. And able lawyers as the minority are, while pillorying every proved defect of Dyarchy, they decline to define with precision the form of provincial autonomy that India would really welcome and be able to work. (*Minority Report*, Chs. 6 to the end).

The above Report was submitted to the G. G. at the end of 1924. The latest full-dress debate in the central legislature asking for an immediate advance, was on March 11th last. Mr. Jinnah said: The position the Government are taking up is absurd. What if there be a party of irreconcilables? What if their obstructionist tactics have succeeded in a province or two? A province or two is not All India. The Swarajists, the Congress, are not even the major part of India. If they had been, this Assembly and this constitution would have ceased to function on the day Mr. Nehru and his followers entered this hall. And even these Swarajists have cooperated more or less for two years. You have driven them into non-cooperation by your insistence that they must confess their mistakes and repent publicly in sack cloth and ashes. Give us a Royal Commission at once, and I will take my chance of proving the advisability of an immediate advance as urged by the Minority Report, before its members.

Sir A. Muddiman, the Home Member, almost said that if the Swarajists had only cooperated re the budget before the House, the matter would have worn quite a different complexion: almost, but not quite.

Sir D'Arcy Lindsay said: Government are the best judges for the time measure and manner of any advance. He and his friends will vote with Government.

The coup de grace to Mr. Jinnah's demand was delivered by the Anglo-Indian party in the Assembly, whose leader Col. Crawford said: If we vote with Mr. Jinnah and the Independents we place Govern-

ment in a minority and defeat it. For the first time in the history of the Reforms the non-official European party finds itself in this position. And he wished to emphasize the sympathy of his class for Indian aspirations. But where is there today an alternative government, composed of a majority of representative Indians to be placed into power? When level-headed men of the stamp of Mr. Jinnah and Mr. Baptista increased in sufficient numbers, the domiciled community will be right glad and proud to march on to victory hand in hand with such leaders. But that time is not yet (12-3-1926).

I have given a full summary of this debate because most Indian editors failed to see its decisive importance. The Swarajists, Irreconcilables, Anglo-phobes, Ideologists, Mediaevalists, call them what you will, have yet to see how they stand in the way of political advance;—that antics such as boycotting the constitution are not political pressure; and that inflated predictions to the effect that the country would be honeycombed with anarchical societies if Government did not behave better, (and Mr. Nehru indulged in them, 8-3-1926), are merely the worthless counters of political bankruptcy.

SECTION 74.

1. From 1922-23 onwards a total contribution of 983 lakhs or such smaller sum as may be determined by the G. G. in C. shall be paid to him by the provinces (excepting B. and O.). When for any year a smaller sum has been determined as the total amount than that determined for the preceding year, a reduction shall be made in the contributions of those provinces only whose last previous annual contribution exceeds the proportion specified below of the smaller sum so determined; and any reduction so made shall be proportionate to such excess:—
Madras, 17/90ths; Bombay, 13/90ths; Bengal, 19/90ths; U.P., 18/90ths; Panjab, 9/90ths; Barma, 6½/90ths; C.P. and B., 5/90ths; Assam, 2½/90ths.*

—Devolution Rule 18th (condensed): see Bose, *Working Constitution*, p. 16a.

* For the numerators in the fractions see Meston Award Table, last column.

2. Devolution Rule 15th allocated to each province a share in the income tax collected within its jurisdiction at the rate of three ples on each rupee brought under assessment, the tax on which was actually collected. Under this rule in 1921-22 the provinces taken together obtained Rs. 843 lakhs out of the total incometax reaching the central treasury, viz. Rs. 2,217 lakhs. This was more than a seventh

of the whole and too large a sum for the central government to lose. So an amended Rule has been in force from 1-4-1922, for which see in the *Gazette of India*, 13-10-1921, Home Department Notification No. F. 318-Public. The effect of this amended rule has been noted in the text.

3. In lakhs rupees—Madras, 6.6; Bombay, 53.6; Bengal, 2; U.P., 39.6; Panjab, 3.8; Barma, .7; B. and O., 11.6; C.P. and B., 47.3; Assam, .1: total, 175.3.

4. The Muddiman Majority Report wants joint deliberation to be prescribed (para. 96.) If Rule 31 has failed to create sufficient joint deliberation and of the right stamp, a more categorical rule will also fail. The rule is but the guinea's stamp, the man's the gold for all that. Ministers merely by right of appointment are ministers only in name. or rather, merely Government officials. They cannot be turned into real ministers "enjoying the confidence of their legislature and leading it," merely by rule.

To grasp the full scope of Rule 31 read along with it the sections of the Joint Select Committee's Report on clause 1 and clause 11.

SECTION 75.

1. Indian Legislative Rules, Rule 6; Rules for Governor's Legislative Councils, Rule 6. For these as also for the Legislative Assembly, the Council of State, and the Bengal Council Standing Orders, see Appendices G to J. in *A. M. Bose, Working Constitution*. Also *D. N. Banerji*, chs. 15-17.

2. "There is no more valuable safeguard against mal-administration, no more effective method of bringing the searchlight of criticism to bear on the action or inaction of the executive government and its subordinates. A minister has to be constantly asking himself not merely whether his proceedings and the proceedings of those for whom he is responsible are legally or technically defensible, but what kind of answer he can give, if questioned about them in the house, and how that answer will be received."

—SIR C. ILBERT, PARLIAMENT, p. 113.

Indian representatives are taking full advantage of this right of interpellation.

3. It seems to me that this sentence in the Joint Select Committee Report should be read along with the introductory observations of the Committee in the beginning of their Report and with what they say on clause 4 and other clauses. A legal prescription appeared to them unnecessary because they looked at the matter rather as a political one. The questions primarily exercising their minds were—When would a Minister resign? When

would the Governor be justified in accepting the resignation? Under what circumstances would the Governor be justified in dismissing a Minister? When should he accept the Ministers' advice to dissolve the legislature? Ministers commanding a majority in the legislature could be irresistible: does the present Bill leave the Governor in Council strong enough to employ delaying tactics in the interests of slow and steady progress? A legislature autocratic and irresistible with an uneducated electorate incapable of forcing the legislature to obey its will, would be a combination fraught with incalculable mischief: how was the senior half of the dyarchy to remain the senior half in actual fact, until the electorate was ready to shoulder its political burden intelligently? To take a stray sentence from the Report and press its literal meaning to the utmost is unfair to the committee; their Report as a whole and in every part has rather to be read in the light of questions like the above.

SECTION 76.

1. Lord Lytton told the Bengal Legislature, 18-3-1924, under the Act the Governor has the power to restore "every single grant in respect of reserved subjects" which the legislature rejected. The Joint Select Committee advise that the exercise of this power should not be regarded as unusual or arbitrary. All the same, if the legislature go on refusing and the Governor go on certifying, year after year, the situation cannot be described otherwise than as an utter breakdown of dyarchy:—which both have to co-operate loyally in working, so as to (a) secure good government, (b) proper relations and feelings between government and people, and (c) so as to promote the political education of a backward people towards democratic sovereignty. Budgets by executive fiat may secure (a), but neither (b) nor (c).

2. What is the power of the head of the province in connection with demands for transferred subjects rejected or reduced by the legislature? Does section 72D (2) (b) relating to "cases of emergency," "the safety or tranquillity of the province," and "the carrying on of any department," authorise the head of the province to restore demands in respect of transferred subjects rejected or reduced by the council, just as if they had been demands for reserved subjects which he felt it his duty to certify? The head of C. P. and B. has taken one view, the head of the Bengal Presidency has taken another view on this matter. Lord Lytton told his legislature, in the speech referred to above (18-3-1924), "this proviso is not limited to reserved subjects, but it is limited by the two considerations specified, namely, that the expenditure must be necessary for the safety and tranquillity of the province, or for carrying on a department.... in the case of transferred subjects I can 'restore' nothing, though I can 'authorise' expenditure within very strict limits.... Institutions could be provided, if I so desire, with the sala-

ries of their staff and the bare necessities of their existence, but nothing more. I could provide nothing for their expansion or improvement.... Government contributions to all aided institutions would at once lapse.... Government aids to all local institutions would cease...." For instance, the council having reduced the grant for the educational inspecting staff from Rs. 7.47 lakhs to Rs. 1.12 lakhs, the staff was reduced accordingly. The head of the C.P. and B., on the other hand, 'authorised' under similar circumstances and in transferred subjects, even "new expenditures which really were commitments of the government in accordance with practice, such as grants to local bodies for general purposes" (D. N. Bannerji, pp. 150-154, referring for the C. P. and B. to a Notification by the Financial Secretary, C. P. and B., 24-3-1924.)

Under normal conditions, such behaviour on the part of a legislature means want of confidence in the Minister; the first step on such a situation arising, is to resubmit the grant (as the Joint Select Committee advise) with a clear notice that the reconsidered vote would be treated as a vote of confidence in the minister concerned. And if the vote be repeated, the next step is a new minister or ministry with a fresh budget drawn up according to their advice, or, under certain circumstances, a general election. But the conditions, during the second legislatures, in these provinces were not normal; there were too many representatives returned by the electors who were irreconcilable and actively hostile to the constitution as by law established.

Thus, the circumstances being abnormal, my conclusions are:—

I. The course followed by the head of C. P. and B. was better than that followed by Lord Lytton.

II. Both the heads were ill-advised in claiming to act under, or seeking a course of action under, section 72D (2) (b). That provision in the Act cannot apply (I venture to submit) to emergencies arising out of a general condition of abnormality likely to last for a whole triennium.

III. Under every constitution there is and there ought to be, somewhere, absolute power in reserve, to be exercised at the sole discretion of the executive head, whenever required and to the extent required, for the good of the State and the people. And such power in reserve is all the more necessary—and therefore latent—in a constitution professedly transitional, imperfect and experimental. The action taken by the head of C. P. and B. should have been taken in Bengal also, and in both provinces it should have been taken by the head in consultation with the Governor General and the Secretary of State, and openly in the name of this absolute power in reserve at the back of all constitutions. I submit that (a) to seek to apply 72D (2) (b) to such cases is to strain the law, and that (b) the course

I suggest would have weakened the irreconcilable and wrecking party much more and much earlier.

3. Bills regulating a University, providing for light or feeder railways, affecting the general principles of the land revenue system, or touching the religion or religious rights of any people in India, are the most important of the kind of bills which the Governor "shall reserve" for the assent of the G. G.

4. Any of the minor provinces existing today or to be created hereafter may have legislative councils with nominated and elected members, together not exceeding 100, of which number one-third must be non-officials. The powers of such legislatures would of course be limited, since these provinces would not cease to be mere agencies of the Government of India.

SECTION 77.

1. And We do hereby authorise and empower Our said Governor General in Our Name and on Our behalf to grant to any offender convicted in the exercise of its criminal jurisdiction by any Court of Justice within Our said Territories, a pardon either free or subject to such lawful conditions as to him may seem fit.—Clause 5 of the Instructions to the Governor General (Bannerji, App. N., copying the G. I. Notification No. 1552, 8-6-1921).

2. This sympathy for the G. G. appears to be rather misplaced. The Governor General and the Members of Council have to carry on the government as one man: their responsibility is "united and indivisible." And this "principle of united and indivisible responsibility applies" in their case, as in the case of the British Cabinet, "equally to administrative and to legislative action"—Montagu-Chelmsford Report, para. 24.

3. It seems to me that it is too early to dogmatise on this point. England gives complete freedom to Canada to arrange her relations with the United States as seems best to Canada herself. But, of course, whatever the precedents so far, Canada would not be able to go to war against the U. S. though England wanted no such war, or to remain at peace with the U. S. even when England went to war against that country—Canada that is to say, could not do either of these things and at the same time continue within the Empire. And it is far easier for Canada and England to agree on all questions of relations with the U. S., than it would be for India and England to agree on all questions of relations with the powers of the Near East—Afghanistan, Persia, Iraq, Ibn Saud, Egypt, and Turkey. I do not say that England and India would find it impossible to harmonise their policy in the Near East as perfectly equal friends. But I do feel that the continuous preservation of such harmony or identity of

policy would be more difficult of attainment; and I do not wish to dogmatise. The future will shape itself as and how it may. India is a dependency today and will continue a dependency for some time. The question of taking away from the Governor General the second of his three functions does not arise at all until India is on the point of ceasing to be a dependency and becoming a dominion.

4. For a recent description of the various duties of the Finance Department, see the speech of Sir Malcolm Hailey as Finance Member, in the Assembly, 19-1-1922.

5. The quotations in this para. are from the G. I. Communique on the Munitions Fraud Case, 28-8-1921, and from *Banerji*, pp. 292-3. See also Report, *Decentralisation* Commission, paras. 19-22. A Secretary in the Government of India usually holds office for three years only.

SECTION 78.

1. The G. G. is empowered to extend the duration of either house "if in special circumstances he so thinks fit." The Governor has similar power to extend the duration of the provincial legislature "for a period not exceeding one year;" but he has to "specify" the reason for his decision.

2. European electorates only for the Assembly; Landholder electorates only for the Assembly. Indian Commerce electorates only for the Assembly; European Commerce electorates only for the Council of State.

3. For a summary view of qualifications for enrolment as electors for the two central and four out of the nine provincial chambers, see *Banerji*, Chs. 7-10.

4. Para 22 of the Despatch No. 4 of 1919 dated 23-4-19. There are other passages in the Despatch more definite and detailed, but all to be interpreted, it seems to me, in the light of this paragraph, where the general considerations the Government then had in mind are brought together, and an attempt is made to balance them so as to indicate how a reasoned conclusion is to be attained. See also the dissenting minute of Sir W. Vincent. "I accept" he says (para. 5), "the principles laid down in para. 22" (quoted in the text)... Where the Muhammadans are in a census majority let them get representation in that proportion. Where they are at their weakest, let us double that proportion; I can see no practical reason for going further than that. Between these extremes let us multiply the census ratio of the Muhammadans by a factor greater than one and less than two.... I should be prepared, he continues in para 7, "to give the Muhammadans 30% of the general and communal seats in the Assembly."

SECTION 79.

1. Appropriations of revenue to the following heads of expenditure are non-votable: (1) interest and sinking fund charges on loans, (2) expenditure of which the amount is prescribed by or under any law, (3) salaries and pensions of persons appointed by or with the approval of H. M. or by the S. S. in C., (4) salaries of Chief Commissioners and Judicial Commissioners, and (5) expenditure classified by the order of the G. G. in Council as—ecclesiastical; political; defence.

2. The Governor General in Council has the power to "restore" any demand for grant which the Assembly refuses or reduces, to the extent that he considers it "essential to the discharge of his responsibilities;" and in cases of emergency he has also the power to authorise such expenditure as may be necessary for "safety or tranquillity."

3. Referring to the Indian Finance Bill, 1923, Lord Reading said in his address to the legislature, 28-7-23,—"The responsibility was grave and the decision rested with me alone."

Sir M. de P. Webb's article in the *Indian Review* for August 1923, *India in the House of Commons*, is a partisan summary of the debate in that house on Mr. C. Trevelyan's motion to reduce the India Office Grant by £1,000, 14-6-1923 and 5-7-1923.

4. The G. G.'s statement of reasons, 28-3-1924, covers only two pages and is easily accessible—*India in 1923-24*, App. IV.

SECTION 80.

1. For a list of the legal powers and duties of the S. of S. even after the Act of 1920, see *Mukharji*, Ind., *Constitn.*, pp. 84-6, of the S. of S. in council, pp. 100-103.

2. For the Order in Council, *Ibid* pp. 461-4. The G. G. in Council makes the appointment with the approval of the S. of S. in Council. On Sir W. Meyer's death, Sir D. Dalal succeeded him. The present High Commissioner is Sir A. C. Chatterji.

3. Section 2 (3) of the Act (Section 30 first para of the 1919 Act) runs:—"The salary of the S. of S., the salaries of the Under Secretaries, and any other expenses of his department may, notwithstanding anything in the Principal Act, instead of being paid out of the revenues of India, be paid out of moneys provided by Parliament, and the salary of the S. of S. shall be so paid." Section 3 (8) last para. of the Act (Section 30 last para. of the 1919 Act) provides that the salaries and allowances of the members of the India Council "may be paid out of the revenues of India or out of moneys provided by Parliament." A departmental committee examined the India

Office expenditure in detail, and recommended that for five years from the 1st April, 1920, the British Treasury should annually pay towards the cost of the India Office £ 136,000. This figure was however revised at the instance of the S. of S. and reduced to £ 113,000. The Inchcape Retrenchment Committee has found that the British Treasury ought really to contribute £ 122,000 annually. And the Joint Select Committee (Selbourne) had recommended—"all charges of the India Office not being 'agency' charges should be paid out of moneys provided by Parliament." The Inchcape Committee also recommended that all "agency" work should be completely handed over to the High Commissioner by the India Office; and they advocate large cuts in the expenditure of both the S. of S. and the High Commissioner. Sir Furushottamdas Thakurdas in a Note to this part of their Report objects to a lump sum contribution by the British Treasury as contrary to Indian interests.—*Inchcape Report*, pp. 210-231.

4. Compare Devolution Rule 49, and *S. M. Bose*, p. 74. See also Schedule III of the Devolution Rules, safeguarding the interests of the all-India Services. The sanction of the G. G. in Council would be sufficient only for (a) an increase of pay in an individual case, and (b) the creation of a temporary post.

The Muddiman Committee Majority hold that "while in theory there is a difference between delegation and devolution in practice there is little difference between the two methods of securing relaxation. In financial and service matters action may be taken by definite delegation of powers by rule. In matters of administration, however, the step which should in our opinion be taken is to work towards establishing a practice in conformity with the position taken by the Joint (Select) Committee that control in cases affecting purely Indian interests should not be exercised. We notice with pleasure that an important practice in regard to financial matters has already been established" (para 123). The last sentence refers to the 1923 Central and Provincial Audit Resolutions on expenditure from central revenues and expenditure on provincial reserved subjects; they raise the limit of increase in the cost of establishments and other charges for which no sanction of the S. of S. in Council is required if the increase has been voted by the legislature (*India's Parliament*, vol. 8, Answer to Question 1125, 30-5-1924).

5. See the speeches in the Assembly, 16-2-1923, of Mr. Jamnadas Dwarakadas, Sir C. Innes, and Sir B. Blackett on the adoption of a policy of discriminating protection. The member for Commerce and Industries pointed out that such a resolution meant a break with the past, "a wiping of the slate, an epoch in the fiscal history of India," in spite of the fact that in recent years the exigencies of the state had necessitated a departure from the principle of a tariff for revenue purposes only. The Resolution adopted

recommends the Government (a) to accept the principle of protection that Indian fiscal policy may aim at fostering Indian industries, (b) with due regard to the financial needs of the state and the present position of customs and excise duties in the budget; (c) to apply the principle with discrimination and with proper safeguards; and (d) to give effect to this policy by the constitution as an investigating and advisory body of a Tariff Board, for one year only in the first instance. The first industry to benefit from this new policy has been the Indian Iron and Steel Industry. The Steel Industry Protection Act, 1924, with the amendments of 1925, levies duties on certain kinds of steel imports and gives bounties to the Indian manufacturer on certain kinds of iron and steel goods. The life of the Tariff Board has been extended, it has scrutinised the conditions of some other industries also, such as cement, paper making, and printer's ink, and is just now examining the demand of the Cotton Textile Industry for State assistance. As the last event in the advance of India towards freedom economic fiscal and industrial may be noted the repeal of the cotton excise duty in 1926.

6. The Act also provides for the appointment "at the expiration of ten years" of a Statutory Commission to inquire into the working of the Reforms and to advise about their extension, modification or restriction. The Montford Report contemplated later Commissions also at intervals of twelve years after the first. "We wish to attain complete responsibility where we can and as early as we can, and we intend that its attainment should depend upon the efforts of the Indian people themselves. It would not be fair to give it to them till they fulfil the necessary conditions." See paras. 260-4 and 268.

SECTION 81.

1. It is repeated *ad nauseam* that M. K. Gandhi promised Swarajya to India in a year. No libel can be grosser. The degree of pressure through non-cooperation that M. K. Gandhi wanted to bring to bear upon the English in India, Indians never made ready to exert in sufficient numbers; the degree of non-violent mentality he equally insisted upon as a *quid pro quo*, and in scores of thousands, implied a discipline and self-restraint in the average Indian far above his real character at the present day. Those who want a really good example of non-violent noncooperation on a large scale, what it can achieve and how far its utility even as a mode of defensive war is limited, should study the coal strike in England under the leadership of Mr. Cook.

2. The Indian pan-Islamist, a bully by nature, swallows all this credulously. He can never understand that the mighty British Empire has for its political sovereign in the English people a sovereign who is really

Peace-loving and the reverse of warlike; who will never allow English statesmen to drag England into a war on a purely Eastern question,—except for preserving India within the Empire. But if he will concede this for the sake of argument, the Indian pan-Islamist can see without difficulty that a statesman who has to negotiate without being able to play the trump card of immediate war is seriously handicapped, especially when dealing with people who look upon all else as bluff and discount it; and that the events from the Italian annexation of Tripoli onwards have to be therefore looked upon as incidents which English statesmen had to allow, since they knew there never was the slightest chance of the English people regarding any of them as worth a war. Perhaps the Indian pan-Islamist might here ask a further question. How on this theory do you explain the success of English diplomacy *re* Mosul? It is a fair question and the explanation is as simple as in the preceding cases. Kemal Pasha, too, did not consider the matter worth a war, at any rate not immediately.

3. "The excessive claims of the Muslims cannot be sustained in equity. Nor can they be sustained compatibly with the principles of the Reformed constitution. All perspicuous critics of Indian affairs (in England) now agree that the communal electoral franchise is making the constitution unworkable and exacerbating factions rivalry and propaganda. Sir T. Morison and others of your correspondents appear to be now chiefly concerned to suggest some alternative made of protecting the rights of minorities. Obviously, the rights (legislative and official) of all the various communities (Sikhs, Christians, Labour &c.) cannot possibly be protected by the Muslim prescription of over-representation all round. If anything can be confidently foretold about the 1929 constitution Commission, it is that it will recommend the supersession of the separate communal electorates by some other form of safeguards for minority rights."

—Lord Olivier in the *Times* (London, August 1926).

See Sir Sivaswami Aiyer's valuable article on "Some Remedies for Hindu Mahomedan Riots" (*Hindustan Review*, July 1926) in support of some of my suggestions.

4. Lloyd George or whoever briefed him appears to have 'lifted' this phrase from an admirable little book—*E. Bevan, Indian Nationalism: An Independent Estimate*.

5. At the lowest computations throughout,

- 3 sections (12 men each) go to a platoon;
- 4 platoons (38 men each) go to a company;
- 4 companies (160 men each) go to a battalion;
- 4 battalions (800 men each) go to a brigade;

4 brigades (3200 to 3500 men each) go to a division; and lastly
3 divisions (about 15000 men each) go to an Army Corps
(about 51000).

The division is the smallest formation in modern armies which can have within itself all the branches,—infantry, cavalry, artillery, tanks, airforce, special technical and subsidiary units, which together make for self-sufficiency in an army as such. Of the ten divisions of our army one is located in Burma and the headquarters of the remaining nine are at Peshawar, Quetta, Lahore, Rawalpindi, Meerat, Lucknow, Mhow, Poona and Secunderabad.

6. Each platoon will have its own kitchen. The variety in kitchen types must be kept down as far as possible. But looking to Indian habits and prejudices as we find them today, three types have to be allowed, and no more should be allowed: the vegetarian kitchen; the *Zatka* kitchen which will serve all who take mixed diet, have no objection to *zatka* meat and have strong objection to butcher's meat; and the third kitchen. Many platoons will have one type of kitchen; many will require two; as far as possible none should be allowed to have more than two of these three types.

Other details in the life of the soldier will have to be most carefully thought out; the aim should invariably be unity and uniformity as far as possible leaving the door open to greater uniformity and simplicity as habits change and prejudices die down under the influence of a living *camaraderie* (*Biradari*) to be fostered in all possible ways by the officers.

7. In the Memorandum I submitted to the Indian Sandhurst Committee on 1st February, I put down a higher total and there are other differences in detail; parts of the argument have been stated fully therein which I have omitted here for want of space: but the fundamental principles are the same as here.

8. See Mrs. A. Besant: *Commonwealth of India Bill* and Mr. C. Vijayaraghavachariar's criticism of it; Sir F. Whyte: *India, A Federation?* and reviews of the book by Lord Sinha and Mr. C. Vijayaraghavachariar in *Hindustan Review*, April 1926.

THE END.

ERRATA ETC.

Page	Line	Incorrect	Correct.
8	15	1787	1687
"	32	(After Hugli,) Add	—and for the same reason, viz. the war with Aurangzeb,—
16	32	army and in	army in
23	12	1249	124
72	33	(After stand it,) Add	The interests of importers and of their employers, the English exporters, would not stand it.
89	28	1855	1858
"	Section 22.		Omit the penultimate sentence except the first word.
111	27	Mayne	Maine
136	20	these	those
148	Table	7×3	7+3
152	28	have as yet	had to the end of 1920.
166	18	patches like that	stations
169	20	Government	Governance
"	17	(Instead of this line) Read	the subject could not be reopened till after the Reforms.
173	21	making of a Nation	Nation in Making
174	end	Add	8. The first Assembly appointed a strong committee on the matter with the Law Member of Council —Sir T. B. Saprú as chairman; and the Bill to amend the Cr. Proc. Code and connected Acts

"in order to provide for the removal of certain existing discriminations between European British subjects and Indians in criminal trials and proceedings," based upon their Report, was passed by the Assembly, Feb'y, 21st, 1922, and became law soon after. For some of the speeches in the debates in the Assembly, see India's Parliamt. vol. V.

176	2	Irrigated crops and	Irrigated and
185	20-21	when	where
186	30	a former	the last
211	7	primitive	mediaeval
233	n	A.W.	A.R.
253	33	one-fourth	one-fifth
273	38	98	88
286	40	Add	two by the University, and
287	Footnote	(For it) Substitute	For the Calcutta Municipal Act, 1922, see Sir S. Banerji, Nation in Making, pp. 356-65
291	10	then	when
295	41	highest	height
304	22	above paragraph	account in the text.
330	20-25	Add	(after K.C. Sen) Bankim Chandra Chatterji; (after B. N. Seal) Prof. Raman;
		(after S. C. Das)	Gaganendra Tagore;
		(after J. Sarcar)	Gopal Krishna Gokhle,
339	39	has pursued has	pursued

Page	Line	Incorrect	Correct.
371	33	(after pressure) Add	o swallowed the bait.
372	17	Seeley	Seeley
373	last	Add	Also Keith II 111-5.
411	23	demand	demand. ¹
424	6	only.	only. ¹
447	6	can.	can. ³
448	last	would	could

On pp. 459-61 for the numerals 4, 5, 6 used to indicate notes at the end of the chapter, read 5, 6, 7 respectively.

461	38	357000) combatants	357000 combatants)
466	17	Montagu has set	Montagu set.
473	21	system, ⁶	system. ⁸

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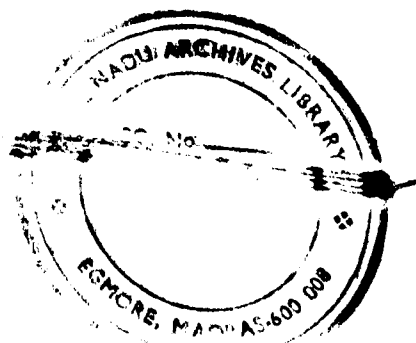
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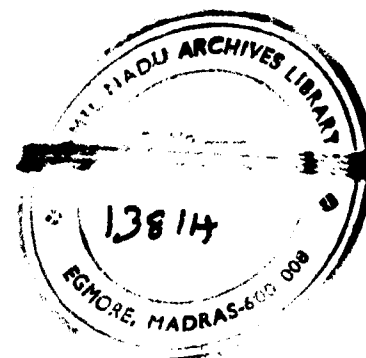
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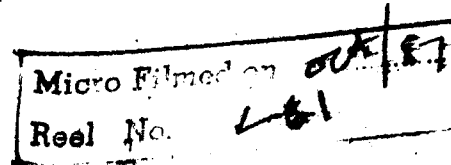
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nomination to the government, it was understood that they were nominated as the best men who could be found to voice the feelings and opinions of the people in the legislature. The members of the executive council on the other hand, were the government; although any of them might differ strongly from his colleagues, and although he might have exerted himself to the utmost in the privacy of the executive council to influence and alter their views, when a measure came before the legislature as a government measure, he was bound to act and to vote with his colleagues. This was not however always realised, and, as a matter of fact, "when divisions in the councils were recorded, it was by no means unusual that official members were as much divided among themselves as the non-officials."⁹ Hence it was, that the question, how the officials who were not members of the executive government were to act and to vote, did not arise during this period in an acute form.

The reform of 1892 brought not only enlarged councils, but a new class of member: the 'nominated' non-official who was for all practical purposes an elected member. He began to undertake the role of 'His Majesty's Opposition', and his example also acted upon the non-official member who was only nominated. Moreover, the provincial official in the central legislature spoke up for his own province, and in the provincial legislature, often voiced local or departmental views as distinguished from the secretariat or government views. Modern civilised governments even when autocracies in fact are in appearance governments by persuasion, and must, in the long run, command the intellectual ascendancy of better information, larger views and more solid arguments than their critics, and the formal ascendancy over them of a majority of some kind at the back of their decisions. The debates grew in interest, and the voting, when there was any, could not always be left merely to the balance of the argument and the good sense of the members. Government urged that all the officials were bound in honour to support them both in the debates and the voting, but especially the latter. There were protests against this from time to time, but as a rule, the sense of discipline and solidarity prevailed. Thus arose the 'official bloc'. This however was not enough. Government by persuasion necessarily needs honest and independent support, high in quality even if small in quantity. Official support even when absolutely honest and independent is generally discounted as merely official. A change of heart, a policy such as

would beget trust and co-operation, a spontaneous leadership of the people putting forth measures, both administrative and legislative, such as would remedy or remove grievances, elevate the status of the people, and secure their material and moral progress in increasing volume, would be the noblest way of winning such honest and independent support. In other words, a benevolent despot or a philosopher-king such as Plato dreamed of is theoretically the best means to bridge over the period of transition from a despotism to a democracy. But autocracies in power are rarely able to adopt such a policy of gradual and progressive self-effacement, or to pursue it steadily for long. And, in any case, in the concrete world as it is, neither are the issues so plain, nor are the remedies so easy. Is the goal of a democratic government and society the best goal for us? People differ. Best or middling or worst, is it practicable, can it be attained? There are again differences of opinion, thoroughly honest and passionately held. Granted for the sake of argument that we can all agree as to the goal, honest differences of opinion would again emerge at every step as to the rate at which we should or could advance in that direction, and as to the concrete measures to be adopted at any time. And faced with such differences of opinion in a legislative assembly, the members of the executive government whose duty it is to obtain a majority for their measures, and who, besides, are not in a position to accept an adverse majority vote as a decision bringing them a release from responsibility, are inevitably driven by the pressure of the situation, to adopt various arts to secure what they need so badly, viz, a majority clinging more or less uniformly to their own side and containing at least some elements in it (occasionally, if not always) of really honest and independent support. Thus we discover, as the situation develops, the non-official European members, nominated or elected, usually casting their votes with the official bloc; the executive government exercising their power of nomination so as to obtain representatives of the people or of some section who are also 'safe' and pliant; and executive officials manipulating elections and constituencies in various ways, more or less indirect. Soon precedents create practices, these again win recognition as rules, and express orders follow, general or occasional, published for all to read or confidential. "In plain words, moderates" and non-party men both amongst officials and non-officials, Indians and Europeans, "are forced into the camp of extremists.... Wherever this system has been long continued, Government by 'influence'

has set in, degenerating into government by intrigue and ending in government by corruption."* The only remedy is Government by executives really responsible to representative legislatures.

To avoid misunderstanding, we have to add in conclusion, that the above is a description of evil tendencies necessarily inherent in every system of elected legislatures not armed with control over the executive. The more representative the legislature, the more certain is the degradation of politics, unless and until the executive—through deadlocks, conflicts, dictatorships, and other incidents—drops its autocratic character and becomes responsible, until the political sovereignty is transferred as a matter of fact to the active minded amongst the people, whatever the changes adopted in the form of the constitution. The course of political development in India could not entirely escape this tendency to degradation. That it was escaped, however, to a great extent, was due to several circumstances. The Indian legislatures from 1892 to 1909 though containing representatives who were really elected, were in numbers mere toy assemblies, nor could they claim a representative character. And when larger and more representative legislatures were introduced by the reforms of 1909, they had, luckily for India, but a short span of life. In less than five years the Great War was upon us, and brought about a radical change of constitution. The system of 1858 was cast aside, India ceased to be a dependency ruled from above, the principle of partnership was accepted for her relations with the other members of the Empire, the principle of responsible government was accepted for her internal constitution, and the only questions which remained for consideration were, how far these principles were to be applied immediately, and through what stages they were to be further developed to a full logical consummation.

MUKHARJI, I pp. 245-385: the text, extracts from minutes, despatches, speeches, resolutions, and the Central Council Regulations as amended upto 7-2-1918.

ILBERT, pp. 102-125 and Appendices I, II and V.
MORLEY, Indian Speeches (Macmillan, also Natesan); also, *Recollections*, Bk. V.

CURTIS, *Dyarchy*, pp. 368-380.

MONTAGU-CHELMSFORD Report Ch. 4.

* *Dyarchy*, p. 372.

CHAPTER V: NOTES.

SECTION 31.

1. The analogy of the Indian Raja's 'court' will be found in Sir Bartle Frere's minute of 1860 on the subject. (Extract in *Mukharji*, I p. XXIII. Sir Syed Ahmed had also observed in his pamphlet on the Causes of the Mutiny that there was nothing in the Indian Government "to warn us of dangers before they burst," and had asked that there should be Indian members on the legislature (*Ramsay MacDonald*, p. 8).

2. Non-official Europeans of the mercantile and settler classes were also nominated; these men, too, were then little better than exponents and champions of their own class interests and privileges.

3. I. T. Prichard, *Indian Administration*, 1859-62, 2 Vols, 1 p. 131. See also his introductory chapter. For an earlier witness see Kaye, *Administration E. I. Co.* (1853):—"The physical improvement of the country and the moral improvement of the people are advancing, under our eyes, with a rapidity which would fill the bygone generation of Indian administrators with as much astonishment as the ancient race of soldiers would experience at the sight of the magnificent dimensions of our Indian Empire" (p. 267).

4. For a favourable estimate of the Laws enacted by these subordinate legislatures see Hunter, *Maye*.

SECTION 32.

1. First I. N. Congress, Resolution III; II Congress, Resolutions II-V; III Congress, Resolutions II, N; IV Congress, Resolution I; V. Congress (1889) Resolution II; VI Congress, Resolutions I and VIII; VII Congress Resolutions II, XII, XIII. Bradlaugh died January 30, 1891.

2. When Eastern Bengal and Assam was separated from Bengal (1905) it was given a council with 15 additional members for legislative purposes. Panjab and Barma were treated as 'minor' or 'backward' provinces i.e. the legislatures there established were of the 1861 pattern.

SECTION 33.

1. The Prime Minister (Mr. Asquith) referred to this statement in the debate on the second reading (April 1909) and added: "I do not say

CHAPTER VI.

COURTS AND POLICE.

Section 34. Under the Company. From lawmaking organs we pass on to courts whose function it is to apply and administer the laws, and then to the police, the protectors of the people from criminals. The presidency towns had Mayors' Courts from 1726, and their powers had been enhanced under revised letters patent in 1753;¹ the president and council formed a court of appeal and final appeals in cases involving sums exceeding Rs. 4,000/ lay to the King in Council. There also were wherever the Company were Zamindars, zamindari courts, and in Bengal, soon after the acquisition of the Diwani, civil and criminal courts, with the *sadr* *adalats* at the top, had been taken over by the Company. Then followed, in Bengal, the Supreme Court by royal charter (26-3-1774). The conflict between the indigenous courts and the Supreme Court was moderated by a working compromise and by amending legislation. Lord Cornwallis reorganising the system established district courts, provincial courts of appeal, and the *sadr* or highest and ultimate courts for civil cases as well as criminal trials. "Every civil servant has looked upon 1793 as the commencement of a new era. The Cornwallis Code, whether for revenue, police, criminal and civil justice or other functions, defined and set bounds to authority, created procedure, guarded against the miscarriage of justice, and has been the basis of every attempt to introduce law and order into each successive acquisition of districts and kingdoms." And, above all, he introduced the principle of the supremacy of law by laying down the rule that "the official acts of the Collectors might be challenged. In the civil courts, that Government itself might be sued like any private individual, and that such suits could only be cognizable by judges who had no direct or personal interest in enforcing the claims of Government". This foreign autocracy thus "divested itself of the power of infringing in its executive capacity the rights and privileges which it had conferred in its legislative capacity".* *Recorders' courts* succeeded *Mayors' courts* at Madras and Bombay in 1798, to be replaced in turn by supreme courts, at Madras in 1801, and at Bombay in 1824. District, provincial and *sadr* Courts, criminal and civil, were

* Cornwallis, pp. 94-7.

created in both presidencies as they acquired territories by wars and treaties, and on the Bengal system; and as subsequent governors-general introduced changes in Bengal, they were adopted in these presidencies also. Thus district judges became district and sessions judges with criminal as well as civil powers, collectors and their higher assistants became magistrates,² and the intermediate provincial courts between the district and the *sadr* courts were abolished. Then followed the charter of 1833. The expectation that Englishmen would resort to India in numbers, had its influence upon parliament; and a codification of law, a standardisation of procedure and a single system of courts were seen to be necessary. Law Commissioners and a Law Member of Council were accordingly appointed and the best men available were chosen for the posts. But, as George Campbell (who later rose to be Lieutenant Governor of Bengal) justly remarked, England then had hardly any jurists amongst her lawyers.³ Macaulay, he admitted, had great and versatile talents, but he added, "in these days of division of labour it may be doubted whether any man can become master of many great subjects; and assuredly of all tasks requiring the perfection of human skill, one of the most difficult is that of forming codes of law for a great country, strange to us, in which much that is indigenous had become disorganised, and little had been done to analyse the mass of old and new laws and customs." And if Macaulay was no jurist, "the men of Indian experience (added to the Commission) again were no jurists"* either. No wonder, the Indian Penal Code and the codes of Criminal and Civil Procedure, which they set about to compile took many years and even when completed excited a certain amount of quite legitimate opposition and dissatisfaction.⁴ The Code of Civil Procedure became law in 1859 and the Code of Criminal procedure in 1861; both have been repeatedly amended and improved since; the Indian Penal Code became law in 1860.

Section 35. The Indian High Courts. The Indian High Courts Act, 1861, abolished the supreme and *sadr* courts and established High Courts instead, one for each presidency; their original jurisdiction, civil and criminal, was limited to the presidency towns, but they were otherwise constituted the highest judicial authorities in and for their presidency, superintending the work of all the other courts, and regulating

* P. 220.

their practice. The Judges were to be appointed by the Crown, one-third of the number including the Chief Justice were to be barristers and another third were to be members of the covenanted civil service. The Act also empowered a fourth high court to be established, and the Allahabad High Court thus came into existence in 1866.

The Indian High Courts Act, 1911, increased the maximum number of judges from sixteen to twenty, provided that 'additional' judges could also be appointed, each for a period of two years, and empowered the creation of other high courts as they might be needed. This enabled the Bihar and Orissa High Court to be established in 1916 and the Panjab High Court in 1919. Chief Courts and Judicial Commissioners' Courts derive their authority from Indian legislation.

These are the highest law courts in British India. Appeals from them to England are appeals to the King in Council, that is to the Judicial Committee of the Privy Council. The conditions of such appeal are regulated by the charters of the High Courts and the Procedure Codes.

The High Court judges, additional judges, chief court judges, judicial commissioners, and additional judicial commissioners in British India numbered seventy-three at the end of 1920; and sixteen of these posts, including one chief judgeship, were held by Hindus, five by Muhammadans and one by a Barman. This total of twenty-two includes two Hindus belonging to the I. C. S., five Hindu barristers and three Muhammadan barristers; only twelve out of seventy-three posts have as yet fallen to Indians who could not have risen to them as civilians or as barristers-at-law.* This little analysis of the facts is interesting in view of the repeated admissions of the bureaucracy that "natives have shown themselves eminently qualified for the performance of judicial duties" that "the largest possible share in the administration" should be given to them, and that "in some branches of the service there is almost no limit to the share of public employment which they might properly receive".† Again, "the names of Dwarka Nath Mitter in Bengal, Muttuswami Ayyar in Madras and Ranade in Bombay need only be mentioned to prove that Indians have

* Compiled from the *Indian Year Book*, 1921. † Strachey, p. 546.

occupied seats on the benches of the chartered High Courts with distinction."* And yet we find at the end of 1920 that the actual figures reveal the magnificent proportion of twelve out of seventy-three, nine Hindus, two Muhammadans and one Barman.‡

MUKHARJI I, pp. 386-430.

ILBERT, Ch. 3, part IX.

Section 36. Lower Courts, Civil and Criminal. For the administration of criminal justice there are (1) third class magistrates' courts with power to inflict a fine upto Rs. fifty and imprisonment for one month; (2) second class magistrates' courts with power to fine upto rupees two hundred and sentence to prison for six months; (3) first class magistrates' courts which can fine upto Rs. one thousand and sentence to prison for two years;‡ and higher than these (4) sessions courts, as a rule one for each district, which can inflict any punishment authorised by law, subject, in the case of capital sentences, to confirmation by the High (or Chief or Judicial Commissioner's) Court. The amount of the punishment mentioned indicates but roughly the various offences which each of the courts can try. The offence of trespass, for instance, varies from a simple house trespass to housebreaking and trespass by armed men who might also cause, before they leave the house they enter wrongfully, grievous hurt or worse to one or more of the people they find there. The first offence any third class magistrate can try, the last would have to be committed to the sessions. The powers of the magistrates vary also with the nature of the offence. Defamation, for instance, is not so serious an offence as theft, but while a third class magistrate has power to try a man on a charge of defamation, since it is far more difficult to decide in such cases whether the offence was really committed and what should be held to be the degree of the guilt. Again, offences against the state such as sedition stand in a category of their own. The lower magistrates might not have the courage and independence necessary to acquit a man when it is the state that brings up a charge against him; or even if some of them possess these qualities,

* Gazetteer IV, p. 152.

few of them would be given that credit by the accused or by the general public. A first class magistrate is therefore the lowest court empowered to deal with such cases.* These illustrations show that the powers and mutual relations of these courts cannot be settled on a simple logical plan, but various considerations have to be practically balanced, and a system such as will work has to be put in force by the supreme legislature of the land. For British India it is the Criminal Procedure Code that lays down the system, going into a deal of detail for the purpose. It also views a criminal trial from beginning to end and prescribes what the judge and the accused, the prosecutor and the defence pleader, the witness, the assessor and the juror, must and what each must not, as also what each might and might not, do throughout the trial. Every detail prescribed, prohibited, or permitted, is carefully designed for the protection of innocence and the furtherance of justice.

The magistrate has a double personality. To judge the accused judicially and impartially about the crime he is charged with and on the evidence produced and admitted is only one part of his functions. Besides this judicial capacity he has another, which might be called investigatory. Magistrate and police have to work together in the prevention and removal of public nuisances, the prevention of crime, and the bringing up of the accused to stand his trial; and while performing these duties magistrates have to act as checks upon ignorant police zeal or inveterate police mal-practices, and to see that the police do not behave illegally or harass people for nothing. The police must have certain powers for the adequate performance of the necessary functions which a complex modern society finds itself forced to entrust to them. But these powers are there with the police, as poison drugs are there in the doctor's medicine chest; only the right drug is to be used, only on the right occasion, only in the right manner, only upon the right person, only in the minimum dose, and only for the minimum period of time. The doctor knows the potency of the drug, the rigid limitations fettering his discretion on every side, the risks of the slightest negligence, and he has no temptation to overlook these, indeed, every motive to observe them with all possible care and caution. The policeman's case is entirely different. The policeman's pursuit of crimes and

* Criminal Law Amendment Act, 1903.

criminals and suspected characters and obscure situations and shady circumstances might itself easily become the worst of crimes against law and peace and order. The watchdog might destroy the peace of mind of the poor flock long before he actually preys upon them. Hence it is that the law links up the magistrate with the policeman at almost every step in the latter's performance of his duty; the magistrate is so to speak a heart and a conscience superimposed upon the policeman, which the latter is bound to report to and to consult and to obey; which of its own accord asserts itself every now and then and compels its eyes and ears, hands and legs—the police man—to better fuller prompter obedience. This is the essence of the complex relationships which the law of civilised societies sets up between their magistrates and their police officers; relationships described in quite a maze of technicalities and unavoidably involving not a little latitude of discretion in the mutual behaviour of the two parties. Lastly, a man is moulded by the work to which he sets his hand, and by the particular class of people he has to deal with and outwit. To the policeman the people around him are either criminals or people who could, if they only would, help him in the performance of his duties against criminals. And the magistrate has to restrain this police temper and attitude of mind at every step. The magistrate, in his capacity as an investigatory or preventive officer, need not quite adopt the principle which is obligatory upon the judge, that every one is innocent until proved guilty—he has to handle matters long before they are ripe enough for submission to a judge,—but still from the point of view of society at large, he would perform his duties all the better, if he goes on the maxim that policemen are bunglers, and so, if whenever in doubt, he gives his decision against the policeman and in favour of the citizen hauled up before him.²

The magistrates in the presidency towns are called presidency magistrates, their grades, powers and mutual relations are different. There are also honorary magistrates and justices of the peace. In some provinces the village headmen and police patels are petty magistrates or quasi-magistrates; in cantonments, again, the difference of system is not confined merely to details and names of the posts; in N. W. F. P. and British Baluchistan local institutions, like jirgas (council of elders), are utilised; but the essence of the matter is as it has been described above in broad outline.

The system of civil courts can be dealt with more briefly. (1) There are arbitration courts for the simpler cases, but these are far from popular. (2) For petty money suits there are Small Causes Courts where experienced judges give quick decisions at small trouble to the parties. The powers of these courts are greater in presidency towns than in mofussil areas. (3) Presidency towns have also insolvent debtors' courts since 1848. (4) The Madras City Civil Court Act, 1892, created a City Civil Court which can deal with suits of a value not exceeding Rs. 2,500, with strictly limited powers of amercement of property in execution of decrees. Such courts should be established for all the larger towns. And we have the courts of (5) the district judge (in some places also an additional or assistant judge), (6) the first class subordinate judge and (7) the second class subordinate judge for the mofussil, and (8) the High Court itself, in its original jurisdiction for civil suits in the presidency towns. Each court has a fixed status and can entertain suits arising in a certain area and not exceeding a certain value. Every suit goes to the lowest court competent to try it but may be taken or transferred to any other court of equal or higher status.

Appeals are allowed very liberally both in criminal and in the civil cases. First appeals are generally to the next higher court; second appeals go to the High Court and for really important suits the party feeling aggrieved can, under certain circumstances, go up even to the Privy Council. The High Court can also order reviews, revisions or retrials. And special points of law may be referred by a lower to the High Court for decision, in cases in which no appeal lies.

This system grew up as a result of various influences. The Supreme Court, the Chief Court, and the High Court, when introduced, were each in advance of the requirements of the country, the feeling was that government owed to the people a better administration of justice than had till then been provided, these new institutions were the instruments through which the reformation was to come about, and it was natural to allow people to profit by the new blessing as much as possible. Secondly, the codes of Civil and Criminal Procedure when first introduced were also a big step in advance. Even in the regulated provinces, "the evidence was (till then) taken by uneducated *mohurrirs* and read over to

the judge, whose judgment was afterwards written by the *sarishadar*. The judge thus tried after a fashion perhaps five or six cases at once. Such a system was not "simple substantial justice unfettered by forms, but it seems to me a mere imitation of justice in which the correctness of the judgment must have been very much a matter of chance".* But that no system was what the district magistrates and judges all over the country had been accustomed to, and it was felt that some years at least must elapse and a fresh set accustomed to the stricter system of the new procedure must grow up, until the courts could be fully trusted and left as a rule to themselves. Thirdly, when from the time of Lord William Bentinck Indians who had obtained some instruction in law came to be appointed as munsifs and subordinate judges, the people in the beginning looked at them askance, and they wanted a decision from the Huzur, either the Magistrate or the Judge. Lastly, the judge has to decide after all according to the evidence; unless the evidence is full and fairly reliable, no conceivable system can educe a right decision out of it. Now, in the old days which are delineated for us in the writings of the age of Sleeman and Meadows Taylor, the Englishman went into the village community or the bazar; the craftguild the temple or the fair, he appeared on the spot only a little while after the dispute arose, and the complainant, the defendant, their witnesses, the elders and repositories of custom, the learned in the law, public opinion and social and religious influences, were all there, every detail came out and was checked, and in that full glare of the Indian sun beating equally upon all, the gods whom Indians acknowledged were also present, the pieties and chivalries Indians responded to were also felt, the complainant was fain to reduce his complaint and the defendant to admit his crime or negligence as far as possible, and the Englishman had the happy privilege of being the universally trusted medium, through whom the good sense of the community as a whole corrected its more violent and erratic members, and maintained peace and executed justice. These idyllic conditions, however, could not last. The heroic dawn of shikaris and *budmash* hunters who were also Daniels was transitory, and gave place to a morning during which the administration of justice was given over to the *mohurrir* and the *sarishadar*. The educated munsif and subordinate judge were a vast improvement upon these, but in the meanwhile, that other vital condition of securing

* Sir J. Stephen's *Minute*, Ch. 2.

full and fairly reliable evidence, had somehow slipped out of the fingers of our foreign centralisers. Not that they were not aware of this. Campbell noted in 1852,—*

"The longer we possess any province the more common and grave does perjury become, and the more difficult to deal with. The judicial oath, as it is used, does not in the very least affect the evidence. And yet this is not because the religious sanction of an oath is unknown to the people. On the contrary, it was nowhere stronger; and this is another of the changes caused by our system. In a new country amongst the Jats of the North, I found that a solemn oath was astonishingly binding".

They existed in full force in the pre-British days, the headmen, their solemn oaths, and their influence with the people. They survived into the British system for some time, but they did not suit the British centralisation of all authority and influence into British hands, and lingering on for a space long or short, according to the sturdiness of the people, disappeared throughout British India. One consequence was, in Sir J. Stephen's words, that the "people appeared to regard falsehood in an European court as absolutely no crime or sin at all". And it is to this that Sir J. Stephen himself principally attributes the liberality shown by the codes in respect of appeals.†

One of the considerations repeatedly advanced in the official literature on the subject is that the absence of a press and of a strong bar in India left the careless incompetent or corrupt judge without any check, and it was therefore necessary to give the client an extensive right of appeal. This was perfectly true in the sixties of the nineteenth century. It was also the case that the laws and the procedure then recently enacted were not very familiar to the Indian and Civilian judges of the day. The need to centralise was also at the time paramount. Lastly, a new conception of law, a new ideal of the supremacy of law had to be introduced amongst an alien people. Thus, historically speaking, the new system of the administration of justice had ample justification. There might be reasonable difference of opinion about some of its features, and more of its details, but its fundamental principles

* P. 486. † Ch. 3; Ch. 5, etc.

and the broad outlines of the organisation by which they were applied to the functions undertaken could hardly be impugned.

But like the political constitution created for the governance of India at the same time, this judicial system has been maintained almost unchanged throughout the period from 1858 to 1920. Why? Reasons for improvements were accumulating fast decade by decade. The judges, the lawyers and the people had all progressed at a phenomenal rate during the interval; but the system remained as it had been planned when introduced, although many of the grounds on which some of its most questionable features were defended then were admittedly of a purely temporary character.

The blame must rest to some extent at least upon Indian lawyers and barristers and judges as a class. The Indian bar has not yet developed sufficient corporate sentiment to enforce a high standard of professional morality or to restrain and reclaim and reduce the number and the influence of the black sheep among them. If the people have taken full advantage of the right of appeal, if they have failed to get the full benefit out of the facilities for arbitration allowed by law, if they can still be charged with litigiousness and an insufficient regard for truth and fair play, and a readiness to adopt any means to gain their suit or gratify their grudge, the lawyers without whose advice they dare not take a single step in such matters, cannot be acquitted of all blame. Indian lawyers have proved themselves good citizens and excellent patriots and rendered most invaluable services to their country politically and socially. Let them prove themselves equally good citizens and patriots even as lawyers.

It might be objected that 'public spirit even as lawyers' is but a phrase, and that 'restraining, reclaiming and reducing the numbers and influence of black sheep' is rather a tall order. So we might give a little space to another concrete suggestion or two, but equally far-reaching in character. "Of what use" asks Sir F. Lely "is the extinction of bribery if it is replaced by stamps and fees to pleaders? I have myself seen the accounts of legal expenditure incurred by a small landholder in fighting through all the courts for his son who was charged with murder. The total amount was Rs.

7,882-8-0,3 which of course meant hopeless debt."* The stamps and the charges for certified copies of papers etc.⁴ are matters, for government and it is of course scandalous that government should charge so much in this poor country on all such counts in criminal and civil cases as not only to recover the costs of their extremely topheavy dilatory and wasteful department, but even to make a net income. The plea that high costs check litigiousness is a mere sophism and is twin-sister of the plea that high excise rates check drunkenness. But the 'fees to pleaders'? No one wants criminal lawyers to abate a pie of their gains from forgers, gamblers, and other pests of society; honest men with the instincts of gentlemen should feel a reluctance to try to defend such people and would be perfectly justified in charging fancy rates for such unpleasant though necessary tasks. But amongst the accused there always are a number of people who are really innocent, and moreover, really deserving of sympathy and help. Have lawyers as a class ever attempted to distinguish such cases and treat them differentially? How can they expect the public to show real sympathy for them as a class, if the only social rule they habitually follow is to make the maximum profit out of their neighbour's difficulties and misfortunes? Lastly, it is in the hands of the practising rank and file of the profession, much more than in the hands of legislature and judiciary combined, to give the country, in Dalhousie's pithy words, "a system of justice which will satisfy common sense". How can they expect the public to feel sympathy for them as a class while in the performance of their daily duties they behave as ministers and guardians of mere forms and ceremonial rather than of substantial justice?

CHAILLEY, Bk. II, Chs. 4. and 5.

H. H. the AGA KHAN, India in Transition: Ch. 11.

Section 37. Separation of Functions. In the ryotwari provinces the officers of the revenue department are also the 'judicial courts' from whom people have to try to get redress against themselves. Again, in the Bombay Presidency, if a ryot felt after a new settlement of the revenue that his assessment had been fixed too high his only remedy was a

* Suggestions, p. 27.

petition to the Revenue Department, which forwarded it 'for report' to the Survey Department and there was no reply.¹

The joint Select Committee of the houses of parliament appointed to consider Mr. Montagu's Government of India Bill, 1919, observe in their Report—

"That the imposition of new burdens should be gradually brought more within the purview of the legislature. And in particular, they advise that the process of revising the land revenue settlements ought to be brought under closer regulation by statute as soon as possible. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the wellbeing of the revenue payers."*

The claim of the Government of India has all along been that the right to land revenue was an immemorial right of the State in India, that they succeeded to it by conquest, that the Indian States whom they replaced were autocracies who did not tax people by legislation, and that this was one of those prerogatives of the Indian State which was theirs independently of parliament or of the legislatures set up by parliament. But the Government of India Act, 1920, has cut away these foundations from under them. A new era is beginning. The recommendation of the joint committee quoted above will have to be carried out at no distant date. And the popular legislatures who will make the enactments will also consider at the same time, whether the ryot having a grievance against the revenue and survey departments should have arbitration courts to go to, manned by the elders of the people, or at least judicial courts manned by officers independent of those departments, or whether the present system was to continue unchanged.

A question that has excited far greater controversy is the union of executive and magisterial functions, which distinguishes the organisation of the district administration. The principal revenue officers of the district are also magistrates, and in their magisterial and administrative capacity

* P. 12.

are the subordinates of the head of the district, who is both Collector and District Magistrate. This "strange union of the functions of constable and magistrate, public prosecutor and criminal judge, revenue collector and appeal court in revenue cases"² has been repeatedly condemned from the time of Lord Cornwallis. Mr. (afterwards Sir) J. Grant condemned it in 1854, pointing out that it had become all the more objectionable since the judicial powers of magistrates had been "raised six times higher than they were in the days of Lord Cornwallis." The Court of Directors advised a little later (Despatch No. 41, judicial, September 1856) that the administration of the land revenue should be separated from the police, and that the management of the police should be taken out of the hands of the magistrate. But the Police Commission of 1860 came to the conclusion that the union, however anomalous and indefensible, was in the circumstances of India, unavoidable, as a practical and temporary convenience, at least in the exceptional case of the district officers. Act V of 1861 thereupon gave fresh legislative authority for a system which has continued ever since. In the debate on the second reading, Sir Bartle Frere said on behalf of the government, "it was one thing to lay down a principle, and another to act upon it at once and entirely, when it was opposed to the existing system, to all existing forms of procedure, and to prejudices of long standing....He hoped that at no distant period the principle would be acted upon throughout India as completely as his hon. friend could desire." The hope, remarks the weighty memorial from which the above quotations have been taken, has yet to be fulfilled.

It is impossible to find space for a history, however brief, of the efforts made by Indian public opinion to get this union of functions altered. But gradually the ruling bureaucracy have themselves become divided on the subject. Thus, in the budget debate in the central council in 1908 Sir Harvey Adamson, the member of council in charge of the Home Department, admitted:—

"The exercise of control over the subordinate magistrates by whom the great bulk of criminal cases are tried, is the point where the present system is defective. If the control is exercised by the officer who is responsible for the peace of the district, there is the constant danger that the subordinate magis-

tracy may be unconsciously guided by other than purely judicial considerations....It is not enough that the administration of justice should be pure; it can never be the bedrock of our rule unless it is also above suspicion."³

The theoretical case in favour of a separation can hardly be put more strongly.

Another important fact is that the union does not prevail to the same extent all over British India. "In the presidency towns separation is an established fact. In Madras it already exists in the lower grades. In Bengal where there is already complete separation so far as the provincial civil service is concerned,⁴ additional district magistrates have been established in certain areas. Administrative exigencies will doubtless carry the process of separation further, stage by stage."⁵

In the new era that is dawning we may reasonably look forward to a reformed police department, the higher posts manned in increasing number by Indians with a high sense of public duty; the numbers of Indians in the Indian Civil Service itself will also increase simultaneously. Under these circumstances, the question of a separation will enter upon a new phase altogether. As the analysis in an earlier section will have shown, the crux of the problem is the amount of power which must be given to the police for the prevention and investigation of crime: the problem is how to restrain abuses of that power. If the superior ranks of the police and their superiors, the half a dozen men at the head of the executive administration of a district—know the people, sympathise with their aspirations, and can inspire trust in the minds of the popular leaders and representatives of the district, the popular demand that the power to check abuses of these powers be handed over to the judiciary, and the departmental demand, that the executive officers be also armed with the judicial functions of trying accused persons, will both weaken in force; and honorary magistrates will at the same time increase in numbers and influence, and can also be entrusted with wider and higher functions than at present.

J. RAMSAY MACDONALD, Ch. 14.
CHESNEY, Ch. 9.

* *Islington Report*, I 194—6.

Section 38. Privileged Position of European British Subjects. It has been remarked times without number that under the Hindu Law Brahmans had privileges intolerable in any civilised community and that under the Muhammadan law non-Muslims had equally intolerable disabilities. But let him alone cast stones that is himself really above reproach. Every empire-builder has sinned more or less against liberty and justice and humanity and for a longer or shorter period. The only difference is that while some have done so frankly and openly, others have done so otherwise, and it is purely a matter of opinion and standpoint whether to look upon this additional feature as mere hypocrisy, and even so, whether to regard it as giving the sin a deeper tinge or rather as the homage that vice renders to virtue. Much more important and infinitely more helpful it is to study in the first place all the circumstances under which the original injustice arises, and in the second place the historical process by which the initial sin is slowly but surely attenuated and refined away. By handling the facts in this large and connected manner constitutional history reveals the higher truth, the higher justice, as it is in process of development, increases the strength, accelerates the pace and improves the quality of that development, and best performs its civilising mission of spreading broad-minded toleration, fraternal understanding, and political patience linked with a reasonable and continuously upward political endeavour towards the ideal.

The Europeans who accepted the Company's service and came to India were placed under the Company's jurisdiction from the very first charter, and the extent of this jurisdiction was increased and defined more fully by later charters as experience indicated the directions in which such additional powers were necessary. The independent European appearing within the geographical limits assigned to the Company was a transgressor of the monopoly legally assigned to it and the Company could confiscate his goods, seize his person and bring him back to England.¹ The next step was, the Company was empowered to set up courts so constituted that there was to be at least one lawyer sitting on them. These were followed by Mayors' courts and by the appointment of the president and members of his council as justices of the peace. The subsequent stages have been already described in preceding sections.

With the charter of 1813 the number of European British subjects settling in India increased; the Company gave them every facility for settling down permanently as planters and in similar capacities. A Eurasian community had also been springing up at a fairly rapid rate. Lord Cornwallis, we have seen, had organised the administration of justice systematically and improved the personnel. Haileybury and Addiscombe had begun to send out civil and military officers of a far better type and Wellesley and his contemporaries had inspired them with higher ideals. The district judges were in every case* to be officers belonging to the covenanted service, and the educated Indians whom Bentinck had begun to appoint under them were doing excellent work and showing a remarkable moral advance upon the older class of Indians in the Company's service. Under these circumstances government took the first step towards reducing the exceptional position of the European British subject, by passing an Act which has come to be known in Anglo-Indian history as Macaulay's Black Act, 1836.

In the presidency towns the European British subject had no privileges, as all alike were under the jurisdiction of the Supreme Court. In the mofussil, however, they could bring civil suits against Indians, but if Indians brought such suits against them they could plead that the local court had no jurisdiction over them. This meant that the Indian had no legal remedy unless, however small the amount, he could move in his behalf a court that was far off, and very slow and costly besides.² It was this state of things that Macaulay's Act XI of 1836 put to an end. The opposition to the measure was confined to the European inhabitants of Calcutta and was of a character that could be ignored.†

As soon as the penal and criminal procedure codes had been passed (1860-61) a similar reform to bring this privileged class under the same criminal courts as the rest of the population became possible. The amalgamation of the *sadr* and supreme courts into the High Court deprived the community of the strongest technical ground in favour of the exceptional immunity they had enjoyed. And their brutal behaviour at the time of the indigo riots (1860-1) had shown how urgently

* The provincial courts were abolished, 1831.
† Trevelyan, *Life and Letters of M.*, Ch. 6, pp. 287-9.

a reform was needed. But during the generation that had gone by, they had increased in numbers and in influence; the old antagonism between the Company's servants and other Europeans had become a thing of the past; the recent experience of the Mutiny had created a fraternal feeling which had drowned for the moment the pride of the true blue European;³ and Englishmen, and Englishwomen too, were in the first flush of a new hope just dawning before their eyes, that here, even in this land of exile, they might build up dear little Englands, in many a place, where they could lead all by themselves just the same life as in the home-land. One condition appeared necessary to the realisation of so sweet a dream: the complete exclusion of Indians with equal legal rights from these green little areas scattered all over this vast country: that condition, however, was the *sine qua non*. Nor was it, they thought, really much to ask of the Indian, in return for all they had done and were going to do for him, to allow them such exclusive enjoyment of just a few patches like that out of his vast country, some of which, moreover, he, left to himself, would never have cared to occupy.⁴

But their predecessors, before whose eyes a possibility like this had never dawned, had had other dreams and visions in the course of their strenuous lives, which they had given out from the house-tops. Eloquent speakers had given expression to them from their places in parliament, and parliament and Crown had turned them into solemn laws and sacred promises which had been communicated to Indians in the most public manner with every circumstance of impressive pomp and binding ceremonial. Even when parliament passed that schedule which created the covenanted servants into a closed service, they would not debar Indians as Indians from competing at the examinations; and the spirit of the times was such that a committee of the first members of the India Council actually recommended that the competitive examinations should be held simultaneously both in India and in England, and that "in justice to the Natives three colloquial oriental languages should be added to the three modern European languages" in the examination.⁵ And though that report was not acted upon, it was even forgotten, parliament and ministers were, they perceived, not going to let well alone. Noticing that a decade had gone by and Indians had found it very hard indeed to enter the covenanted service,⁶ the Duke of Argyll provided in the Act of

1870, "additional facilities for the employment of natives of proved merit and ability" in some of the highest posts listed in the schedule, without their having to succeed at the examination in England. The Englishmen in possession in India delayed taking action upon this as long as possible, but they knew it could not be suppressed altogether as had been the report of 1860. Hence what they attempted was to nullify it in effect in an indirect way. It is a very instructive case of executive ingenuity trying to get round legislative liberality. The Criminal Procedure Code was then under consideration for various amendments,—there was no King in Israel,—Lord Mayo had just been assassinated, and the officiating governor general, whatever his own views, had not the power to set aside a majority of the council, and these peculiar circumstances were seized, and section 443 of the Code was drafted so as to make it impossible for an Indian even though a member of the covenanted service and a district magistrate, to try any charge in the mofussil against a European British subject. The immunity the European had enjoyed ever since Mir Jaffar's fateful conspiracy, and outside Calcutta even after the Supreme Court had been established, was thus surrendered, and he was made amenable to the criminal law even in the mofussil, but on condition that the officer trying him was himself a European. The introduction of this racial bar created a smaller body of pure Europeans with full powers inside the body of covenanted civilians, whom the supreme legislature wanted to dilute with the introduction of Indians to their ranks. The motive was the spirit of exclusion and superiority which was growing up fast under the influence of the Memsahib and of such natural but greedy measureless and impossible dreams as have been sketched above. And the bar was put up in such a manner that these Indians, though brought to their high offices by the supreme legislature and their own merits, would yet feel their racially inferior position prepetually as an unbearable indignity. The manner in which this amendment was passed was as remarkable as its provisions. It was passed by seven votes against five, but the five dissentient votes were the votes of a majority of the executive council, each of whom also spoke in support of his vote. The officiating governor general (Lord Napier of Murchistoun) and Sir B. Ellis said the new section was a stigma on the educated native of India. The Lieutenant Governor of Bengal (Sir George Campbell), the Commander in Chief, and Sir

Richard Temple said that Indian members of the covenanted service should be accepted as real members of it. But Sir John Strachey and Sir James Stephen had their majority and they triumphed.

In another ten years the number of Indians in the covenanted service increased to nine; six in Bengal, two in Bombay and one in the U.P., the statutory civilians appointed from 1879 raised the total to thirty-three and under the Act of 1870 it was expected that these numbers would go on increasing until Indians filled one-sixth of the covenanted appointments. Besides, the racial bar had already created difficulties in the way of promoting three of these to appointments which they had from every other point of view fully deserved.* The Bengal Government, where the difficulty had first arisen, proposed that the racial bar should be removed and all district magistrates and sessions judges, Indian as well as European, should have the same criminal jurisdiction over European British subjects. All other governments concurred, with the single exception of Coorg, and thus arose the *Ilbert Bill*, which was referred to the Secretary of State in Council, and, approved by them, was introduced into the legislative council by Lord Ripon's government in 1883. The European community all over India at once rose up against it as one man, and started an agitation unprecedented in its violence. Indians had not dreamt that apparently reasonable and self-restrained people should, when excited by mass feeling, be so carried away by pride of race and contempt for the children of the soil. The provincial governments urged that racial feelings should be somehow pacified at any rate for the moment, the executive council gave way,⁷ suggestions for a compromise which had been received from Bombay and in one particular from Madras were acted upon, and when the Bill became law as Act II of 1884, it provided that European British subjects might be tried by district magistrates or sessions judges, whether Indian or European, but they could in every case, however trivial, claim a jury, half of whom at least were to be Europeans or Americans. The bar against Indian covenanted or statutory civilians was thus removed, but only by the creation of a new privilege in favour of the

* Life of R. C. Dutt, Ch. 4.

European British subject, a privilege peculiar to India, for no Englishman can claim a jury in England itself in a magistrate's court. Kristo Das Pal, Syed Amir Ali, and Raja Shiva Prasad pointed out in the course of the debates that this would in many cases mean a failure of justice. A jury is a suitable instrument in the administration of justice only when its sympathy for the accused is moderated by a sympathy for the injured party and a patriotic regard for the true interests of the general public. Anglo-Indian juries have not been exemplary juries in this sense, and there have been one knows not how many hundred cases in which, while the injured Indians have died or suffered grievously, the juries have not been able to see anything beyond simple hurt or mere accident. Lord Ripon, however, while admitting that if failure of justice occurred to any extent under the new Act, "it would undoubtedly be an intolerable evil, did not think such fears well founded," and no successor of his has yet found it possible to reopen the subject.

PROCEEDINGS, G. G's LEGISLATIVE COUNCIL,
1871-2, 1883-4.

K. T. SHAH, Government of India, Ch. 7.

H. P. MODY, Sir Pherozeshah Mehta, I Ch. 8.

C. Y. CHINTAMANI, Sir P. Mehta's Speeches, pp. 158-169, 174-181.

Section 39. Police. The Police Department began in 1782, when Lord Cornwallis took away the police functions of the zamindars and entrusted them to the District Magistrates. Several darogas were appointed for each district, each daroga had twenty to fifty armed men under him, and this civil force apprehended offenders and brought them up to the district magistrate for trial. In Madras and in Bombay, on the other hand, the indigenous system of the village *patel* and the village watchman was continued. The presidency towns were the first to obtain a special police force for the preservation of peace and the arrest of offenders, Calcutta leading the way in 1829. For the mofussil Sir Charles Napier organised a semi-military force for police functions in Sindh, placing it under officers directly subordinate to the district magistrates. This was almost the only success of his adminis-

tration of the province. His system was copied in Bombay and the Panjab, after the Mutiny it was introduced into Agra and Madras (1859), and the Police Act of 1861 made it uniform all over British India. And the special department for the suppression of Thuggee (1830), to which the function of suppressing and extirpating Dakaity had also been assigned (1839), took its place inside the larger organisation. This special branch was not abolished until 1904, when under the recommendations of the Police Commission of 1902-03, a new branch was started instead, the Criminal Investigation Department, well-known by its shorter title, the C. I. D. Every province has an Inspector General of Police; under him are Deputy Inspectors General, one for each division or circle. The entire police force in a district is under the District Superintendent, who in the performance of his duties behaves as a subordinate of the District Magistrate. And each district is subdivided into several charges, each under an Assistant Superintendent. Upto this grade in the department all the officers were in the period under review European British subjects, and the great majority, moreover, selected as the result of the annual competitive examination held for the purpose in England from 1894. Below this imperial service the Police Commission just mentioned created the provincial branch, the officers of the highest grade being called Deputy Superintendents, entrusted with practically the same functions as the Assistant Superintendents. Each of the talukas under the charge of an Assistant or Deputy Superintendent is subdivided into circles with an Inspector directly responsible for it. And the lowest unit of the organisation is the area entrusted to a Sub-Inspector who is the lowest police officer. Under him are the rank and file of constables. The police force of the presidency towns is organised on similar lines, though some of the grades are styled differently. The Railway Police and the C. I. D. are branches organised on parallel lines. And some of the provinces, Barma, Assam, the Panjab, and N. W. F. P. have military police in addition to the ordinary civil force.

Apart from the village watchmen, the police force numbered under a lakh and a half upto 1880. Better training arrangements were made soon after, and the proportion of officers was raised. In 1901 the force numbered 163,000 men under 517 European officers. Then came the Police Commission and the reforms recommended by it. The numbers of the

ordinary civil force rose by 1911 to one hundred and ninety thousand, under 650 European and 234 Indian officers (Deputy Superintendents) and the pay was improved, though, as often in India, not adequately for the lower ranks. By 1920 the numbers had grown to over two lakhs, and the Deputy Superintendents and higher officers were just over one thousand. Ninetyone *per cent.* of the Madras police can read and write, but taking India and Barma as a whole, half the numbers are illiterate. "Until the wages can be improved, there seems little hope of attracting into the rank and file the type of man required to raise the reputation of the force, or to improve its efficiency". *

The official chronicler just quoted notes what indeed is a patent fact, and one of our most serious problems, viz. the utter distrust of the average man in India for the policeman, and his aversion to help the policeman either in the maintenance of tranquillity or in the detection of crime. This state of things can only be mended very gradually; and nothing can be done at all until the highest posts in the force are manned by Indians, whom because of their birth status and qualifications their countrymen would instinctively trust and respect. Dishonest inefficient and otherwise undesirable men have also to be steadily weeded out from the entire force, and a friendly and sympathetic attitude towards all classes of the people is to be enforced by every means as the first of their duties. With Indians in the highest posts in the district, and necessarily, therefore, with Indians also all down the line in the revenue, judicial and police departments, the problem can be tackled with confidence, and even the villager would come to look upon the policeman as a friend and a protector, in less time than an observer today might hope for.

CHAPTER VI: NOTES.

SECTION 34.

1. Prior to 1726 a court consisting of a lawyer and two of the Co.'s servants decided suits under the Charter of 1663. The Charter of 1753 provided that the Courts were to entertain only such suits between Indians as the parties of their own free will submitted for their decision. This limitation

* R. Williams, *India in 1923-24*, p. 74; and *India in 1924-25*, pp. 86-93.

tion had no practical effect in Bombay Island, a colony of Indians brought together and fostered by the Company. (Hibert, p. 354; Mahabli Ch. 5.)

2. In Bombay, Madras and the N. W. P. (as also in the Non-Regulation provinces, of course) one and the same officer was from the first and throughout both Collector and Magistrate. In Bengal proper there were various changes of system—Ramsay Macdonald, p. 201.

3. *Modern India and its Government* (1852). Chs. 11 and 12 are a valuable survey of the judicial system, its results and its defects up to 1852; they also include an independent estimate of the work done by the Law Commission and its successors up to that date.

4. "The draft (of the Penal Code) was strenuously criticised by many of the Judges in India"—*Gazetteer*, IV p. 138. For a very different way of stating the facts see Sir James Stephen's well-known rodomontade:—"The long delay had the singular but most beneficial result of" subjecting the work of a Macaulay to "a minutely careful revision" by a Sir Barnes Peacock; "an ideal code ought to be drawn up by a Bacon and settled by a Coke" (Strachey p. 103). It is impossible not to smile at this; Macaulay was no more a Bacon than was Sir Barnes, a Coke. But these civilians have created at least for their own worship a hagiolatry of their own,—which has had its day.

SECTION 35.

1. The rules, forms, scale of fees, etc. were, before they went into force, to receive the sanction of the Governor General (or Governor) in Council.
2. There has been fair progress during the last five years.

SECTION 36.

1. Their powers were greater in non-regulation areas, but the tendency is to remove these and all other distinctions between non-regulation and regulation areas.
2. G. C. Whitworth, *Rajkumar Law Lectures* Lects. 16-22; a very simple and lucid account for the beginner of the nature and purpose of criminal law, law courts and procedure.
3. By no means an unusual amount. Again, in civil suits about houses and lands, the costs often exceed the value of the property in dispute several times over.

4. In the higher courts the judges' ignorance of the vernacular adds to the cost of litigation in the multilingual provinces.

SECTION 37.

1. Sir F. Lely, *Suggestions*, p. 51. "It was too like appealing to a judge against his own decree. The disinclination to stir up the mud after the work has once been fairly well done was natural, but should not be allowed to weigh against the honour of government even in small things. Herein is a weak place which must be made good."

2. From the Memorial on the subject to the S. S. for India submitted in 1899, by Lord Hobhouse, Sir Richard Garth and others; quoted in extenso in Abdur Rahim's Minute of Dissent, *Islington Commission Report*. The memorial was one of the results of the persistent efforts of the Indian National Congress to enlighten and organise opinion in England and India on the subject.

3. Quoted in Abdur Rahim's minute. Lord Curzon wished the question "to be taken up and dealt with in my time," but it was one of the questions he could not handle as he had to resign his post soon after he began his second term of office. *Raleigh*, I p. 137. Sir Surendranath Banerji moved a resolution on the subject in the central legislature, March 1913: see *Legislative Council Proceedings*, and for what happened subsequently, *making of a Nation*, Ch. 29.

4. Evidently, Bombay is herein behind both Madras and Bengal; here the union prevails in the subordinate as well as the provincial grades, for revenue officers of both grades are armed with magisterial powers, and as Sir M. Choubal pointed out in his dissenting Minute, their legal training (excepting those few men amongst them who had a law degree) left much to be desired. *Islington Report*, I. 237-8.

SECTION 38.

1. Act III of 1864 still empowers Indian governments to order any foreigner out of British India and compel obedience—Hibert, p. 88.

2. For the ruinous costliness of the Supreme Courts of Calcutta and Madras see a quotation from Macaulay's minute on the subject of the Black Act—Strachey, p. 117.

3. Chailley shows the perspicacity of the French intellect in noting that Englishmen "only regard as real English those who are so twice over."

by blood and by surroundings. This distinction does not appear in the laws but it exists all the same." The children of English parents brought up and educated in India are "treated as English of India and esteemed inferior to the English of England" (pp. 534-5). According to the legal definition, a master-piece of jingo classification for which India has to thank Sir J. Stephen, a European British subject is a British subject born, naturalised or domiciled anywhere in the Empire except Asia and Africa,—counter exceptions: Cape Colony and Natal—or any child or grand-child of any such person by legitimate descent. As Chailley has commented, the definition "would include a Zulu!" (p. 460). And we might add that it is quite impossible to say offhand whether General Smuts, for instance, would be included.

4. Simla, for instance, which the army officers discovered, and Sir John Lawrence began regularly to make the seat of the Government of India for several months every year.

5. Sir J. Willoughby, Sir E. Perry and Messrs. Mangles, Macnaughten and Arbuthnot were the Committee: the report is dated January 20, 1860 Ramsay MacDonald, pp. 102-3.

6. S. Tagore was the first successful Indian, for several years after him no one else succeeded.

7. Blunt, *India under Ripon*, p. 96. The passage from his Diary (December 22nd) has been quoted above, section 21, Note 3.

CHAPTER VII.

LAND REVENUE.

Section 40. Village India. From the law courts with their shrewd unreliable witnesses, contentious lawyers and the judge, mild and slow, under the *pankha*, and from the police, ill educated and underpaid, we pass on to the villager and his fields, his children growing up in squalor almost like cattle, his cattle sharing the same room and the same affection as his children, and the dust and the glare over all. India is primarily agricultural. Of the population of India over seventy *per cent.* live directly by agricultural occupations, and at least fifteen *per cent.* more by occupations nearly allied to agriculture. The same broad feature reappears when we find that of the total population, eighty-five millions live in four hundred and thirty thousand villages, each sheltering less than five hundred souls, and sixty millions more live in seventy-seven thousand villages, each sheltering from five hundred to one thousand souls only.¹ In the whole of this vast land there are not two thousand places with a population each of five thousands or more. This is all the more surprising when we find how densely the people are crowded together in large parts of the country. Bengal has an average density of 413 to the square mile, with a maximum density of 656; U. P. has an average density of 445, with a maximum of 751; and it would be absurd to put down in figures the density of population in a place like Bombay. The predominantly agricultural character of the country stands revealed once more when we find that the population living by textile and similar industries is not ten millions, by commerce, transport and building occupations, not yet eight millions, and by mines, metals, glassware, earthenware, etc. not yet five millions.

Section 41. Pre-British Land Revenue. In ancient times the village community inhabiting each of the Indian villages was selfgoverning. The small percentage of the non-agriculturists included in the village, such as potters, carpenters, barbers, druggists, priests, etc., rendered important services to the villagers, and were paid in kind for each service rendered, or by periodical shares in the crops or by an assignment of fields in the village. The state and its officials were also paid in kind by shares in the crops. We find in the ancient

books, 1/12th, 1/8th, 1/4th and 1/3rd mentioned as the legitimate share of the state.¹ Irrigated crops and other rich crops were taxed at a higher rate. The cultivable land was also arranged in classes according to quality, and the superior lands bore higher rates. Lastly, the organisation of the primitive Indian State was quasi-feudal, so that some of its officials were paid by the state relinquishing to them its own share of the produce in one or more of the villages. Thus what we now call land revenue and jagirs or zamindari have existed in India from times immemorial. Money payments instead of shares of the harvest, and assessments uniformly levied for a whole cycle of years, were also known in pre-Muhammadan times. In fact, the celebrated land revenue settlements from the earlier settlement of Sher Shah, and his was only a systematic organisation of the indigenous system that had prevailed for ages in the Gangetic plain. And, later, when the Mughal Empire extended this system to the Khandesh Berar and Ahmednagar Subahs, it was varied and improved to suit those districts in accordance with the earlier system of Malik Ambar, which itself was the lineal descendant of the settlements of the old Yadava, Rashtrakuta, Vijayanagar and Chola kingdoms.

When the East India Company succeeded by conquest and treaty right to the position of the sovereign, first in Bengal and later in other parts of India, they found that land revenue, land cesses, customs, and a few monopolies like that of salt, were the only recognised and traditional modes for the state to derive a regular income from the population. This system had many merits when administered by a strong state like the Mughal Empire. But with the decay and downfall of that empire, as also of the kingdoms that had succeeded it in every part of India, all regular administration vanished, and there was corruption and oppression everywhere. All records, all rights, all customs, all checks, all co-ordination had disappeared. The officials of the state and the money lenders who advanced to the state the proceeds of whole districts and then tried to recoup themselves from the villages, squeezed the villagers all they could, while paying as little into the state coffers as possible. The villagers also resisted payment as much as possible. Predatory bands large and small ranged over the country at all seasons, and India (which had

prospered wonderfully for a century from about 1575 to 1675) had already by 1750 sunk back into the depths of poverty. Extensive provinces were becoming overgrown with jungle, famines were frequent, wars were incessant and population and cultivation were shrinking up at an alarming rate. With each province, as the East India Company came into possession, its first duties as ruler were (1) to guard the frontiers, (2) to suppress and prevent internal disorders, and (3) to settle the population on the land as quickly as possible, in order that agriculture, industry, trade, population and wealth, might revive.

Section 42. The Permanent Settlement. The East India Company undertook the revenue administration of the Lower Provinces in 1765. They found that the Nawabs had handed over the collection of the revenue from the villages to the highest bidders at annual auctions. The Company kept up this system of farming, in spite of its grave defects, for seven years; but in 1772, when they had acquired some knowledge and insight into the matter, they made a settlement for a period of five years. This, however, turned out a failure and annual settlements were resumed, until in 1789, they made a settlement for a period of ten years. And this settlement was, by a proclamation of the twenty-second of March 1793,* declared perpetual. This is the well-known Permanent Settlement of Bengal, and as, under it, a zamindar, and not the ryot actually tilling the soil, is responsible to the state for the annual land revenue from his zamindari, it is also known as the zamindari system. In 1795 the system was extended to Benares and in 1802 to parts of the Madras Presidency. Altogether about one-fifth of the assessed area of British India is under the zamindari system.¹

Bengal is a land altogether dominated by its great rivers. On account of their floods, the fields in Bengal have an ever-shifting character; a twenty or thirty years' settlement there is out of the question. On the other hand, for a fresh and equitable settlement every three or five years, a detailed survey would be necessary every time and the Company's establishments in those days were quite unequal to such a vast and technical undertaking. The famine of 1770 had been

* Reissued a little later as a Regulation I of 1793.

an awful calamity, large areas were still jungle, and both agriculture and commerce appeared to the best observers to be in a state of rapid decay. To the Company in those days a regular and certain income practically without any trouble to collect it was of incalculable value. To create such an income it was absolutely necessary to bestow on the zamindars valuable property rights in the land. It was also thought advisable to strike the imagination of the people of India from one end of the continent to the other by conferring on the subjects of the Company in Bengal such rights as no ruler of India had ever granted in the past. Nor is this merely a surmise. The Court of Directors were fully aware that under the Mughal the Zamindars had "a certain species of hereditary occupancy, but the sovereign nowhere appears to have bound himself by any law or compact not to deprive them of it, and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object.... Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism. We are on the contrary for establishing real, permanent, valuable landed rights in our provinces; for conferring that right upon the zamindars; but it is just that the nature of this concession should be known, and that our subjects should see they receive from the enlightened principles of a British Government what they never enjoyed under the happiest of their own." And again, "in giving our opinion on the amount of the settlement we have been not a little influenced by the conviction that true policy requires us to hold this remote dependent dominion under as moderate a taxation as will consist with the ends of our Government."² And it was also intended that the subordinate rights of the tenants under the zamindars were to be safeguarded. The historical outcome of these various influences was the permanent zamindari settlement of Bengal. Under the system the land is the property of the zamindar. He could sell, mortgage, and bequeath it at will. The only defect in his full ownership was that the state had a charge upon it of a certain annual revenue, to be paid on a fixed date; this the state solemnly pledged itself never to increase at all; but if the zamindar failed to pay it punctually, the state was empowered to sell off the estate by auction. The zamindar was to realise rents from his cultivators;

he had to grant them written agreements, and was to respect their customary rights and privileges, nor was he to exact extortionate rents from them or oppress them.

As noted above, Benares and some of the northern districts of the Madras presidency were also placed under the Permanent Settlement. The total rents the zamindars were expected to realise from their cultivators at the time the system was introduced, were set down at about Rs. five and a half crores; and the settlement was, that out of this they were to pay to the state as land revenue ten-elevenths, or Rs. five crores, keeping only half a crore to themselves. But population was expected to increase and cultivation to extend, and the zamindars were to find their gain in stimulating this process energetically, for all the extra rents they thus obtained were to remain in their own pockets. This expectation had been justified by the event. During the decades that have gone by, cultivation has extended, population has increased, and Bengal especially has prospered to such an extent, that the zamindars now receive from the tenants let us say Rs. twenty-five crores.³ And the state is debarred by its solemn pledges from taking from them a pie more than the originally fixed five crores. Thus the zamindars now derive an annual income of Rs. twenty crores, a sum that is forty times the original income. In Hindu and Muslim law brothers are equal sharers in the property of their father, and so the permanent settlement has created in the part of India where it prevails, a strong and well-to-do middle class.

Section 43. Tenant Right. From the first there were layers of intermediaries between the zamindar at the top and the mass of cultivators actually tilling the fields of the estate at the bottom. As it came to be realised that the peace and security established by British rule were of a more durable and thorough-going character than ever before within historical memory, the number and variety of these intermediary tenure-holders under rights acquired from those immediately above them went on increasing. In fact, the extension of cultivation and the settlement of the increasing population on waste areas within the zamindari went on through the legal and contractual medium of the creation of a pyramid of intermediaries. At each stage, the layer of intermediaries immediately above the actual cultivators supplied the active

and energetic managers,—all intermediaries above them were mostly absentees,—and these forceful newcomers to whom was due the increasing production, took out of the cultivators all they could extract from them, in order to have for themselves as large an income as possible, in excess of what they had contracted to pay to the layer of intermediaries immediately above. Secondly, in the old unquiet days of armed bands roaming unchecked and living on the fat of the land and destroying far more than they actually consumed, zamindar and kumbi were tied together for the defence of all they held dear, life and children, cattle and property, homestead and honour; bonds of loyal attachment and camaraderie were forged, strong enough to link the generations together. The piping times of peace followed, these higher bonds rusted and crumbled, and the cash nexus remained the only bond between zamindar and intermediary, intermediary and cultivator. Population increased, all available areas being filled up the pressure of the teeming people on the land began, and rack-renting was the inevitable outcome. This cycle prevails always and everywhere: it has the uniformity of a law of nature: the first stage is the establishment of a strong stable government enforcing a fair system of agricultural economy; the second stage is increasing prosperity; the third stage is widespread irremediable poverty: men multiply and Lakshmi (the goddess of prosperity) departs. A predominantly agricultural land which cannot annex fresh areas, which does not develop mining, industry and more scientific agriculture, and where the people go on multiplying, cannot escape this cycle. It is a simple enough proposition, stated in this abstract fashion; it sounds almost a truism; and yet we have to turn it over and over and grasp it firmly from many stand-points, for it is one of the masterkeys to the economic history of India, to the poverty that has been the portion of our motherland for centuries upon centuries.

The only real remedies are (1) imperialism and colonisation, (2) mining and industry, (3) increasing knowledge of and command over the forces of nature resulting in progressive improvements in the arts, including agriculture, and (4) moral and customary checks on the fecundity of the race, securing a higher rate of increase in health, energy, knowledge, co-operation, and organisation, than in mere numbers. All else are not real radical remedies, but if we take large views looking

at several generations together at one glance, mere palliatives, though even as palliatives they have incalculable value:—they check social discontent and disharmony; they protect the weak against the strong; and the patient, the poor suffering society—gets a little more time, during which to develop if it can, one or more of the real radical remedies.

One of the most indispensable of these palliatives is the protection of the agriculturist from the growing exactions of the higher layers of the community. These higher layers—these intermediaries, the legal system has placed in the position of monopolists of a commodity, the land, of which there is only a limited supply. Hence the state which created and supports the system is bound in equity to frame further legislation, with the object of safeguarding the right of the agriculturist to a living wage; and the moral right of the state to do this and so to limit the monopoly of the intermediaries, is clear as daylight, where the state has itself solemnly limited its own exactions from the topmost layer of zamindars by a permanent settlement. The title to preach and enforce abstinence in the public interest inheres in those only who themselves set the example.

These are the fundamentals of the question. The details of the original and amending Acts* are infinite, and naturally produced immense varieties of opinion and voluminous controversies. These are for the specialist. Here we can only note the main results in broad outline. The cultivators are grouped into classes, tenants at will, tenants at fixed rates of rent, and occupancy tenants. Any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent. Obviously it is a class that goes on increasing and already over eighty *per cent.* of the cultivators are occupancy tenants. No enhancement of rent is allowed at shorter intervals than five years, and even then only by consent or by decree of court on good cause shown. Any tenant can apply and get all the incidents of his tenancy judicially determined. A complete record of rights is aimed at, and once prepared it is kept upto date, the entries in it are taken as correct unless any of them is judicially proved to be

* Bengal Tenancy Act X of 1859, VIII of 1885, III of 1898, I of 1907 are the principal.

erroneous, and the landlord is helped to recover arrears by summary procedure.

Cannot these civil courts imposing justice from above be replaced by arbitration *samitis* composed of the elected elders of the community, the judge who at present constitutes the court merely taking the position of the paid and responsible adviser, convener and recorder of the panchayat? If necessary he might be given the power to recommend that either party be allowed to appeal to a court composed of qualified servants of the state, one such court might be established for each division, and this appellate court might also have full powers of inspection and revision of judgments even without a formal appeal. It is only by institutions of this character that a real democracy can be gradually built up out of our rural communities.

B. H. BADEN POWELL, *Land Revenue in British India*, pp. 33-52, 131, 133-45, 154-68.

RAY, *Land Revenue Administration*, pp. 1-57.

J. SARKAR, *Economics of British India*, pp. 119, 123-130, 221-237.

Section 44. Temporary Settlements. The Bengal settlement took the land in big areas and fixed three features with regard to each; its outer boundaries, its zamindar, the amount of land revenue he was to pay for it. But even while this settlement was being worked out and declared permanent, a school of revenue officers had arisen, with Shore at their head, who were convinced that both the rights of the state and the duties it owed to the people required a more detailed mastery of the subject in its various complexities. The land they saw must be thoroughly surveyed and mapped out, and the various soils classified, field by field. In the second place, there must be a record of the shifting pyramid of rights from that of the landlord at the apex to those of the actual tillers of the soil at the bottom. And in the third place, these masses of ascertained facts should be further viewed from time to time in the light of the history of the locality, the rise and fall of prices, the variations in the rainfall and the seasons, the increase in population communications and commerce,

the slowly changing water-level, the increase or decrease in the number of wells and other means of irrigation, and other factors too numerous to detail. They wanted to leave the cultivator a fair remuneration for his labour, and they also admitted that both cultivator and landlord were entitled to a fair rate of profit for the improvements they made, but the state, they held was justly entitled to a share of the surplus, whatever it was. As the century advanced they began to plan large schemes of bridges and roads, irrigation works, and, later, railways; and it was plain that these projects required large resources, but that they would benefit the people to such an extent, that the state was perfectly justified in asking the people to hand over to it a part of these extra gains as they materialised, since they were the result of the improvements the state itself was bringing into existence at such an enormous outlay, which had to be paid for in the long run out of the additional wealth it had thus helped to produce. On the other hand, to revise the land revenue demand every year or even every few years was out of the question; the gain would be small, the trouble and the cost enormous, and the feeling of insecurity created and the discontent would outweigh the increase in the revenue, whatever it was. Thus arose the conviction that a permanent settlement was a temptation to be resisted at all costs; that short term settlements were also to be avoided as impolitic except in areas which were highly unsettled and contained much untitled waste; that settlements unalterable for about a generation, but subject to a thorough revision then, were the ideal compromise. This, at any rate, is the notion underlying the land revenue systems of the remaining four-fifths of British India. They exhibit local peculiarities some of the most important of which we shall go into presently, but their temporary character is the feature common to them all, and we have tried to sketch the point of view from which it appeared to the authors to be the only reasonable course to adopt.

But the problem which they thus tried to grapple with was far more complex than the one they had attempted in Bengal. To estimate the value of the net agricultural income of an area that is a geographical and economic unit is not an easy task; to strike an average for several years is only a mathematical inference the value or substantial accuracy of which was bound to be far less than that of the original premises,

viz. the estimates year by year; to distribute it amongst the various grades of soil would be another mathematical inference still less accurate; and finally to apportion it estate by estate, village by village, and field by field, was to prolong the chain of abstract deductive reasoning several steps further. No wonder the first efforts were utter failures almost everywhere. No wonder the effort to establish a fair settlement on general principles had to be given up everywhere. No wonder, that settlement officers and government had to fall back everywhere on crude empirical methods easy to apply and intelligible to the people. The claim that it was a really fair and equitable settlement can be granted only in a limited sense. The government had strength enough to enforce it, the people were mild and pliant enough to accept it as part of their fate. Each villager knew how much he would have to pay year by year for a certain period by instalments falling due on fixed dates; and there was far less corruption and oppression of the people by the underlings than ever before. These items should be entered on the credit side of the system. On the debit side has to be entered the underlying assumption that a healthy social structure only needed cultivators, improving landlords and moneylenders, traders and labourers, and such other secondary classes, shepherds, shoemakers, shopkeepers, etc., as could live upon these primary classes by serving them. It was a truncated conception of society altogether; and it is all the more remarkable that this should not have been perceived, since there is no doubt whatever that our rulers wanted not only a peaceful and industrious community, but one that was also prosperous and progressive. The demand for permanent settlements which rose up once more as the century advanced, which was pressed by some of the ablest and most experienced officers of the government, and led to a controversy that continued down to the eighties, had really behind it the feeling that a society mainly agricultural could not possibly be healthy, prosperous and progressive, unless there was left room in it for an agricultural middle class, whose resources, intelligence and leadership could alone create and sustain progressive agriculture. But by that time the government had realised that they too were in the grip of an inexorable fate; that India was a very poor country, that it was subject to colossal recurring calamities, that the number of taxes they could impose were very very few, nor were they really free to increase any of them beyond a certain low limit;

and under these circumstances they were naturally unwilling to forego whatever extra income the land revenue brought to the treasury by its own "natural and normal expansion".

Section 45. Village Settlements. These temporary settlements fall into two broadly distinguishable classes; village or village community settlements and ryotwari* settlements. The first prevail all over Hindustan, the Panjab and the C. P.; the second are the distinguishing feature of the Madras and Bombay system.

Village community settlements were first developed in the Agra province. In that cock-pit of India, communal feeling is still strong and so are hereditary and local loyalties, although a century and more of British rule has gone far to weaken them. The village lands were, the English found, looked upon as a whole and owned and managed by the villagers or some one section of them as a community. This community was the joint landlord, even when there were as in some parts, hereditary over-lords who, without being so powerful as jurisdictional chiefs, had still the right to obtain substantial shares of the produce. When this share of the overlord was larger, he was styled landlord; when smaller, taluqdar. So the lands in the Agra province were to be settled with landlord and village community or taluqdar and village community, or with the village community by itself. And as already hinted, in many villages more than one community were staying together, one of these as the proprietor community, the other or others as tenant communities under the first. The landlord and taluqdar families had also families of dependents settled as tenants on their family estates. Benares district had the same social structure; but Jonathan Duncan, although he was supposed to know Indian ideas and customs so well his English comrades dubbed him a Brahman,† could make nothing of it; a community as a joint landlord was an idea altogether too recondite for our foreign rulers in those days; and the Bengal zamindari system was imposed upon the district, and this the people had to submit to. However, though Duncan was puzzled, he noted some of the main facts, the Anglo-Saxon intellect is honest and persistent even if slow, and by 1833 a start on right lines was made. We shall not trace the history

* Ryot—the individual cultivator. † Kays, p. 558.

Mr. Curzon: "Coming to the concluding question, the mode in which these additional members were to be appointed, he noticed that the Hon. member for North Manchester (Mr. Maclean) had on the paper an amendment declaring that no reform of the Indian Councils which does not embody the elective principle could prove satisfactory. But the Bill, he had to point out, does not exclude some such principle, be the method election, or selection, or delegation, or whatever particular phrase they liked to employ. The fourth sub-section of clause I runs as follows:—

"The Governor General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor General, Governors, and Lieutenant Governors respectively, and prescribe the manner in which such regulations shall be carried into effect."

Lord Kimberley himself had elsewhere in an earlier stage of this Bill, expressed himself with reference to this clause as follows:—"I express my own satisfaction because I regard this as to a certain extent an admission of the elective principle....I myself believe that under this clause it would be possible for the Governor General to make arrangements by which certain persons may be presented to him, having been chosen by election, if the Governor General should find that such a system can be established."

Mr. Maclean: "Does the Government accept that view?"

Mr. Curzon: "Undoubtedly, Sir; the opinions expressed by Lord Kimberley are also shared by the Secretary of State."

Gladstone* in winding up the debate for his party agreed that the wording of the sub-section was so peculiar that it could not but mean an intention, a genuine and sincere intention, to leave room for the adoption of the principle of election, if it was at all found possible to do so. If so, the question arose should parliament prescribe election in so many words, or should it leave the matter to the discretion of the

* See Section 17, ante; Lord Kimberley as former Secretary of State for India when the liberals were in power spoke for his party in the Lords.

Governor-General in Council? This question Gladstone decided against Maclean and his liberal pro-Indian friends and in favour of the Government of India. Hence, although he said he felt "justified in looking forward not merely to a nominal but to a real living representation of the people of India," he deprecated a division, he felt it might convey a wrong impression, and concluded, "I certainly could not take part in any division hostile or apparently hostile to the Bill....We should do well to allow this Bill to receive the unanimous assent of the House."

On the more important issue of powers and functions, the Act only widened the opportunities of non-official members for "criticism, suggestion, remonstrance, and inquiry." So ended the first effort of educated India. Since 1861 a whole generation had passed by; a generation during which Universities and law courts had grown up from their first small beginnings into the most cherished of the modern institutions that England had sympathetically planted in India; a generation during which English had become the common language in India of the upper ten thousand, during which English literature and English history and politics were studied with an utter reverence beyond description and Indian youths were crossing the *Kala Pan*; in ever increasing numbers to drink of the fountain at the source. This spirit, this attitude of India towards England, has gone, never to return. The failure of parliament to seize the psychological moment and make a genuine beginning, however small, of representative institutions in India has changed all that, once for all.

However, the leading Congressmen both in India and in England bowed to the inevitable. The new Act gave—

- (1) Somewhat larger councils, and also, gradually, councils for some provinces hitherto without them.

The maximum number of "additional members" for the central council was raised from 12 to 16. For the provincial councils the maximum was fixed at 20 in the case of Madras, Bombay and Bengal, and 15 for U. P. Councils were established later for the Panjab and Barma (1897) with 9 additional members.²

- (2) The right of interpellation.

Any member might ask a question, if it was a request for information only, if its wording was not argumentative, hypothetical or defamatory, after due notice; the president might disallow any such question; and lastly, there was to be no discussion on the reply.

(3). The right to discuss the annual *financial statement*.

A printed copy was to be supplied to every member some days in advance, and at the meeting any member might discuss and comment upon any part of it, and offer suggestions, and the financial member, heads of departments (if nominated additional members), and the president might reply and wind up the debate. Though no resolution could be formally proposed or the house divided upon it, this was a great step in advance of the practice that had obtained, in the past thirty years; during which the Government had often contented themselves with placing the annual budget before the country merely in the form of a minute published in the *Gazette of India*.

Under the 4th sub-section of clause 1, quoted above, rules were framed under which ten non-officials (and not eight only) were nominated to the Governor General's Council; viz. these recommended, i. e. elected for the purpose, by the Calcutta Chamber of Commerce (1), and by the non-official additional members of the provincial councils (one each from Madras, Bombay, Bengal and U. P. and later from the Panjab, Barma, and Eastern Bengal and Assam also), and those others selected by the Governor General with a view to the legislative business before the council, and the due representation of all classes. To have nominated more than ten non-officials would have exposed the council to the risk of a non-official majority.

In the Bombay Council, under the rules framed, eight of the non-official members were nominated on the recommendation of the Bombay Corporation, the Bombay University, Municipalities, District Boards, and other bodies. The Governor nominated other non-officials also and the total number of the non-officials was to be at least 10 out of 20. The Bombay Government soon ceased to nominate the full complement of additional official members (10), so that for several years before 1909, their legislature was working with a non-official majority. The regulations for the "nomination" of non-off-

cials at Madras and Calcutta were similar; but in the last province, on a revision in 1908, one seat was given to the Zamindars.

MUKHARJI, I 228-245: the text and extracts from the speeches of Mr. Curzon and Mr. Gladstone.

ILBERT, p. 107 and Ch. 3, part VI.

MONTAGU-CHELMSFORD Report, Ss. 66-71.

Section 33. The Indian Councils Act, 1909. In 1813 and 1833 we have seen the influence of the thought currents predominant in England as modifying the policy of England towards India. Lord Ripon, again, during his viceroyalty was but the agent of English liberalism in trying to rear the plant of public life in India by his Local Self-Government Act of 1882. For the twenty years that followed the conservative party was in the ascendant in England, and it was a period of stagnation in India.* We have just seen how the principle of election was not introduced in the Act of 1892, although the Government of India was not against it. During the latter part of this period and especially after 1905 India was, as Gokhale said in the central council, "drifting into chaos."¹ But the liberal party won a sweeping victory in the general election of December 1905, and John Morley became Secretary of State for India in Sir Henry Campbell-Bannerman's ministry. His first measures had to be repressive,² as Lord Curzon's regime and especially his partition of Bengal had given rise to widespread discontent, organising itself both above the ground and under. But he very soon came to the conclusion that a further step in advance was also necessary, such as would render the administration progressively sympathetic and give the people themselves a growing influence and a larger voice in the deliberations by means of which a modern state shaped its public policy. The friction and delays he overcame were immense, in order to be able to overcome them at all he had to reduce his scheme to the indispensable minimum, to claim for its character, tendency and effects very much less than was justly due to it, and to keep his own authorship of it in the background, and his rip-

* *Dutt, England and India.*

statesmanship shone at its best in this strategy. Larger employment of Indians in the higher posts upto the highest, and decentralisation on an extensive and effective scale so that local self-government organs would be really self-governing and the provinces would develop from mere agencies and administrations into governments, were as essential parts of his scheme as the enlargement of the legislatures and their elevation from the position of mere advisory adjuncts to that of essential limbs of the government, wielding an influence, certain to grow full soon into real if not directing power. But he retired from the helm before the recommendations of the Decentralisation Commission could be worked out and even before the Islington Public Service Commission was appointed. Even his scheme for the legislatures the Government of India modified in the fundamental particular of communal electorates. And they weakened it as far as possible by means of rules and regulations drawn up under the Act. Still it is not too much to say that the vessel of state was drifting on to disaster when Morley took the helm and it was his foresight, firmness, and liberalism, coupled with the unique respect and confidence he inspired in the minds of all concerned (from the cabinet and the radical and labour M. P's in England, down to the leaders amongst the Civil Service as well as the moderates, and the Muslim and nationalist parties in India), which enabled him to make a fresh start, to make even the Civil Service realise that a central bureaucracy and Curzonian manners were evils of the first magnitude, and that, moreover, repression alone or in excess of a proved specific need, would never be tolerated by parliament or by England as their settled policy towards India. Thus it is not too much to say that to him belongs in an exceptional degree the credit of saving the cause of progressive constitutional reform in India.

The bill was introduced into parliament on February 17 and received the royal assent on May 25, 1909. It took the form of an Act amending previous enactments on the subject, and left a great deal to be provided by regulations and rules, which the executive connected with the particular legislature was to frame and the next higher authority was to sanction. All such proclamations, regulations and rules other than rules made by a Lieutenant Governor for the more convenient transaction of business in his Council, were also to be laid before parliament as soon as made. The Act provided that amongst

the additional members there were to be both nominated and elected members, and fixed their maximum at sixty for the council of the Governor General, fifty for the council of each of the major provinces, and thirty for the rest.³ And the Act further provided that rules shall be made authorising at these councils (a) the discussion of (i) the annual financial statement, and (ii) any matter of general public interest, and (b) the asking of supplementary questions, under prescribed conditions and restrictions.

The Secretary of State in Council had pointed out in his despatch (No. 193, 27-11-1908) that in the provincial legislature an official majority might be dispensed with, but that a substantial official majority must be permanently maintained in the central body. Under the rules and regulations the councils were so constructed from the first as to carry out both these principles.

The elected members of the central council were returned by (a) the non-official members of the provincial councils of Madras, Bombay, Bengal, and U. P., two each, and those of the other five provinces, one each; (b) the landholders of Madras, Bombay, Bengal, U. P., Bihar and Orissa, and C. P., one each; (c) the Muslims of the same five provinces, excepting C. P., one each, and another by Muslims of U. P. or of Bengal at alternate elections; and (d) by the two Chambers of Commerce of Bombay and Bengal: Total 27.

The twenty-eight elected members of the Bengal council were, under the regulations, returned by (a) the municipalities, district and local boards, and Muslims 5 each; (b) the landholders of the four divisions, excepting Chittagong, one each; (c) the municipalities or landholders of the Chittagong division, one member at alternate elections; (d) the Calcutta corporation, the elected commissioners of the same corporation, the Calcutta University, the Calcutta Trades Association, the tea-planters, and the Chittagong Port Commissioners, one each; and (e) two by the Bengal Chamber of Commerce.

Barma was treated exceptionally. The Chamber of Commerce elected one member, but the Government nominated four members to represent the Barmese, two to represent the Indians and Chinese in Barma, and two to represent other sections.

The details about the elected members in the other provinces are tabulated in a note.⁴

None but British subjects were eligible for election. Officials, females, bankrupts and insolvents, persons judicially found to be of unsound mind, and persons under twentyfive years of age were disqualified. And persons dismissed from government service,⁵ legal practitioners deprived of their sanads, persons sentenced to imprisonment exceeding six months, or transportation, or ordered to find security for good behaviour, and finally persons whose election the Governor General in Council, in view of their reputation and antecedents, declared to be contrary to the public interest, were also to be held disqualified, unless and until in any particular case the Governor General in Council waived the disqualification by a written order. Females, minors and persons of unsound mind were also disqualified for voting at the elections. The elected members were to serve for three years, but the members nominated to the councils by the government might be nominated for any shorter term. In constituting the electorates various methods had to be adopted, according to local conditions, and even so, not a few of the electorates were experimental, some of them were avowedly provisional until better ones could be devised and there were also cases, e. g. the Panjab Muslims and landholders, and the various sections of the Barmese population, in which no electorates were formed at all, and selected representatives were nominated to the councils. Most of the electorates were indirect. And in the direct electorates of Muslims and landholders, the qualifications required for a vote varied greatly from province to province.

Critics of the Act of 1892 have observed that although the principle of election was not adapted in words it was adopted as a fact.* Critics of the Act of 1909 have observed that though the principle of election was adopted in words, the legislatures created were such as could not be accepted as representative in any real sense.† Both criticisms rest upon facts obvious to all. Enlightened Indian opinion felt nevertheless that the Act of 1909 was a great step in advance of the Act

* Report I. C. B., S. 60. † Report I. C. B. S. 83; *Dyarchy*, pp. 360-3.

of 1892. Political freedom, as the West understood it, was unthinkable without representative legislatures; without bodies composed of elected representatives of the people. In 1853, 1858 and 1861, it was held impossible to constitute such bodies in India. Indian political effort concentrated more and more upon getting this judgment quashed. Citizens, in the Western sense, were primary voters whose representatives in constituted assemblies controlled the executive government in general policy and daily administration; this and this alone was political freedom; this and this alone was true civilian citizenship. Indian political opinion aspired to that citizenship, at first in British India itself, and then in the British Empire as a whole. It failed in the attempt in 1892, but succeeded in 1909. The acceptance of the principle by parliament was, from the Indian point of view, the main battle. At last was made the longed-for start, and the only destination possible was the status of "the king's equal subjects."*

It is too mechanical a view of political moments to judge them by the new scaffolding. The meaning of an advance is as a rule better indicated in the new functions assigned, the new goal set. No change was made, none was intended,† nor even expected,‡ in the essential subordination of the legislatures to the executive. Lord Morley emphasized this repeatedly. It does not follow, however, that his critics, from Lord Curzon downwards, were incorrect in pointing out, that though he "assured us that he had no ambition to set up any sort of parliamentary system in India, or even to share in the beginning of that operation, it will inevitably be the consequence of his act".‡ Lord Morley certainly desired an association of the representatives of the people with the executive; an increasing association as the representation improved and the representatives acquired experience and outgrew the stage of negative irresponsible criticism; when or how this was to grow into influence and pressure, and that into parliamentary control, he left to the future. Through what events—enlargements of the electorates, deadlocks in the legislatures, conflicts between the provincial and central governments—this future might have been shaped or how soon, it is impossible to tell,

* Lord Morley used the phrase in his speech, 23-2-1903; Gokhale quoted it enthusiastically in his budget speech, 25-3-1909.
† Reform Despatch (No. 193, 27-11-08, para. 22).
‡ Curzon's speech, 2nd reading Debate, 23-2-03.

for in less than five years, the Great War burst upon the world, and altered everything.

The association that was desired was rendered possible by an increase in the criticising and deliberative functions of the legislatures. Members could now follow up their interpellation by a supplementary question though under the same stringent safeguards as formerly. They could move resolutions, in so far as allowed by the president, and on subjects of public interest not excluded from the competence of Indian legislatures by the Act of 1861, nor *subjudice* at the moment, nor affecting the relations of the government with a foreign State or a Native State. In the debates that followed, speakers were subjected to a time limit, amendments were allowed, and a resolution if carried, had according to the letter of the regulations no more effect than a recommendation. But of the 168 resolutions moved in the central legislature from 1910 to 1917, 24 were accepted by the executive and 68 were withdrawn by the members either because the debate showed the inadvisability of pressing them, or because the executive undertook a sympathetic reconsideration of the matter. Seventy-three of the Resolutions might "be described as fruitless. In not a few instances substantial results were obtained". "The view taken at the time that this concession was perhaps the most important of all the changes, was (thus) justified by experience".*

It is impossible to arrange the various parts of a complex scheme in the order of their importance and effectiveness. All the parts were designed to help materially in the desired dilution of irresponsible autocracy with popular influence. Where enumeration or other mechanical tests can be applied, the result can be stated in statistical or other definite forms; but it does not follow that the results were inferior in the case of those other parts of the scheme, the operations of which were not easily amenable to mechanical analysis.

Even under the old constitution of the legislature the debate on the budget had, in the central council, afforded to the diplomatic and resourceful persuasiveness of Gokhale an excellent means to bring popular opinion to bear upon the finan-

* Report I. C. R. S. 94. For resolutions in the provincial legislature see 3. 98.

cial policy of the government. What he was thus able to achieve from 1902 to 1909 is all the more noteworthy when we remember that his greatest triumphs were won while Indian policy and finance were under the guidance of two such dominating personalities as Lord Curzon and Lord Kitchner.⁷ Under the Act of 1909 the opportunities conceded to the representatives of the people to influence the budget were multiplied. The regulations, as finally modified in 1918, provided for a general debate on the preliminary estimates, called the financial statement, followed by a debate on such resolutions as the members might move, and, when all such resolutions were disposed of, by an explanation of the various parts of the statement under convenient heads or groups of heads. At this stage also resolutions were permitted on certain heads of revenue and of expenditure. And, finally, the Budget proper was presented to the council on or before the 24th March, when again the Financial Member, the official members in charge of particular heads, and the President might enlighten the council on the differences between the final and the preliminary figures, on the reasons for the adoption or rejection of the resolutions, and on other topics. In the provincial councils, the preliminary statement was submitted to a committee of the council composed of official and non-official members in equal numbers. The provincial government then drew up a revised statement in the light of the discussions in this committee, submitted it to the Government of India for provisional approval, and then presented it to the council as a whole; the proceedings thereafter were of the same character as in the central legislature.

One more feature of these new councils has to be noted. A representative is a man whom a constituency sends on their behalf to an assembly because of their general confidence in him. He knows their particular views, but in the assembly he is perfectly free to decide for himself how he is to vote.⁸ A delegate, on the other hand, is a mere agent and holds himself bound to vote in accordance with the views of his constituency, even though his own opinion of what the interests of the nation as a whole required might be different. How were the official members to speak and to vote in these assemblies, and the non-official members nominated by Government? From 1861 to 1892 the non-official members were free to speak and to vote according to their own judgment, for although they owed their

nomination to the government, it was understood that they were nominated as the best men who could be found to voice the feelings and opinions of the people in the legislature. The members of the executive council on the other hand, were the government; although any of them might differ strongly from his colleagues, and although he might have exerted himself to the utmost in the privacy of the executive council to influence and alter their views, when a measure came before the legislature as a government measure, he was bound to act and to vote with his colleagues. This was not however always realised, and, as a matter of fact, "when divisions in the councils were recorded, it was by no means unusual that official members were as much divided among themselves as the non-officials."⁹ Hence it was, that the question, how the officials who were not members of the executive government were to act and to vote, did not arise during this period in an acute form.

The reform of 1892 brought not only enlarged councils, but a new class of member: the 'nominated' non-official who was for all practical purposes an elected member. He began to undertake the role of 'His Majesty's Opposition', and his example also acted upon the non-official member who was only nominated. Moreover, the provincial official in the central legislature spoke up for his own province, and in the provincial legislature, often voiced local or departmental views as distinguished from the secretariat or government views. Modern civilised governments even when autocracies in fact are in appearance governments by persuasion, and must, in the long run, command the intellectual ascendancy of better information, larger views and more solid arguments than their critics, and the formal ascendancy over them of a majority of some kind at the back of their decisions. The debates grew in interest, and the voting, when there was any, could not always be left merely to the balance of the argument and the good sense of the members. Government urged that all the officials were bound in honour to support them both in the debates and the voting, but especially the latter. There were protests against this from time to time, but as a rule, the sense of discipline and solidarity prevailed. Thus arose the 'official bloc'. This however was not enough. Government by persuasion necessarily needs honest and independent support, high in quality even if small in quantity. Official support even when absolutely honest and independent is generally discounted as merely official. A change of heart, a policy such as

would beget trust and co-operation, a spontaneous leadership of the people putting forth measures, both administrative and legislative, such as would remedy or remove grievances, elevate the status of the people, and secure their material and moral progress in increasing volume, would be the noblest way of winning such honest and independent support. In other words, a benevolent despot or a philosopher-king such as Plato dreamed of is theoretically the best means to bridge over the period of transition from a despotism to a democracy. But autocracies in power are rarely able to adopt such a policy of gradual and progressive self-effacement, or to pursue it steadily for long. And, in any case, in the concrete world as it is, neither are the issues so plain, nor are the remedies so easy. Is the goal of a democratic government and society the best goal for us? People differ. Best or middling or worst, is it practicable, can it be attained? There are again differences of opinion, thoroughly honest and passionately held. Granted for the sake of argument that we can all agree as to the goal, honest differences of opinion would again emerge at every step as to the rate at which we should or could advance in that direction, and as to the concrete measures to be adopted at any time. And faced with such differences of opinion in a legislative assembly, the members of the executive government whose duty it is to obtain a majority for their measures, and who, besides, are not in a position to accept an adverse majority vote as a decision bringing them a release from responsibility, are inevitably driven by the pressure of the situation, to adopt various arts to secure what they need so badly, viz, a majority clinging more or less uniformly to their own side and containing at least some elements in it (occasionally, if not always) of really honest and independent support. Thus we discover, as the situation develops, the non-official European members, nominated or elected, usually casting their votes with the official bloc; the executive government exercising their power of nomination so as to obtain representatives of the people or of some section who are also 'safe' and pliant; and executive officials manipulating elections and constituencies in various ways, more or less indirect. Soon precedents create practices, these again win recognition as rules, and express orders follow, general or occasional, published for all to read or confidential. "In plain words, moderates" and non-party men both amongst officials and non-officials, Indians and Europeans, "are forced into the camp of extremists.... Wherever this system has been long continued, Government by 'influence'

has set in, degenerating into government by intrigue and ending in government by corruption."* The only remedy is Government by executives really responsible to representative legislatures.

To avoid misunderstanding, we have to add in conclusion, that the above is a description of evil tendencies necessarily inherent in every system of elected legislatures not armed with control over the executive. The more representative the legislature, the more certain is the degradation of politics, unless and until the executive—through deadlocks, conflicts, dictatorships, and other incidents—drops its autocratic character and becomes responsible, until the political sovereignty is transferred as a matter of fact to the active minded amongst the people, whatever the changes adopted in the form of the constitution. The course of political development in India could not entirely escape this tendency to degradation. That it was escaped, however, to a great extent, was due to several circumstances. The Indian legislatures from 1892 to 1909 though containing representatives who were really elected, were in numbers mere toy assemblies, nor could they claim a representative character. And when larger and more representative legislatures were introduced by the reforms of 1909, they had, luckily for India, but a short span of life. In less than five years the Great War was upon us, and brought about a radical change of constitution. The system of 1858 was cast aside, India ceased to be a dependency ruled from above, the principle of partnership was accepted for her relations with the other members of the Empire, the principle of responsible government was accepted for her internal constitution, and the only questions which remained for consideration were, how far these principles were to be applied immediately, and through what stages they were to be further developed to a full logical consummation.

MUKHARJI, I pp. 245-385: the text, extracts from minutes, despatches, speeches, resolutions, and the Central Council Regulations as amended upto 7-2-1918.

ILBERT, pp. 102-125 and Appendices I, II and V.
MORLEY, Indian Speeches (Macmillan, also Natesan); also, *Recollections*, Bk. V.

CURTIS, *Dyarchy*, pp. 368-380.

MONTAGU-CHELMSFORD Report Ch. 4.

* *Dyarchy*, p. 372.

CHAPTER V: NOTES.

SECTION 31.

1. The analogy of the Indian Raja's 'court' will be found in Sir Bartle Frere's minute of 1860 on the subject. (Extract in *Mukharji*, I p. XXIII. Sir Syed Ahmed had also observed in his pamphlet on the Causes of the Mutiny that there was nothing in the Indian Government "to warn us of dangers before they burst," and had asked that there should be Indian members on the legislature (*Ramsay MacDonald*, p. 8).

2. Non-official Europeans of the mercantile and settler classes were also nominated; these men, too, were then little better than exponents and champions of their own class interests and privileges.

3. I. T. Prichard, *Indian Administration*, 1859-62, 2 Vols, 1 p. 131. See also his introductory chapter. For an earlier witness see Kaye, *Administration E. I. Co.* (1853):—"The physical improvement of the country and the moral improvement of the people are advancing, under our eyes, with a rapidity which would fill the bygone generation of Indian administrators with as much astonishment as the ancient race of soldiers would experience at the sight of the magnificent dimensions of our Indian Empire" (p. 267).

4. For a favourable estimate of the Laws enacted by these subordinate legislatures see Hunter, *Maye*.

SECTION 32.

1. First I. N. Congress, Resolution III; II Congress, Resolutions II-V; III Congress, Resolutions II, N; IV Congress, Resolution I; V. Congress (1889) Resolution II; VI Congress, Resolutions I and VIII; VII Congress Resolutions II, XII, XIII. Bradlaugh died January 30, 1891.

2. When Eastern Bengal and Assam was separated from Bengal (1905) it was given a council with 15 additional members for legislative purposes. Panjab and Barma were treated as 'minor' or 'backward' provinces i.e. the legislatures there established were of the 1861 pattern.

SECTION 33.

1. The Prime Minister (Mr. Asquith) referred to this statement in the debate on the second reading (April 1909) and added: "I do not say

CHAPTER VI.

COURTS AND POLICE.

Section 34. Under the Company. From lawmaking organs we pass on to courts whose function it is to apply and administer the laws, and then to the police, the protectors of the people from criminals. The presidency towns had Mayors' Courts from 1726, and their powers had been enhanced under revised letters patent in 1753;¹ the president and council formed a court of appeal and final appeals in cases involving sums exceeding Rs. 4,000/ lay to the King in Council. There also were wherever the Company were Zamindars, zamindari courts, and in Bengal, soon after the acquisition of the Diwani, civil and criminal courts, with the *sadr* *adalats* at the top, had been taken over by the Company. Then followed, in Bengal, the Supreme Court by royal charter (26-3-1774). The conflict between the indigenous courts and the Supreme Court was moderated by a working compromise and by amending legislation. Lord Cornwallis reorganising the system established district courts, provincial courts of appeal, and the *sadr* or highest and ultimate courts for civil cases as well as criminal trials. "Every civil servant has looked upon 1793 as the commencement of a new era. The Cornwallis Code, whether for revenue, police, criminal and civil justice or other functions, defined and set bounds to authority, created procedure, guarded against the miscarriage of justice, and has been the basis of every attempt to introduce law and order into each successive acquisition of districts and kingdoms." And, above all, he introduced the principle of the supremacy of law by laying down the rule that "the official acts of the Collectors might be challenged. In the civil courts, that Government itself might be sued like any private individual, and that such suits could only be cognizable by judges who had no direct or personal interest in enforcing the claims of Government". This foreign autocracy thus "divested itself of the power of infringing in its executive capacity the rights and privileges which it had conferred in its legislative capacity".* *Recorders' courts* succeeded Mayors' courts at Madras and Bombay in 1798, to be replaced in turn by supreme courts, at Madras in 1801, and at Bombay in 1824. District, provincial and *sadr* Courts, criminal and civil, were

* Cornwallis, pp. 94-7.

created in both presidencies as they acquired territories by wars and treaties, and on the Bengal system; and as subsequent governors-general introduced changes in Bengal, they were adopted in these presidencies also. Thus district judges became district and sessions judges with criminal as well as civil powers, collectors and their higher assistants became magistrates,² and the intermediate provincial courts between the district and the *sadr* courts were abolished. Then followed the charter of 1833. The expectation that Englishmen would resort to India in numbers, had its influence upon parliament; and a codification of law, a standardisation of procedure and a single system of courts were seen to be necessary. Law Commissioners and a Law Member of Council were accordingly appointed and the best men available were chosen for the posts. But, as George Campbell (who later rose to be Lieutenant Governor of Bengal) justly remarked, England then had hardly any jurists amongst her lawyers.³ Macaulay, he admitted, had great and versatile talents, but he added, "in these days of division of labour it may be doubted whether any man can become master of many great subjects; and assuredly of all tasks requiring the perfection of human skill, one of the most difficult is that of forming codes of law for a great country, strange to us, in which much that is indigenous had become disorganised, and little had been done to analyse the mass of old and new laws and customs." And if Macaulay was no jurist, "the men of Indian experience (added to the Commission) again were no jurists"* either. No wonder, the Indian Penal Code and the codes of Criminal and Civil Procedure, which they set about to compile took many years and even when completed excited a certain amount of quite legitimate opposition and dissatisfaction.⁴ The Code of Civil Procedure became law in 1859 and the Code of Criminal procedure in 1861; both have been repeatedly amended and improved since; the Indian Penal Code became law in 1860.

Section 35. The Indian High Courts. The Indian High Courts Act, 1861, abolished the supreme and *sadr* courts and established High Courts instead, one for each presidency; their original jurisdiction, civil and criminal, was limited to the presidency towns, but they were otherwise constituted the highest judicial authorities in and for their presidency, superintending the work of all the other courts, and regulating

* P. 220.

their practice. The Judges were to be appointed by the Crown, one-third of the number including the Chief Justice were to be barristers and another third were to be members of the covenanted civil service. The Act also empowered a fourth high court to be established, and the Allahabad High Court thus came into existence in 1866.

The Indian High Courts Act, 1911, increased the maximum number of judges from sixteen to twenty, provided that 'additional' judges could also be appointed, each for a period of two years, and empowered the creation of other high courts as they might be needed. This enabled the Bihar and Orissa High Court to be established in 1916 and the Panjab High Court in 1919. Chief Courts and Judicial Commissioners' Courts derive their authority from Indian legislation.

These are the highest law courts in British India. Appeals from them to England are appeals to the King in Council, that is to the Judicial Committee of the Privy Council. The conditions of such appeal are regulated by the charters of the High Courts and the Procedure Codes.

The High Court judges, additional judges, chief court judges, judicial commissioners, and additional judicial commissioners in British India numbered seventy-three at the end of 1920; and sixteen of these posts, including one chief judgeship, were held by Hindus, five by Muhammadans and one by a Barman. This total of twenty-two includes two Hindus belonging to the I. C. S., five Hindu barristers and three Muhammadan barristers; only twelve out of seventy-three posts have as yet fallen to Indians who could not have risen to them as civilians or as barristers-at-law.* This little analysis of the facts is interesting in view of the repeated admissions of the bureaucracy that "natives have shown themselves eminently qualified for the performance of judicial duties" that "the largest possible share in the administration" should be given to them, and that "in some branches of the service there is almost no limit to the share of public employment which they might properly receive".† Again, "the names of Dwarka Nath Mitter in Bengal, Muttuswami Ayyar in Madras and Ranade in Bombay need only be mentioned to prove that Indians have

* Compiled from the *Indian Year Book*, 1921. † Strachey, p. 546.

occupied seats on the benches of the chartered High Courts with distinction."* And yet we find at the end of 1920 that the actual figures reveal the magnificent proportion of twelve out of seventy-three, nine Hindus, two Muhammadans and one Barman.‡

MUKHARJI I, pp. 386-430.

ILBERT, Ch. 3, part IX.

Section 36. Lower Courts, Civil and Criminal. For the administration of criminal justice there are (1) third class magistrates' courts with power to inflict a fine upto Rs. fifty and imprisonment for one month; (2) second class magistrates' courts with power to fine upto rupees two hundred and sentence to prison for six months; (3) first class magistrates' courts which can fine upto Rs. one thousand and sentence to prison for two years;‡ and higher than these (4) sessions courts, as a rule one for each district, which can inflict any punishment authorised by law, subject, in the case of capital sentences, to confirmation by the High (or Chief or Judicial Commissioner's) Court. The amount of the punishment mentioned indicates but roughly the various offences which each of the courts can try. The offence of trespass, for instance, varies from a simple house trespass to housebreaking and trespass by armed men who might also cause, before they leave the house they enter wrongfully, grievous hurt or worse to one or more of the people they find there. The first offence any third class magistrate can try, the last would have to be committed to the sessions. The powers of the magistrates vary also with the nature of the offence. Defamation, for instance, is not so serious an offence as theft, but while a third class magistrate has power to try a man on a charge of defamation, since it is far more difficult to decide in such cases whether the offence was really committed and what should be held to be the degree of the guilt. Again, offences against the state such as sedition stand in a category of their own. The lower magistrates might not have the courage and independence necessary to acquit a man when it is the state that brings up a charge against him; or even if some of them possess these qualities,

* Gazetteer IV, p. 152.

few of them would be given that credit by the accused or by the general public. A first class magistrate is therefore the lowest court empowered to deal with such cases.* These illustrations show that the powers and mutual relations of these courts cannot be settled on a simple logical plan, but various considerations have to be practically balanced, and a system such as will work has to be put in force by the supreme legislature of the land. For British India it is the Criminal Procedure Code that lays down the system, going into a deal of detail for the purpose. It also views a criminal trial from beginning to end and prescribes what the judge and the accused, the prosecutor and the defence pleader, the witness, the assessor and the juror, must and what each must not, as also what each might and might not, do throughout the trial. Every detail prescribed, prohibited, or permitted, is carefully designed for the protection of innocence and the furtherance of justice.

The magistrate has a double personality. To judge the accused judicially and impartially about the crime he is charged with and on the evidence produced and admitted is only one part of his functions. Besides this judicial capacity he has another, which might be called investigatory. Magistrate and police have to work together in the prevention and removal of public nuisances, the prevention of crime, and the bringing up of the accused to stand his trial; and while performing these duties magistrates have to act as checks upon ignorant police zeal or inveterate police mal-practices, and to see that the police do not behave illegally or harass people for nothing. The police must have certain powers for the adequate performance of the necessary functions which a complex modern society finds itself forced to entrust to them. But these powers are there with the police, as poison drugs are there in the doctor's medicine chest; only the right drug is to be used, only on the right occasion, only in the right manner, only upon the right person, only in the minimum dose, and only for the minimum period of time. The doctor knows the potency of the drug, the rigid limitations fettering his discretion on every side, the risks of the slightest negligence, and he has no temptation to overlook these, indeed, every motive to observe them with all possible care and caution. The policeman's case is entirely different. The policeman's pursuit of crimes and

* Criminal Law Amendment Act, 1903.

criminals and suspected characters and obscure situations and shady circumstances might itself easily become the worst of crimes against law and peace and order. The watchdog might destroy the peace of mind of the poor flock long before he actually preys upon them. Hence it is that the law links up the magistrate with the policeman at almost every step in the latter's performance of his duty; the magistrate is so to speak a heart and a conscience superimposed upon the policeman, which the latter is bound to report to and to consult and to obey; which of its own accord asserts itself every now and then and compels its eyes and ears, hands and legs—the police man—to better fuller prompter obedience. This is the essence of the complex relationships which the law of civilised societies sets up between their magistrates and their police officers; relationships described in quite a maze of technicalities and unavoidably involving not a little latitude of discretion in the mutual behaviour of the two parties. Lastly, a man is moulded by the work to which he sets his hand, and by the particular class of people he has to deal with and outwit. To the policeman the people around him are either criminals or people who could, if they only would, help him in the performance of his duties against criminals. And the magistrate has to restrain this police temper and attitude of mind at every step. The magistrate, in his capacity as an investigatory or preventive officer, need not quite adopt the principle which is obligatory upon the judge, that every one is innocent until proved guilty—he has to handle matters long before they are ripe enough for submission to a judge,—but still from the point of view of society at large, he would perform his duties all the better, if he goes on the maxim that policemen are bunglers, and so, if whenever in doubt, he gives his decision against the policeman and in favour of the citizen hauled up before him.²

The magistrates in the presidency towns are called presidency magistrates, their grades, powers and mutual relations are different. There are also honorary magistrates and justices of the peace. In some provinces the village headmen and police patels are petty magistrates or quasi-magistrates; in cantonments, again, the difference of system is not confined merely to details and names of the posts; in N. W. F. P. and British Baluchistan local institutions, like jirgas (council of elders), are utilised; but the essence of the matter is as it has been described above in broad outline.

The system of civil courts can be dealt with more briefly. (1) There are arbitration courts for the simpler cases, but these are far from popular. (2) For petty money suits there are Small Causes Courts where experienced judges give quick decisions at small trouble to the parties. The powers of these courts are greater in presidency towns than in mofussil areas. (3) Presidency towns have also insolvent debtors' courts since 1848. (4) The Madras City Civil Court Act, 1892, created a City Civil Court which can deal with suits of a value not exceeding Rs. 2,500, with strictly limited powers of amercement of property in execution of decrees. Such courts should be established for all the larger towns. And we have the courts of (5) the district judge (in some places also an additional or assistant judge), (6) the first class subordinate judge and (7) the second class subordinate judge for the mofussil, and (8) the High Court itself, in its original jurisdiction for civil suits in the presidency towns. Each court has a fixed status and can entertain suits arising in a certain area and not exceeding a certain value. Every suit goes to the lowest court competent to try it but may be taken or transferred to any other court of equal or higher status.

Appeals are allowed very liberally both in criminal and in the civil cases. First appeals are generally to the next higher court; second appeals go to the High Court and for really important suits the party feeling aggrieved can, under certain circumstances, go up even to the Privy Council. The High Court can also order reviews, revisions or retrials. And special points of law may be referred by a lower to the High Court for decision, in cases in which no appeal lies.

This system grew up as a result of various influences. The Supreme Court, the Chief Court, and the High Court, when introduced, were each in advance of the requirements of the country, the feeling was that government owed to the people a better administration of justice than had till then been provided, these new institutions were the instruments through which the reformation was to come about, and it was natural to allow people to profit by the new blessing as much as possible. Secondly, the codes of Civil and Criminal Procedure when first introduced were also a big step in advance. Even in the regulated provinces, "the evidence was (till then) taken by uneducated *mohurrirs* and read over to

the judge, whose judgment was afterwards written by the *sarishadar*. The judge thus tried after a fashion perhaps five or six cases at once. Such a system was not "simple substantial justice unfettered by forms, but it seems to me a mere imitation of justice in which the correctness of the judgment must have been very much a matter of chance".* But that no system was what the district magistrates and judges all over the country had been accustomed to, and it was felt that some years at least must elapse and a fresh set accustomed to the stricter system of the new procedure must grow up, until the courts could be fully trusted and left as a rule to themselves. Thirdly, when from the time of Lord William Bentinck Indians who had obtained some instruction in law came to be appointed as munsifs and subordinate judges, the people in the beginning looked at them askance, and they wanted a decision from the Huzur, either the Magistrate or the Judge. Lastly, the judge has to decide after all according to the evidence; unless the evidence is full and fairly reliable, no conceivable system can educe a right decision out of it. Now, in the old days which are delineated for us in the writings of the age of Sleeman and Meadows Taylor, the Englishman went into the village community or the bazar; the craftguild the temple or the fair, he appeared on the spot only a little while after the dispute arose, and the complainant, the defendant, their witnesses, the elders and repositories of custom, the learned in the law, public opinion and social and religious influences, were all there, every detail came out and was checked, and in that full glare of the Indian sun beating equally upon all, the gods whom Indians acknowledged were also present, the pieties and chivalries Indians responded to were also felt, the complainant was fain to reduce his complaint and the defendant to admit his crime or negligence as far as possible, and the Englishman had the happy privilege of being the universally trusted medium, through whom the good sense of the community as a whole corrected its more violent and erratic members, and maintained peace and executed justice. These idyllic conditions, however, could not last. The heroic dawn of shikaris and *budmash* hunters who were also Daniels was transitory, and gave place to a morning during which the administration of justice was given over to the *mohurrir* and the *sarishadar*. The educated munsif and subordinate judge were a vast improvement upon these, but in the meanwhile, that other vital condition of securing

* Sir J. Stephen's *Minute*, Ch. 2.

full and fairly reliable evidence, had somehow slipped out of the fingers of our foreign centralisers. Not that they were not aware of this. Campbell noted in 1852,—*

"The longer we possess any province the more common and grave does perjury become, and the more difficult to deal with. The judicial oath, as it is used, does not in the very least affect the evidence. And yet this is not because the religious sanction of an oath is unknown to the people. On the contrary, it was nowhere stronger; and this is another of the changes caused by our system. In a new country amongst the Jats of the North, I found that a solemn oath was astonishingly binding".

They existed in full force in the pre-British days, the headmen, their solemn oaths, and their influence with the people. They survived into the British system for some time, but they did not suit the British centralisation of all authority and influence into British hands, and lingering on for a space long or short, according to the sturdiness of the people, disappeared throughout British India. One consequence was, in Sir J. Stephen's words, that the "people appeared to regard falsehood in an European court as absolutely no crime or sin at all". And it is to this that Sir J. Stephen himself principally attributes the liberality shown by the codes in respect of appeals.†

One of the considerations repeatedly advanced in the official literature on the subject is that the absence of a press and of a strong bar in India left the careless incompetent or corrupt judge without any check, and it was therefore necessary to give the client an extensive right of appeal. This was perfectly true in the sixties of the nineteenth century. It was also the case that the laws and the procedure then recently enacted were not very familiar to the Indian and Civilian judges of the day. The need to centralise was also at the time paramount. Lastly, a new conception of law, a new ideal of the supremacy of law had to be introduced amongst an alien people. Thus, historically speaking, the new system of the administration of justice had ample justification. There might be reasonable difference of opinion about some of its features, and more of its details, but its fundamental principles

* P. 486. † Ch. 3; Ch. 5, etc.

and the broad outlines of the organisation by which they were applied to the functions undertaken could hardly be impugned.

But like the political constitution created for the governance of India at the same time, this judicial system has been maintained almost unchanged throughout the period from 1858 to 1920. Why? Reasons for improvements were accumulating fast decade by decade. The judges, the lawyers and the people had all progressed at a phenomenal rate during the interval; but the system remained as it had been planned when introduced, although many of the grounds on which some of its most questionable features were defended then were admittedly of a purely temporary character.

The blame must rest to some extent at least upon Indian lawyers and barristers and judges as a class. The Indian bar has not yet developed sufficient corporate sentiment to enforce a high standard of professional morality or to restrain and reclaim and reduce the number and the influence of the black sheep among them. If the people have taken full advantage of the right of appeal, if they have failed to get the full benefit out of the facilities for arbitration allowed by law, if they can still be charged with litigiousness and an insufficient regard for truth and fair play, and a readiness to adopt any means to gain their suit or gratify their grudge, the lawyers without whose advice they dare not take a single step in such matters, cannot be acquitted of all blame. Indian lawyers have proved themselves good citizens and excellent patriots and rendered most invaluable services to their country politically and socially. Let them prove themselves equally good citizens and patriots even as lawyers.

It might be objected that 'public spirit even as lawyers' is but a phrase, and that 'restraining, reclaiming and reducing the numbers and influence of black sheep' is rather a tall order. So we might give a little space to another concrete suggestion or two, but equally far-reaching in character. "Of what use" asks Sir F. Lely "is the extinction of bribery if it is replaced by stamps and fees to pleaders? I have myself seen the accounts of legal expenditure incurred by a small landholder in fighting through all the courts for his son who was charged with murder. The total amount was Rs.

7,882-8-0,3 which of course meant hopeless debt."* The stamps and the charges for certified copies of papers etc.⁴ are matters, for government and it is of course scandalous that government should charge so much in this poor country on all such counts in criminal and civil cases as not only to recover the costs of their extremely topheavy dilatory and wasteful department, but even to make a net income. The plea that high costs check litigiousness is a mere sophism and is twin-sister of the plea that high excise rates check drunkenness. But the 'fees to pleaders'? No one wants criminal lawyers to abate a pie of their gains from forgers, gamblers, and other pests of society; honest men with the instincts of gentlemen should feel a reluctance to try to defend such people and would be perfectly justified in charging fancy rates for such unpleasant though necessary tasks. But amongst the accused there always are a number of people who are really innocent, and moreover, really deserving of sympathy and help. Have lawyers as a class ever attempted to distinguish such cases and treat them differentially? How can they expect the public to show real sympathy for them as a class, if the only social rule they habitually follow is to make the maximum profit out of their neighbour's difficulties and misfortunes? Lastly, it is in the hands of the practising rank and file of the profession, much more than in the hands of legislature and judiciary combined, to give the country, in Dalhousie's pithy words, "a system of justice which will satisfy common sense". How can they expect the public to feel sympathy for them as a class while in the performance of their daily duties they behave as ministers and guardians of mere forms and ceremonial rather than of substantial justice?

CHAILLEY, Bk. II, Chs. 4. and 5.

H. H. the AGA KHAN, India in Transition: Ch. 11.

Section 37. Separation of Functions. In the ryotwari provinces the officers of the revenue department are also the 'judicial courts' from whom people have to try to get redress against themselves. Again, in the Bombay Presidency, if a ryot felt after a new settlement of the revenue that his assessment had been fixed too high his only remedy was a

* Suggestions, p. 27.

petition to the Revenue Department, which forwarded it 'for report' to the Survey Department and there was no reply.¹

The joint Select Committee of the houses of parliament appointed to consider Mr. Montagu's Government of India Bill, 1919, observe in their Report—

"That the imposition of new burdens should be gradually brought more within the purview of the legislature. And in particular, they advise that the process of revising the land revenue settlements ought to be brought under closer regulation by statute as soon as possible. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the wellbeing of the revenue payers."*

The claim of the Government of India has all along been that the right to land revenue was an immemorial right of the State in India, that they succeeded to it by conquest, that the Indian States whom they replaced were autocracies who did not tax people by legislation, and that this was one of those prerogatives of the Indian State which was theirs independently of parliament or of the legislatures set up by parliament. But the Government of India Act, 1920, has cut away these foundations from under them. A new era is beginning. The recommendation of the joint committee quoted above will have to be carried out at no distant date. And the popular legislatures who will make the enactments will also consider at the same time, whether the ryot having a grievance against the revenue and survey departments should have arbitration courts to go to, manned by the elders of the people, or at least judicial courts manned by officers independent of those departments, or whether the present system was to continue unchanged.

A question that has excited far greater controversy is the union of executive and magisterial functions, which distinguishes the organisation of the district administration. The principal revenue officers of the district are also magistrates, and in their magisterial and administrative capacity

* P. 12.

are the subordinates of the head of the district, who is both Collector and District Magistrate. This "strange union of the functions of constable and magistrate, public prosecutor and criminal judge, revenue collector and appeal court in revenue cases"² has been repeatedly condemned from the time of Lord Cornwallis. Mr. (afterwards Sir) J. Grant condemned it in 1854, pointing out that it had become all the more objectionable since the judicial powers of magistrates had been "raised six times higher than they were in the days of Lord Cornwallis." The Court of Directors advised a little later (Despatch No. 41, judicial, September 1856) that the administration of the land revenue should be separated from the police, and that the management of the police should be taken out of the hands of the magistrate. But the Police Commission of 1860 came to the conclusion that the union, however anomalous and indefensible, was in the circumstances of India, unavoidable, as a practical and temporary convenience, at least in the exceptional case of the district officers. Act V of 1861 thereupon gave fresh legislative authority for a system which has continued ever since. In the debate on the second reading, Sir Bartle Frere said on behalf of the government, "it was one thing to lay down a principle, and another to act upon it at once and entirely, when it was opposed to the existing system, to all existing forms of procedure, and to prejudices of long standing....He hoped that at no distant period the principle would be acted upon throughout India as completely as his hon. friend could desire." The hope, remarks the weighty memorial from which the above quotations have been taken, has yet to be fulfilled.

It is impossible to find space for a history, however brief, of the efforts made by Indian public opinion to get this union of functions altered. But gradually the ruling bureaucracy have themselves become divided on the subject. Thus, in the budget debate in the central council in 1908 Sir Harvey Adamson, the member of council in charge of the Home Department, admitted:—

"The exercise of control over the subordinate magistrates by whom the great bulk of criminal cases are tried, is the point where the present system is defective. If the control is exercised by the officer who is responsible for the peace of the district, there is the constant danger that the subordinate magis-

tracy may be unconsciously guided by other than purely judicial considerations....It is not enough that the administration of justice should be pure; it can never be the bedrock of our rule unless it is also above suspicion."³

The theoretical case in favour of a separation can hardly be put more strongly.

Another important fact is that the union does not prevail to the same extent all over British India. "In the presidency towns separation is an established fact. In Madras it already exists in the lower grades. In Bengal where there is already complete separation so far as the provincial civil service is concerned,⁴ additional district magistrates have been established in certain areas. Administrative exigencies will doubtless carry the process of separation further, stage by stage."⁵

In the new era that is dawning we may reasonably look forward to a reformed police department, the higher posts manned in increasing number by Indians with a high sense of public duty; the numbers of Indians in the Indian Civil Service itself will also increase simultaneously. Under these circumstances, the question of a separation will enter upon a new phase altogether. As the analysis in an earlier section will have shown, the crux of the problem is the amount of power which must be given to the police for the prevention and investigation of crime: the problem is how to restrain abuses of that power. If the superior ranks of the police and their superiors, the half a dozen men at the head of the executive administration of a district—know the people, sympathise with their aspirations, and can inspire trust in the minds of the popular leaders and representatives of the district, the popular demand that the power to check abuses of these powers be handed over to the judiciary, and the departmental demand, that the executive officers be also armed with the judicial functions of trying accused persons, will both weaken in force; and honorary magistrates will at the same time increase in numbers and influence, and can also be entrusted with wider and higher functions than at present.

J. RAMSAY MACDONALD, Ch. 14.
CHESNEY, Ch. 9.

* *Islington Report*, I 194—6.

Section 38. Privileged Position of European British Subjects. It has been remarked times without number that under the Hindu Law Brahmans had privileges intolerable in any civilised community and that under the Muhammadan law non-Muslims had equally intolerable disabilities. But let him alone cast stones that is himself really above reproach. Every empire-builder has sinned more or less against liberty and justice and humanity and for a longer or shorter period. The only difference is that while some have done so frankly and openly, others have done so otherwise, and it is purely a matter of opinion and standpoint whether to look upon this additional feature as mere hypocrisy, and even so, whether to regard it as giving the sin a deeper tinge or rather as the homage that vice renders to virtue. Much more important and infinitely more helpful it is to study in the first place all the circumstances under which the original injustice arises, and in the second place the historical process by which the initial sin is slowly but surely attenuated and refined away. By handling the facts in this large and connected manner constitutional history reveals the higher truth, the higher justice, as it is in process of development, increases the strength, accelerates the pace and improves the quality of that development, and best performs its civilising mission of spreading broad-minded toleration, fraternal understanding, and political patience linked with a reasonable and continuously upward political endeavour towards the ideal.

The Europeans who accepted the Company's service and came to India were placed under the Company's jurisdiction from the very first charter, and the extent of this jurisdiction was increased and defined more fully by later charters as experience indicated the directions in which such additional powers were necessary. The independent European appearing within the geographical limits assigned to the Company was a transgressor of the monopoly legally assigned to it and the Company could confiscate his goods, seize his person and bring him back to England.¹ The next step was, the Company was empowered to set up courts so constituted that there was to be at least one lawyer sitting on them. These were followed by Mayors' courts and by the appointment of the president and members of his council as justices of the peace. The subsequent stages have been already described in preceding sections.

With the charter of 1813 the number of European British subjects settling in India increased; the Company gave them every facility for settling down permanently as planters and in similar capacities. A Eurasian community had also been springing up at a fairly rapid rate. Lord Cornwallis, we have seen, had organised the administration of justice systematically and improved the personnel. Haileybury and Addiscombe had begun to send out civil and military officers of a far better type and Wellesley and his contemporaries had inspired them with higher ideals. The district judges were in every case* to be officers belonging to the covenanted service, and the educated Indians whom Bentinck had begun to appoint under them were doing excellent work and showing a remarkable moral advance upon the older class of Indians in the Company's service. Under these circumstances government took the first step towards reducing the exceptional position of the European British subject, by passing an Act which has come to be known in Anglo-Indian history as Macaulay's Black Act, 1836.

In the presidency towns the European British subject had no privileges, as all alike were under the jurisdiction of the Supreme Court. In the mofussil, however, they could bring civil suits against Indians, but if Indians brought such suits against them they could plead that the local court had no jurisdiction over them. This meant that the Indian had no legal remedy unless, however small the amount, he could move in his behalf a court that was far off, and very slow and costly besides.² It was this state of things that Macaulay's Act XI of 1836 put to an end. The opposition to the measure was confined to the European inhabitants of Calcutta and was of a character that could be ignored.†

As soon as the penal and criminal procedure codes had been passed (1860-61) a similar reform to bring this privileged class under the same criminal courts as the rest of the population became possible. The amalgamation of the *sadr* and supreme courts into the High Court deprived the community of the strongest technical ground in favour of the exceptional immunity they had enjoyed. And their brutal behaviour at the time of the indigo riots (1860-1) had shown how urgently

* The provincial courts were abolished, 1831.
† Trevelyan, *Life and Letters of M.*, Ch. 6, pp. 287-9.

a reform was needed. But during the generation that had gone by, they had increased in numbers and in influence; the old antagonism between the Company's servants and other Europeans had become a thing of the past; the recent experience of the Mutiny had created a fraternal feeling which had drowned for the moment the pride of the true blue European;³ and Englishmen, and Englishwomen too, were in the first flush of a new hope just dawning before their eyes, that here, even in this land of exile, they might build up dear little Englands, in many a place, where they could lead all by themselves just the same life as in the home-land. One condition appeared necessary to the realisation of so sweet a dream: the complete exclusion of Indians with equal legal rights from these green little areas scattered all over this vast country: that condition, however, was the *sine qua non*. Nor was it, they thought, really much to ask of the Indian, in return for all they had done and were going to do for him, to allow them such exclusive enjoyment of just a few patches like that out of his vast country, some of which, moreover, he, left to himself, would never have cared to occupy.⁴

But their predecessors, before whose eyes a possibility like this had never dawned, had had other dreams and visions in the course of their strenuous lives, which they had given out from the house-tops. Eloquent speakers had given expression to them from their places in parliament, and parliament and Crown had turned them into solemn laws and sacred promises which had been communicated to Indians in the most public manner with every circumstance of impressive pomp and binding ceremonial. Even when parliament passed that schedule which created the covenanted servants into a closed service, they would not debar Indians as Indians from competing at the examinations; and the spirit of the times was such that a committee of the first members of the India Council actually recommended that the competitive examinations should be held simultaneously both in India and in England, and that "in justice to the Natives three colloquial oriental languages should be added to the three modern European languages" in the examination.⁵ And though that report was not acted upon, it was even forgotten, parliament and ministers were, they perceived, not going to let well alone. Noticing that a decade had gone by and Indians had found it very hard indeed to enter the covenanted service,⁶ the Duke of Argyll provided in the Act of

1870, "additional facilities for the employment of natives of proved merit and ability" in some of the highest posts listed in the schedule, without their having to succeed at the examination in England. The Englishmen in possession in India delayed taking action upon this as long as possible, but they knew it could not be suppressed altogether as had been the report of 1860. Hence what they attempted was to nullify it in effect in an indirect way. It is a very instructive case of executive ingenuity trying to get round legislative liberality. The Criminal Procedure Code was then under consideration for various amendments,—there was no King in Israel,—Lord Mayo had just been assassinated, and the officiating governor general, whatever his own views, had not the power to set aside a majority of the council, and these peculiar circumstances were seized, and section 443 of the Code was drafted so as to make it impossible for an Indian even though a member of the covenanted service and a district magistrate, to try any charge in the mofussil against a European British subject. The immunity the European had enjoyed ever since Mir Jaffar's fateful conspiracy, and outside Calcutta even after the Supreme Court had been established, was thus surrendered, and he was made amenable to the criminal law even in the mofussil, but on condition that the officer trying him was himself a European. The introduction of this racial bar created a smaller body of pure Europeans with full powers inside the body of covenanted civilians, whom the supreme legislature wanted to dilute with the introduction of Indians to their ranks. The motive was the spirit of exclusion and superiority which was growing up fast under the influence of the Memsahib and of such natural but greedy measureless and impossible dreams as have been sketched above. And the bar was put up in such a manner that these Indians, though brought to their high offices by the supreme legislature and their own merits, would yet feel their racially inferior position prepetually as an unbearable indignity. The manner in which this amendment was passed was as remarkable as its provisions. It was passed by seven votes against five, but the five dissentient votes were the votes of a majority of the executive council, each of whom also spoke in support of his vote. The officiating governor general (Lord Napier of Murchistoun) and Sir B. Ellis said the new section was a stigma on the educated native of India. The Lieutenant Governor of Bengal (Sir George Campbell), the Commander in Chief, and Sir

Richard Temple said that Indian members of the covenanted service should be accepted as real members of it. But Sir John Strachey and Sir James Stephen had their majority and they triumphed.

In another ten years the number of Indians in the covenanted service increased to nine; six in Bengal, two in Bombay and one in the U.P., the statutory civilians appointed from 1879 raised the total to thirty-three and under the Act of 1870 it was expected that these numbers would go on increasing until Indians filled one-sixth of the covenanted appointments. Besides, the racial bar had already created difficulties in the way of promoting three of these to appointments which they had from every other point of view fully deserved.* The Bengal Government, where the difficulty had first arisen, proposed that the racial bar should be removed and all district magistrates and sessions judges, Indian as well as European, should have the same criminal jurisdiction over European British subjects. All other governments concurred, with the single exception of Coorg, and thus arose the *Ilbert Bill*, which was referred to the Secretary of State in Council, and, approved by them, was introduced into the legislative council by Lord Ripon's government in 1883. The European community all over India at once rose up against it as one man, and started an agitation unprecedented in its violence. Indians had not dreamt that apparently reasonable and self-restrained people should, when excited by mass feeling, be so carried away by pride of race and contempt for the children of the soil. The provincial governments urged that racial feelings should be somehow pacified at any rate for the moment, the executive council gave way,⁷ suggestions for a compromise which had been received from Bombay and in one particular from Madras were acted upon, and when the Bill became law as Act II of 1884, it provided that European British subjects might be tried by district magistrates or sessions judges, whether Indian or European, but they could in every case, however trivial, claim a jury, half of whom at least were to be Europeans or Americans. The bar against Indian covenanted or statutory civilians was thus removed, but only by the creation of a new privilege in favour of the

* Life of R. C. Dutt, Ch. 4.

European British subject, a privilege peculiar to India, for no Englishman can claim a jury in England itself in a magistrate's court. Kristo Das Pal, Syed Amir Ali, and Raja Shiva Prasad pointed out in the course of the debates that this would in many cases mean a failure of justice. A jury is a suitable instrument in the administration of justice only when its sympathy for the accused is moderated by a sympathy for the injured party and a patriotic regard for the true interests of the general public. Anglo-Indian juries have not been exemplary juries in this sense, and there have been one knows not how many hundred cases in which, while the injured Indians have died or suffered grievously, the juries have not been able to see anything beyond simple hurt or mere accident. Lord Ripon, however, while admitting that if failure of justice occurred to any extent under the new Act, "it would undoubtedly be an intolerable evil, did not think such fears well founded," and no successor of his has yet found it possible to reopen the subject.

PROCEEDINGS, G. G's LEGISLATIVE COUNCIL,
1871-2, 1883-4.

K. T. SHAH, Government of India, Ch. 7.

H. P. MODY, Sir Pherozeshah Mehta, I Ch. 8.

C. Y. CHINTAMANI, Sir P. Mehta's Speeches, pp. 158-169, 174-181.

Section 39. Police. The Police Department began in 1782, when Lord Cornwallis took away the police functions of the zamindars and entrusted them to the District Magistrates. Several darogas were appointed for each district, each daroga had twenty to fifty armed men under him, and this civil force apprehended offenders and brought them up to the district magistrate for trial. In Madras and in Bombay, on the other hand, the indigenous system of the village *patel* and the village watchman was continued. The presidency towns were the first to obtain a special police force for the preservation of peace and the arrest of offenders, Calcutta leading the way in 1829. For the mofussil Sir Charles Napier organised a semi-military force for police functions in Sindh, placing it under officers directly subordinate to the district magistrates. This was almost the only success of his adminis-

tration of the province. His system was copied in Bombay and the Panjab, after the Mutiny it was introduced into Agra and Madras (1859), and the Police Act of 1861 made it uniform all over British India. And the special department for the suppression of Thuggee (1830), to which the function of suppressing and extirpating Dakaity had also been assigned (1839), took its place inside the larger organisation. This special branch was not abolished until 1904, when under the recommendations of the Police Commission of 1902-03, a new branch was started instead, the Criminal Investigation Department, well-known by its shorter title, the C. I. D. Every province has an Inspector General of Police; under him are Deputy Inspectors General, one for each division or circle. The entire police force in a district is under the District Superintendent, who in the performance of his duties behaves as a subordinate of the District Magistrate. And each district is subdivided into several charges, each under an Assistant Superintendent. Upto this grade in the department all the officers were in the period under review European British subjects, and the great majority, moreover, selected as the result of the annual competitive examination held for the purpose in England from 1894. Below this imperial service the Police Commission just mentioned created the provincial branch, the officers of the highest grade being called Deputy Superintendents, entrusted with practically the same functions as the Assistant Superintendents. Each of the talukas under the charge of an Assistant or Deputy Superintendent is subdivided into circles with an Inspector directly responsible for it. And the lowest unit of the organisation is the area entrusted to a Sub-Inspector who is the lowest police officer. Under him are the rank and file of constables. The police force of the presidency towns is organised on similar lines, though some of the grades are styled differently. The Railway Police and the C. I. D. are branches organised on parallel lines. And some of the provinces, Barma, Assam, the Panjab, and N. W. F. P. have military police in addition to the ordinary civil force.

Apart from the village watchmen, the police force numbered under a lakh and a half upto 1880. Better training arrangements were made soon after, and the proportion of officers was raised. In 1901 the force numbered 163,000 men under 517 European officers. Then came the Police Commission and the reforms recommended by it. The numbers of the

ordinary civil force rose by 1911 to one hundred and ninety thousand, under 650 European and 234 Indian officers (Deputy Superintendents) and the pay was improved, though, as often in India, not adequately for the lower ranks. By 1920 the numbers had grown to over two lakhs, and the Deputy Superintendents and higher officers were just over one thousand. Ninetyone *per cent.* of the Madras police can read and write, but taking India and Barma as a whole, half the numbers are illiterate. "Until the wages can be improved, there seems little hope of attracting into the rank and file the type of man required to raise the reputation of the force, or to improve its efficiency". *

The official chronicler just quoted notes what indeed is a patent fact, and one of our most serious problems, viz. the utter distrust of the average man in India for the policeman, and his aversion to help the policeman either in the maintenance of tranquillity or in the detection of crime. This state of things can only be mended very gradually; and nothing can be done at all until the highest posts in the force are manned by Indians, whom because of their birth status and qualifications their countrymen would instinctively trust and respect. Dishonest inefficient and otherwise undesirable men have also to be steadily weeded out from the entire force, and a friendly and sympathetic attitude towards all classes of the people is to be enforced by every means as the first of their duties. With Indians in the highest posts in the district, and necessarily, therefore, with Indians also all down the line in the revenue, judicial and police departments, the problem can be tackled with confidence, and even the villager would come to look upon the policeman as a friend and a protector, in less time than an observer today might hope for.

CHAPTER VI: NOTES.

SECTION 34.

1. Prior to 1726 a court consisting of a lawyer and two of the Co.'s servants decided suits under the Charter of 1663. The Charter of 1753 provided that the Courts were to entertain only such suits between Indians as the parties of their own free will submitted for their decision. This limitation

* R. Williams, *India in 1923-24*, p. 74; and *India in 1924-25*, pp. 86-93.

tion had no practical effect in Bombay Island, a colony of Indians brought together and fostered by the Company. (Hibert, p. 354; Mahabli Ch. 5.)

2. In Bombay, Madras and the N. W. P. (as also in the Non-Regulation provinces, of course) one and the same officer was from the first and throughout both Collector and Magistrate. In Bengal proper there were various changes of system—Ramsay Macdonald, p. 201.

3. *Modern India and its Government* (1852). Chs. 11 and 12 are a valuable survey of the judicial system, its results and its defects up to 1852; they also include an independent estimate of the work done by the Law Commission and its successors upto that date.

4. "The draft (of the Penal Code) was strenuously criticised by many of the Judges in India"—*Gazetteer*, IV p. 138. For a very different way of stating the facts see Sir James Stephen's well-known rodomontade:—"The long delay had the singular but most beneficial result of" subjecting the work of a Macaulay to "a minutely careful revision" by a Sir Barnes Peacock; "an ideal code ought to be drawn up by a Bacon and settled by a Coke" (Strachey p. 103). It is impossible not to smile at this; Macaulay was no more a Bacon than was Sir Barnes, a Coke. But these civilians have created at least for their own worship a hagiolatry of their own,—which has had its day.

SECTION 35.

1. The rules, forms, scale of fees, etc. were, before they went into force, to receive the sanction of the Governor General (or Governor) in Council.
2. There has been fair progress during the last five years.

SECTION 36.

1. Their powers were greater in non-regulation areas, but the tendency is to remove these and all other distinctions between non-regulation and regulation areas.
2. G. C. Whitworth, *Rajkumar Law Lectures* Lects. 16-22; a very simple and lucid account for the beginner of the nature and purpose of criminal law, law courts and procedure.
3. By no means an unusual amount. Again, in civil suits about houses and lands, the costs often exceed the value of the property in dispute several times over.

4. In the higher courts the judges' ignorance of the vernacular adds to the cost of litigation in the multilingual provinces.

SECTION 37.

1. Sir F. Lely, *Suggestions*, p. 51. "It was too like appealing to a judge against his own decree. The disinclination to stir up the mud after the work has once been fairly well done was natural, but should not be allowed to weigh against the honour of government even in small things. Herein is a weak place which must be made good."

2. From the Memorial on the subject to the S. S. for India submitted in 1899, by Lord Hobhouse, Sir Richard Garth and others; quoted in extenso in Abdur Rahim's Minute of Dissent, *Islington Commission Report*. The memorial was one of the results of the persistent efforts of the Indian National Congress to enlighten and organise opinion in England and India on the subject.

3. Quoted in Abdur Rahim's minute. Lord Curzon wished the question "to be taken up and dealt with in my time," but it was one of the questions he could not handle as he had to resign his post soon after he began his second term of office. *Raleigh*, I p. 137. Sir Surendranath Banerji moved a resolution on the subject in the central legislature, March 1913: see *Legislative Council Proceedings*, and for what happened subsequently, *making of a Nation*, Ch. 29.

4. Evidently, Bombay is herein behind both Madras and Bengal; here the union prevails in the subordinate as well as the provincial grades, for revenue officers of both grades are armed with magisterial powers, and as Sir M. Choubal pointed out in his dissenting Minute, their legal training (excepting those few men amongst them who had a law degree) left much to be desired. *Islington Report*, I. 237-8.

SECTION 38.

1. Act III of 1864 still empowers Indian governments to order any foreigner out of British India and compel obedience—Hibert, p. 88.

2. For the ruinous costliness of the Supreme Courts of Calcutta and Madras see a quotation from Macaulay's minute on the subject of the Black Act—Strachey, p. 117.

3. Chailley shows the perspicacity of the French intellect in noting that Englishmen "only regard as real English those who are so twice over."

by blood and by surroundings. This distinction does not appear in the laws but it exists all the same." The children of English parents brought up and educated in India are "treated as English of India and esteemed inferior to the English of England" (pp. 534-5). According to the legal definition, a master-piece of jingo classification for which India has to thank Sir J. Stephen, a European British subject is a British subject born, naturalised or domiciled anywhere in the Empire except Asia and Africa,—counter exceptions: Cape Colony and Natal—or any child or grand-child of any such person by legitimate descent. As Chailley has commented, the definition "would include a Zulu!" (p. 460). And we might add that it is quite impossible to say offhand whether General Smuts, for instance, would be included.

4. Simla, for instance, which the army officers discovered, and Sir John Lawrence began regularly to make the seat of the Government of India for several months every year.

5. Sir J. Willoughby, Sir E. Perry and Messrs. Mangles, Macnaughten and Arbuthnot were the Committee: the report is dated January 20, 1860 Ramsay MacDonald, pp. 102-3.

6. S. Tagore was the first successful Indian, for several years after him no one else succeeded.

7. Blunt, *India under Ripon*, p. 96. The passage from his Diary (December 22nd) has been quoted above, section 21, Note 3.

CHAPTER VII.

LAND REVENUE.

Section 40. Village India. From the law courts with their shrewd unreliable witnesses, contentious lawyers and the judge, mild and slow, under the *pankha*, and from the police, ill educated and underpaid, we pass on to the villager and his fields, his children growing up in squalor almost like cattle, his cattle sharing the same room and the same affection as his children, and the dust and the glare over all India is primarily agricultural. Of the population of India over seventy *per cent.* live directly by agricultural occupations, and at least fifteen *per cent.* more by occupations nearly allied to agriculture. The same broad feature reappears when we find that of the total population, eighty-five millions live in four hundred and thirty thousand villages, each sheltering less than five hundred souls, and sixty millions more live in seventy-seven thousand villages, each sheltering from five hundred to one thousand souls only.¹ In the whole of this vast land there are not two thousand places with a population each of five thousands or more. This is all the more surprising when we find how densely the people are crowded together in large parts of the country. Bengal has an average density of 413 to the square mile, with a maximum density of 656; U. P. has an average density of 445, with a maximum of 751; and it would be absurd to put down in figures the density of population in a place like Bombay. The predominantly agricultural character of the country stands revealed once more when we find that the population living by textile and similar industries is not ten millions, by commerce, transport and building occupations, not yet eight millions, and by mines, metals, glassware, earthenware, etc. not yet five millions.

Section 41. Pre-British Land Revenue. In ancient times the village community inhabiting each of the Indian villages was selfgoverning. The small percentage of the non-agriculturists included in the village, such as potters, carpenters, barbers, druggists, priests, etc., rendered important services to the villagers, and were paid in kind for each service rendered, or by periodical shares in the crops or by an assignment of fields in the village. The state and its officials were also paid in kind by shares in the crops. We find in the ancient

books, 1/12th, 1/8th, 1/4th and 1/3rd mentioned as the legitimate share of the state.¹ Irrigated crops and other rich crops were taxed at a higher rate. The cultivable land was also arranged in classes according to quality, and the superior lands bore higher rates. Lastly, the organisation of the primitive Indian State was quasi-feudal, so that some of its officials were paid by the state relinquishing to them its own share of the produce in one or more of the villages. Thus what we now call land revenue and jagirs or zamindari have existed in India from times immemorial. Money payments instead of shares of the harvest, and assessments uniformly levied for a whole cycle of years, were also known in pre-Muhammadan times. In fact, the celebrated land revenue settlements from the earlier settlement of Sher Shah, and his was only a systematic organisation of the indigenous system that had prevailed for ages in the Gangetic plain. And, later, when the Mughal Empire extended this system to the Khandesh Berar and Ahmednagar Subahs, it was varied and improved to suit those districts in accordance with the earlier system of Malik Ambar, which itself was the lineal descendant of the settlements of the old Yadava, Rashtrakuta, Vijayanagar and Chola kingdoms.

When the East India Company succeeded by conquest and treaty right to the position of the sovereign, first in Bengal and later in other parts of India, they found that land revenue, land cesses, customs, and a few monopolies like that of salt, were the only recognised and traditional modes for the state to derive a regular income from the population. This system had many merits when administered by a strong state like the Mughal Empire. But with the decay and downfall of that empire, as also of the kingdoms that had succeeded it in every part of India, all regular administration vanished, and there was corruption and oppression everywhere. All records, all rights, all customs, all checks, all co-ordination had disappeared. The officials of the state and the money lenders who advanced to the state the proceeds of whole districts and then tried to recoup themselves from the villages, squeezed the villagers all they could, while paying as little into the state coffers as possible. The villagers also resisted payment as much as possible. Predatory bands large and small ranged over the country at all seasons, and India (which had

prospered wonderfully for a century from about 1575 to 1675) had already by 1750 sunk back into the depths of poverty. Extensive provinces were becoming overgrown with jungle, famines were frequent, wars were incessant and population and cultivation were shrinking up at an alarming rate. With each province, as the East India Company came into possession, its first duties as ruler were (1) to guard the frontiers, (2) to suppress and prevent internal disorders, and (3) to settle the population on the land as quickly as possible, in order that agriculture, industry, trade, population and wealth, might revive.

Section 42. The Permanent Settlement. The East India Company undertook the revenue administration of the Lower Provinces in 1765. They found that the Nawabs had handed over the collection of the revenue from the villages to the highest bidders at annual auctions. The Company kept up this system of farming, in spite of its grave defects, for seven years; but in 1772, when they had acquired some knowledge and insight into the matter, they made a settlement for a period of five years. This, however, turned out a failure and annual settlements were resumed, until in 1789, they made a settlement for a period of ten years. And this settlement was, by a proclamation of the twenty-second of March 1793,* declared perpetual. This is the well-known Permanent Settlement of Bengal, and as, under it, a zamindar, and not the ryot actually tilling the soil, is responsible to the state for the annual land revenue from his zamindari, it is also known as the zamindari system. In 1795 the system was extended to Benares and in 1802 to parts of the Madras Presidency. Altogether about one-fifth of the assessed area of British India is under the zamindari system.¹

Bengal is a land altogether dominated by its great rivers. On account of their floods, the fields in Bengal have an ever-shifting character; a twenty or thirty years' settlement there is out of the question. On the other hand, for a fresh and equitable settlement every three or five years, a detailed survey would be necessary every time and the Company's establishments in those days were quite unequal to such a vast and technical undertaking. The famine of 1770 had been

* Reissued a little later as a Regulation I of 1793.

an awful calamity, large areas were still jungle, and both agriculture and commerce appeared to the best observers to be in a state of rapid decay. To the Company in those days a regular and certain income practically without any trouble to collect it was of incalculable value. To create such an income it was absolutely necessary to bestow on the zamindars valuable property rights in the land. It was also thought advisable to strike the imagination of the people of India from one end of the continent to the other by conferring on the subjects of the Company in Bengal such rights as no ruler of India had ever granted in the past. Nor is this merely a surmise. The Court of Directors were fully aware that under the Mughal the Zamindars had "a certain species of hereditary occupancy, but the sovereign nowhere appears to have bound himself by any law or compact not to deprive them of it, and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object.... Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism. We are on the contrary for establishing real, permanent, valuable landed rights in our provinces; for conferring that right upon the zamindars; but it is just that the nature of this concession should be known, and that our subjects should see they receive from the enlightened principles of a British Government what they never enjoyed under the happiest of their own." And again, "in giving our opinion on the amount of the settlement we have been not a little influenced by the conviction that true policy requires us to hold this remote dependent dominion under as moderate a taxation as will consist with the ends of our Government."² And it was also intended that the subordinate rights of the tenants under the zamindars were to be safeguarded. The historical outcome of these various influences was the permanent zamindari settlement of Bengal. Under the system the land is the property of the zamindar. He could sell, mortgage, and bequeath it at will. The only defect in his full ownership was that the state had a charge upon it of a certain annual revenue, to be paid on a fixed date; this the state solemnly pledged itself never to increase at all; but if the zamindar failed to pay it punctually, the state was empowered to sell off the estate by auction. The zamindar was to realise rents from his cultivators;

he had to grant them written agreements, and was to respect their customary rights and privileges, nor was he to exact extortionate rents from them or oppress them.

As noted above, Benares and some of the northern districts of the Madras presidency were also placed under the Permanent Settlement. The total rents the zamindars were expected to realise from their cultivators at the time the system was introduced, were set down at about Rs. five and a half crores; and the settlement was, that out of this they were to pay to the state as land revenue ten-elevenths, or Rs. five crores, keeping only half a crore to themselves. But population was expected to increase and cultivation to extend, and the zamindars were to find their gain in stimulating this process energetically, for all the extra rents they thus obtained were to remain in their own pockets. This expectation had been justified by the event. During the decades that have gone by, cultivation has extended, population has increased, and Bengal especially has prospered to such an extent, that the zamindars now receive from the tenants let us say Rs. twenty-five crores.³ And the state is debarred by its solemn pledges from taking from them a pie more than the originally fixed five crores. Thus the zamindars now derive an annual income of Rs. twenty crores, a sum that is forty times the original income. In Hindu and Muslim law brothers are equal sharers in the property of their father, and so the permanent settlement has created in the part of India where it prevails, a strong and well-to-do middle class.

Section 43. Tenant Right. From the first there were layers of intermediaries between the zamindar at the top and the mass of cultivators actually tilling the fields of the estate at the bottom. As it came to be realised that the peace and security established by British rule were of a more durable and thorough-going character than ever before within historical memory, the number and variety of these intermediary tenure-holders under rights acquired from those immediately above them went on increasing. In fact, the extension of cultivation and the settlement of the increasing population on waste areas within the zamindari went on through the legal and contractual medium of the creation of a pyramid of intermediaries. At each stage, the layer of intermediaries immediately above the actual cultivators supplied the active

and energetic managers,—all intermediaries above them were mostly absentees,—and these forceful newcomers to whom was due the increasing production, took out of the cultivators all they could extract from them, in order to have for themselves as large an income as possible, in excess of what they had contracted to pay to the layer of intermediaries immediately above. Secondly, in the old unquiet days of armed bands roaming unchecked and living on the fat of the land and destroying far more than they actually consumed, zamindar and kumbi were tied together for the defence of all they held dear, life and children, cattle and property, homestead and honour; bonds of loyal attachment and camaraderie were forged, strong enough to link the generations together. The piping times of peace followed, these higher bonds rusted and crumbled, and the cash nexus remained the only bond between zamindar and intermediary, intermediary and cultivator. Population increased, all available areas being filled up the pressure of the teeming people on the land began, and rack-renting was the inevitable outcome. This cycle prevails always and everywhere: it has the uniformity of a law of nature: the first stage is the establishment of a strong stable government enforcing a fair system of agricultural economy; the second stage is increasing prosperity; the third stage is widespread irremediable poverty: men multiply and Lakshmi (the goddess of prosperity) departs. A predominantly agricultural land which cannot annex fresh areas, which does not develop mining, industry and more scientific agriculture, and where the people go on multiplying, cannot escape this cycle. It is a simple enough proposition, stated in this abstract fashion; it sounds almost a truism; and yet we have to turn it over and over and grasp it firmly from many stand-points, for it is one of the masterkeys to the economic history of India, to the poverty that has been the portion of our motherland for centuries upon centuries.

The only real remedies are (1) imperialism and colonisation, (2) mining and industry, (3) increasing knowledge of and command over the forces of nature resulting in progressive improvements in the arts, including agriculture, and (4) moral and customary checks on the fecundity of the race, securing a higher rate of increase in health, energy, knowledge, co-operation, and organisation, than in mere numbers. All else are not real radical remedies, but if we take large views looking

at several generations together at one glance, mere palliatives, though even as palliatives they have incalculable value:—they check social discontent and disharmony; they protect the weak against the strong; and the patient, the poor suffering society—gets a little more time, during which to develop if it can, one or more of the real radical remedies.

One of the most indispensable of these palliatives is the protection of the agriculturist from the growing exactions of the higher layers of the community. These higher layers—these intermediaries, the legal system has placed in the position of monopolists of a commodity, the land, of which there is only a limited supply. Hence the state which created and supports the system is bound in equity to frame further legislation, with the object of safeguarding the right of the agriculturist to a living wage; and the moral right of the state to do this and so to limit the monopoly of the intermediaries, is clear as daylight, where the state has itself solemnly limited its own exactions from the topmost layer of zamindars by a permanent settlement. The title to preach and enforce abstinence in the public interest inheres in those only who themselves set the example.

These are the fundamentals of the question. The details of the original and amending Acts* are infinite, and naturally produced immense varieties of opinion and voluminous controversies. These are for the specialist. Here we can only note the main results in broad outline. The cultivators are grouped into classes, tenants at will, tenants at fixed rates of rent, and occupancy tenants. Any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent. Obviously it is a class that goes on increasing and already over eighty *per cent.* of the cultivators are occupancy tenants. No enhancement of rent is allowed at shorter intervals than five years, and even then only by consent or by decree of court on good cause shown. Any tenant can apply and get all the incidents of his tenancy judicially determined. A complete record of rights is aimed at, and once prepared it is kept upto date, the entries in it are taken as correct unless any of them is judicially proved to be

* Bengal Tenancy Act X of 1859, VIII of 1885, III of 1898, I of 1907 are the principal.

erroneous, and the landlord is helped to recover arrears by summary procedure.

Cannot these civil courts imposing justice from above be replaced by arbitration *samitis* composed of the elected elders of the community, the judge who at present constitutes the court merely taking the position of the paid and responsible adviser, convener and recorder of the panchayat? If necessary he might be given the power to recommend that either party be allowed to appeal to a court composed of qualified servants of the state, one such court might be established for each division, and this appellate court might also have full powers of inspection and revision of judgments even without a formal appeal. It is only by institutions of this character that a real democracy can be gradually built up out of our rural communities.

B. H. BADEN POWELL, *Land Revenue in British India*, pp. 33-52, 131, 133-45, 154-68.

RAY, *Land Revenue Administration*, pp. 1-57.

J. SARKAR, *Economics of British India*, pp. 119, 123-130, 221-237.

Section 44. Temporary Settlements. The Bengal settlement took the land in big areas and fixed three features with regard to each; its outer boundaries, its zamindar, the amount of land revenue he was to pay for it. But even while this settlement was being worked out and declared permanent, a school of revenue officers had arisen, with Shore at their head, who were convinced that both the rights of the state and the duties it owed to the people required a more detailed mastery of the subject in its various complexities. The land they saw must be thoroughly surveyed and mapped out, and the various soils classified, field by field. In the second place, there must be a record of the shifting pyramid of rights from that of the landlord at the apex to those of the actual tillers of the soil at the bottom. And in the third place, these masses of ascertained facts should be further viewed from time to time in the light of the history of the locality, the rise and fall of prices, the variations in the rainfall and the seasons, the increase in population communications and commerce,

the slowly changing water-level, the increase or decrease in the number of wells and other means of irrigation, and other factors too numerous to detail. They wanted to leave the cultivator a fair remuneration for his labour, and they also admitted that both cultivator and landlord were entitled to a fair rate of profit for the improvements they made, but the state, they held was justly entitled to a share of the surplus, whatever it was. As the century advanced they began to plan large schemes of bridges and roads, irrigation works, and, later, railways; and it was plain that these projects required large resources, but that they would benefit the people to such an extent, that the state was perfectly justified in asking the people to hand over to it a part of these extra gains as they materialised, since they were the result of the improvements the state itself was bringing into existence at such an enormous outlay, which had to be paid for in the long run out of the additional wealth it had thus helped to produce. On the other hand, to revise the land revenue demand every year or even every few years was out of the question; the gain would be small, the trouble and the cost enormous, and the feeling of insecurity created and the discontent would outweigh the increase in the revenue, whatever it was. Thus arose the conviction that a permanent settlement was a temptation to be resisted at all costs; that short term settlements were also to be avoided as impolitic except in areas which were highly unsettled and contained much untilled waste; that settlements unalterable for about a generation, but subject to a thorough revision then, were the ideal compromise. This, at any rate, is the notion underlying the land revenue systems of the remaining four-fifths of British India. They exhibit local peculiarities some of the most important of which we shall go into presently, but their temporary character is the feature common to them all, and we have tried to sketch the point of view from which it appeared to the authors to be the only reasonable course to adopt.

But the problem which they thus tried to grapple with was far more complex than the one they had attempted in Bengal. To estimate the value of the net agricultural income of an area that is a geographical and economic unit is not an easy task; to strike an average for several years is only a mathematical inference the value or substantial accuracy of which was bound to be far less than that of the original premises,

viz. the estimates year by year; to distribute it amongst the various grades of soil would be another mathematical inference still less accurate; and finally to apportion it estate by estate, village by village, and field by field, was to prolong the chain of abstract deductive reasoning several steps further. No wonder the first efforts were utter failures almost everywhere. No wonder the effort to establish a fair settlement on general principles had to be given up everywhere. No wonder, that settlement officers and government had to fall back everywhere on crude empirical methods easy to apply and intelligible to the people. The claim that it was a really fair and equitable settlement can be granted only in a limited sense. The government had strength enough to enforce it, the people were mild and pliant enough to accept it as part of their fate. Each villager knew how much he would have to pay year by year for a certain period by instalments falling due on fixed dates; and there was far less corruption and oppression of the people by the underlings than ever before. These items should be entered on the credit side of the system. On the debit side has to be entered the underlying assumption that a healthy social structure only needed cultivators, improving landlords and moneylenders, traders and labourers, and such other secondary classes, shepherds, shoemakers, shopkeepers, etc., as could live upon these primary classes by serving them. It was a truncated conception of society altogether; and it is all the more remarkable that this should not have been perceived, since there is no doubt whatever that our rulers wanted not only a peaceful and industrious community, but one that was also prosperous and progressive. The demand for permanent settlements which rose up once more as the century advanced, which was pressed by some of the ablest and most experienced officers of the government, and led to a controversy that continued down to the eighties, had really behind it the feeling that a society mainly agricultural could not possibly be healthy, prosperous and progressive, unless there was left room in it for an agricultural middle class, whose resources, intelligence and leadership could alone create and sustain progressive agriculture. But by that time the government had realised that they too were in the grip of an inexorable fate; that India was a very poor country, that it was subject to colossal recurring calamities, that the number of taxes they could impose were very very few, nor were they really free to increase any of them beyond a certain low limit;

and under these circumstances they were naturally unwilling to forego whatever extra income the land revenue brought to the treasury by its own "natural and normal expansion".

Section 45. Village Settlements. These temporary settlements fall into two broadly distinguishable classes; village or village community settlements and ryotwari* settlements. The first prevail all over Hindustan, the Panjab and the C. P.; the second are the distinguishing feature of the Madras and Bombay system.

Village community settlements were first developed in the Agra province. In that cock-pit of India, communal feeling is still strong and so are hereditary and local loyalties, although a century and more of British rule has gone far to weaken them. The village lands were, the English found, looked upon as a whole and owned and managed by the villagers or some one section of them as a community. This community was the joint landlord, even when there were as in some parts, hereditary over-lords who, without being so powerful as jurisdictional chiefs, had still the right to obtain substantial shares of the produce. When this share of the overlord was larger, he was styled landlord; when smaller, taluqdar. So the lands in the Agra province were to be settled with landlord and village community or taluqdar and village community, or with the village community by itself. And as already hinted, in many villages more than one community were staying together, one of these as the proprietor community, the other or others as tenant communities under the first. The landlord and taluqdar families had also families of dependents settled as tenants on their family estates. Benares district had the same social structure; but Jonathan Duncan, although he was supposed to know Indian ideas and customs so well his English comrades dubbed him a Brahman,† could make nothing of it; a community as a joint landlord was an idea altogether too recondite for our foreign rulers in those days; and the Bengal zamindari system was imposed upon the district, and this the people had to submit to. However, though Duncan was puzzled, he noted some of the main facts, the Anglo-Saxon intellect is honest and persistent even if slow, and by 1833 a start on right lines was made. We shall not trace the history

* Ryot—the individual cultivator. † Kays, p. 558.

of the system as it grew up, but proceed at once to a very brief account of what it became when fully developed. The peculiarity of the U. P. land system is the large number of tenants who are not mere tenants at will but have customary hereditary rights partly personal, but mainly according to the community to which a tenant belongs and the custom of the locality. In making a land revenue settlement the first thing is to make out a rent roll showing against the name of each tenant the land he holds and the rent he pays for it, partly to such an individual where there was one, and partly to a village community. But as can be inferred from what has been so far stated, few of the rents were fair rents at the time of the original settlement. The tenantry were either treated as friends and almost as equals by the landlords, in which case the actual rents were light, or they were treated as an undesirable legacy of the past, in which case the rents were heavy. This depended only partly upon the qualities and status of the tenantry themselves; the relative strength and position in the locality of the proprietor community had also something to do with it. Hence, it was not enough to make the rent roll. Some method of estimating the net produce was also necessary. That ascertained, part of it could be left with the cultivator himself, and the balance could be distributed between the two or three superior sharers, the state and the village community, and, where he existed, the landlord or taluqdar also, on a uniform system. Can the net produce, however, be estimated at all? Can this be done for an area so large as a taluka? And can we moreover strike an average that would answer, for such a period as thirty or twenty years at a stretch, and convert it into a cash amount? As we have seen in a former section, the whole process is too deductive. The vagaries of nature, the personal qualities of the cultivator, both as an individual and as a member of a particular caste inheriting certain traits, and also accidents pure and simple, play too large a part in influencing the result, field by field and village by village, to enable us to obtain anything beyond a very rough guess. And it is this conclusion, arrived at by a process defective at many points, which must be imposed upon cultivator and landlord, by the superior will of the state or the community as a whole. We may still call the land revenue settlement of one area fair and of another not so fair. There may be a certain rough and relative justification for such judgments. But that is all. Nor can we ever attain a fair land revenue

system for the whole of India. Again dynamically, the parts in which agricultural wealth grows might contribute higher percentages and yet come really to be taxed lighter; the parts which remain stationary might continue to contribute the same percentage of the produce and yet might feel it a heavier burden than before; the parts which are deteriorating, might be taxed at a lower percentage, and yet find it impossible to pay even that. Such being the complexities of the case, no real friend of the state can ever claim for it that it has never erred,—and error herein spells oppression, for it is the view of the state about a locality's capacity to bear a certain enhancement which, right or wrong, is necessarily imposed upon the people,—or that it has invariably behaved sympathetically in the matter. Every student of the subject and every citizen must grasp these essential complexities for, of course, no one can foresee the time when a state in India—manned whether by foreigners or by the children of the soil—will be able to do without taxing agricultural incomes.

To arrive at the gross produce, we have to rely mainly upon classification of soils. Five specific classes have been determined: (1) alluvial or permanently improved, (2) black cotton soil, (3) red ferruginous, (4) calcareous, and (5) arenaceous or nearly all sand. Soils are recognised in each species, and as a rule every field is assigned to one or other class in a series of fourteen from class I to class XIV. The relative fertilities of the classes in any taluka are ascertained by actual experiments and by taking the general experience of the cultivators. It would be sufficient to take, as an illustration, only three varieties of soil. Take four villages of equal size, say 1000 acres; let village A have the three varieties of soil in equal proportions; let village B, C, and D have half its soil of the first, the second, and the third variety respectively, and let the other two varieties of soil make up the rest of each village in equal proportions. Assume finally that the productive capacities of the three varieties of soil are in the locality in the ratio of 36: 24: 12. We thus arrive at figures which we might call the total units of productivity of each village as in the following table:—

Village.	Soil Class I Coeffici- ent 36	Soil Class II Coeffici- ent 24	Soil Class III Coeffici- ent 12	Units of Produc- tivity.
A	1/3	1/3	1/3	12, 8, 4=24
B	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	18, 6, 3=27
C	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	9, 12, 3=24
D	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	9, 6, 6=21

If we can further assume that for any period each unit of productivity would mean Rs. 500, our figures show that the gross income of village A or C from its fields is Rs. 12,000; village B, Rs. 13,500; and village D Rs. 10,500. This calculation would have to be modified in various ways before the final figures can be arrived at; we can here mention only two of the grounds:—(1) the particular crop usually sown on a particular kind of soil in a locality, and (2) the facilities for a water supply independent of rainfall, such as wells, or a tank, or a canal.

Net produce is the gross produce reduced by the proper expenses the cultivator must incur in order to obtain it. This again, is a statement easy to make in the abstract but far from easy to apply in practice. And a fair rent, a fair over-lord share, and a fair state tax or land revenue have all to come out of the net produce, and whatever remains remains with the cultivator, for him to spend on his social and religious needs, according to his station in life, or to invest or hoard in order that he might have some staying power against the rain-less day, or so to utilise as to increase his real efficiency as a productive member of society. How he behaves with regard to this surplus when he has any, and when he anticipates any in the near future, is also a very important factor. For, in the long run, it will react upon the net produce and all its sharers. That education which can really teach him to behave properly towards it, to work for it with a will, to make prudent anticipations about it, and to utilise it properly when he gets it, is the type of education that he needs most, and that it is one of the most urgent needs of Indian society to provide for him, if possible. When he has this surplus, however small. Must every cultivator always have a surplus? Must no land revenue be taken in cases in which there is no surplus? Is

there any reason why the land revenue should be foregone unless the rent too, is foregone? When the rent and the land revenue were shares of the grain heap, the reduction of both upto zero happened automatically. But in our modern and more complex society with a money economy pervading all relations of life, we must all, even the cultivators, look before and after, and part at any rate of the fat surplus of the bounteous year must be held over for the lean year. In the case of the poorest lands in the hands of the worst cultivators, there might not be any surplus except in the very best years; a better state of things could emerge here only as the lands and the cultivators are improved; which implies a sinking of capital in them, in indefinite amounts and for indefinite periods, and with only a sporting chance of any success;—capital brought over, of course, from some outside source. This might not be always possible. Nor, in the meanwhile, could the land be allowed to fall out of cultivation, or the cultivators, such as they are, relieved of this occupation, in which they are doing something, at least, towards leading a useful life. Such fringes to the economic web there always are even in the richest countries, and if there are parts in India, which, so to speak, are all fringe, and very tattered at that, is it the fault of the government? Is it not rather a part of our fate? And a part, too, that will demand not a little pluck to face.

In the U. P., however, the net produce figures were of primary importance only for the first settlements. They enabled the rent roll actuals to be checked, fair rents to be estimated, and the shares of landlord, taluqdar and state to be worked out on the basis of the last. But tenants and owners were in the meanwhile allowed to alter rents; if they could not agree amongst themselves, rent courts independent of the settlement and revenue department were set up to which they could go, and there, influence and money and pertinacity had their innings. But the courts improved, the rents mounted up or down approaching real competitive levels and even from the first revision settlements, the rent rolls became the real basis of the land revenue settlement and the net produce calculations became only a subordinate check. Finally, the rule first adopted at the Saharanpur settlement in 1855, that the land revenue should not exceed fifty *per cent.* of the rent, worked in the direction of lowering land revenue percentages, as the rents the settlement officers considered came more and more to be

the actual rents, and not some other figure largely inferential, which they denominated 'fair' rents.

The Panjab settlement differed from that of the U. P. because there were hardly any landlords or taluqdars and comparatively few tenants in that province. But there are in that province many cultivators, who, though technically proprietors, till lands in which they have only a part share, and in those cases produce shares or money equivalents are paid to each proprietor to the extent of his share, the cultivating proprietor obtaining more than his share because of his labour and capital. Thus here, too, there are rents as a matter of fact although not known by that name. In the fully developed parts the term of the settlement is thirty years, as in the U. P. but it is twenty elsewhere. And in what are known as precarious tracts forming about one-eighth of the total cultivated area, where the rain cannot be depended upon, there is little water from other sources, and the soil is inferior, land revenue at a low rate is charged only on the area actually cropped in any year. Land alienation is also regulated by stringent laws (Punjab Act XIII of 1900, amended in 1907). A non-agriculturist who might have become owner of cultivable land can sell it freely; so can an agriculturist to another in the same village; but other alienations require the permission of the Deputy Commissioner—just as in a Native State the permission of the Chief is generally required. And since mortgages with possession might lead to transfer of ownership, they are also carefully scrutinised and restricted. Twenty years' possession by the mortgagee is, moreover, taken to terminate all claim, however high the amount borrowed.

The C. P. settlements are also for a period of twenty years, the overlords there are known as Malguzars and the settlement fixes not only the land revenue but all the rents as well (C. P. Act XI of 1898). Tenants are protected in all these provinces by Acts inspired by the same spirit as the Tenancy Acts for Bengal which have been already mentioned, but the details are different from province to province. In the C. P., for instance, there is a specially privileged class of 'absolute occupancy tenant' whose rents cannot be raised at all except by the settlement officer at a revision settlement, and who cannot be ejected "(practically) for any cause whatever".

BADEN POWELL, pp. 171-198.

RAY, pp. 110-135.

INDIAN LAND REVENUE POLICY, being the Government of India Resolution of 16-1-1902.

Section 46. Ryotwari Settlements. The Madras and Bombay system is called ryotwari as opposed to the zamindari, or single landlord, and mahalwari, or joint landlord, systems described above. But the ryot or the cultivator in the system, though recognised as a hereditary occupant with a full title subject only to the payment of the government demand, is really treated under it as (in the logician's phrase) an 'inseparable accident' of the field or 'survey number' or the fraction of it that he tills. The land revenue demand attaches to the survey number, and whoever occupies it or any part of it does so on condition of regularly paying its dues to the government. After various false starts, a proper beginning of this system was made in Madras from 1817-20 and in Bombay from 1835. In Madras the calculation of the net produce is claimed to be the basis on which the settlement rests. The Bombay government have been perfectly frank about it from the first; they have admitted that though net produce calculations are made and are used as a guide, still other considerations also enter into the result, and the controlling factors are—first, an estimate of the total demand a taluka could bear, and second, a distribution of it as equitable as possible amongst the villages of the taluka, and amongst the fields of each village, in the determination of which the classification of soils, the usual crop in particular localities on particular soils, and the water facilities are the guiding considerations. Under the Bombay system the classification of soils is rather elaborate. Irrigated land, rice land, garden land, and dry land with two crops or with one are the main distinctions. And the dry land is further distinguished into black, red, or light soil, of these seven, seven and five sorts respectively are noted, based principally upon the depth of the soil, each 'one anna lower for valuation purposes than the one above it'; and, further, seven accidental defects are recognised, the presence of which in any field would lower its place in the scale by one point or even by two. Lastly, the whole system being empirical, limits to enhancements have from the second revisions come to be fixed by a simple rule, that at a revision the demand

from the taluka as a whole should not be raised by more than a third of the expiring settlement, that from a village by more than two-thirds, and that from a single holding was not to be more than doubled except under very exceptional circumstances. Nor were the increases to be realised in full from the first year of the new settlement. Only four annas in the rupee (i.e. one quarter of the increase) was similarly added in the first two or three years and the balance was demanded for the on in three further instalments (of four annas each) at similar intervals. The Madras system differs in this; there, one-fourth of the increase is added on the first year, and under certain circumstances, one-eleventh of the balance is added on regularly from the second year to the twelfth, while the general rule is to add one-eighth every year from the second. In both provinces, there is of course a thorough survey and detailed maps and registers for every village based upon it.

Few agricultural communities can escape indebtedness, which grows at first imperceptibly, but accumulates decade by decade until it attains alarming proportions, and brings serious evils in its train. The legal system established in British India allowed the cultivator the fullest power to borrow against his property in his holding, and he went on borrowing until the moneylender refused to lend any more and filed a civil suit for recovery of the loans with interest. The courts in many cases allowed the claims, with the result that the cultivator's holding was sold out, and land began to pass from the hands of its hereditary owners into those of moneylenders. This was a serious evil, for where the moneylending classes are not agriculturists and the dispossessed agriculturists have no other means of livelihood, these latter have to stick on to their holdings and would consent to any fancy rents and other irregular exactions besides in order to do so, thus becoming reduced to mere tenants at will at less than starvation wages. "The number of suits for debt in the courts of the Poona district doubled between 1867 and 1873, and the applications for execution of decrees increased from twelve thousand in 1868 to twenty-eight thousand in 1873".* Mat-ters came to a head in 1875; the agriculturists in four Deccan districts attacked the moneylenders, burnt all their account

* G. Keatinge, *Rural Economy in Bomb. Deccan*, pp. 85-9.

books and bonds, and were guilty of some other acts of violence. The Deccan Agriculturists' Relief Act, 1879, was passed as a remedy. Under the Act the civil court in hearing a suit between agriculturist and moneylender, takes the side of the agriculturist, disallows usurious interest, insists upon the fullest accounts interpreting every omission in favour of the agriculturist, and scrutinises every detail in order to go behind the contract to the equities of the case. Village registrars are provided in order that contracts might be made in their presence, and conciliators are appointed to effect equitable settlements of disputes out of court. Finally when the court allows a claim, it fixes at the same time instalments convenient to the debtor to enable him to gradually free himself from his burden, without losing his land. The Act has been found fairly successful as a palliative and has been extended to other parts of the province.¹ A rapid extension of rural cooperative credit and of cooperative societies to enable the agriculturist to pay off the usurious moneylender, to buy manure, seed, etc., to buy and hire cattle, costly machines etc. and to market his produce, so as to reduce his costs, improve the quality of what he buys or hires, and increase the gain from what he has to sell, would, on the other hand, be a real remedy as far as it went.² A system of rural insurance and state agricultural banks for permanent improvements and other large outlay such as would be productive over a large area but only after years would be other remedies that would also be not mere palliatives. The problem, however, is vast and complicated, and in order that these and similar proposed remedies might be widely scrutinised and a strong public opinion grow up capable of giving active support to well-judged practical schemes, perhaps the greatest need of the day is for large numbers of intelligent well-informed people to take a more living interest in its various aspects than they have hitherto done.

BADEN POWELL, pp. 199-213.

RAY, pp. 58-109.

Section 47. Uneconomic holdings. Men multiply, we have said, and Lakshmi departs.¹ As the generations succeed one another, there are more cultivators, decade after decade, for the same number of acres, and the holdings are

cut up more and more. The individual cultivator's holding as a unit becomes progressively smaller. And it comes to consist of an increasing number of strips scattered all over the cultivable area of the village. The evils of this are great and undoubted and of a cumulative character. "Excessive subdivision and fragmentation impede current cultivation and waste time, prevent permanent improvements, prevent a man from living on his farm, prevent any orderly organisation of labour or capital, sometimes send land out of cultivation altogether, cause enmity amongst neighbours leading to litigation and permanent feuds, and produce a generally uneconomic situation."² Or, as the same author puts it more generally:—

"The fact that the cultivator often finds it difficult to pay his assessment, the fact that he readily runs into debt and seldom extricates himself from it, the helplessness of some and the apathy of others, these matters have attracted general attention and suggested remedies. They are, however, merely symptoms of a general disease, and that disease lies in the distribution of the land itself. The fact is that most of the holdings are not economic holdings. When a cultivator has only five or ten acres of unimproved dry-crop land split up into several plots, and situated at a distance from the village and from each other, he has not got an economic holding. It will not provide a living for himself and his family. Much less will it leave him anything over to pay any assessment or any interest on debt, at whatever rate they may be calculated. There is no chance for him to develop or improve his property. . . . There is no object in preventing him from alienating his land, little use in trying to put his credit straight, and little advantage to be expected from making him advances or granting him remission of revenue. . . . What is an economic holding? . . . The desirable area would vary greatly in different parts according to circumstances. A gardener in the Surat district with three acres of good garden land can support a family in comfort, while in a dry part of the Deccan with poor soil, thirty acres might not suffice. Between the ideal economic holding and the obviously uneconomic holding there are many gradations; it would not be difficult to fix a standard for any tract."

The first thing, then, for those parts of India where the holdings have become uneconomic is to get back to economic

holdings. That, however, is easier said than done. Legislation alone, or executive action alone, or influence and power exerted merely from above cannot achieve this end. Government and people have to act together first to reconstitute the land into economic holdings, existing interests in the land being all fully taken into account, and then to protect the integrity of these new holdings by such laws and customs as might prevent a later recurrence of the present evils through a fresh series of slowly accumulating subdivisions and fragmentations. There will also have to be pursued simultaneously large practical schemes for the provision of non-agricultural occupations for those who have to be thus bought out of their present interest in the land. And obviously, such joint action of people and government for such large and complex concrete ends would provide as effective a training as could be desired in the arts and difficulties of democratic self-government.

CHAPTER VII: NOTES.

SECTION 40.

1. There are said to be 728,605 villages in British India with an average population of 364 each (*Dyarchy*, p. 240). But see below Ch. 10, section 63.

SECTION 41.

1. See *Manu Smriti* VII 115-124; 128-133; X 113-20; and similar passages in the other law-givers.

SECTION 42.

1. Five-sixths of Bengal, Bihar and Orissa; one-eighth of Assam; one-tenth of U. P.; and one-fourth of Madras; together amounting to one-fifth of British India, and including the richest part of it:—*Dyarchy*, p. 249.

2. From paras 20 and 21 of their despatch of 19-9-1792. See also para 47, where they further observe that "this degrading struggle for taxes and rents" which had perpetually occupied the government, had denied it

there in some store, and as the preliminary symptoms become pronounced, more and more of the necessary staff must be warned to hold themselves ready, so that the relief camp might spring into existence as soon as wanted almost at a moment's notice. As the costliness of relief operations is ultimately measured by what we can place on the credit side as a set-off, the work which these hundreds of men at each relief camp are set to perform must be of real utility, such as were the fortresses, palaces, cave palaces, tanks and irrigation canals constructed by the old rajas under similar circumstances. The British government has needed no fortresses or palaces; its plans have been earthworks for a projected line of railway, or a road, or a tank or a canal. But the railway or the road must be really wanted, and must be kept up and carried forward to completion after the famine is over, that is, it must be not only such as might be useful if built, but such as was needed as soon as possible; the tank must be such as would really hold water; the canal must be such as would really carry a sufficient quantity of water for several months in the year. In other words, the drier areas of the whole land had to be surveyed in advance, district by district, with the special object of formulating such plans and selecting the best, and detailed estimating with reference to every one of the plans selected had to be also done in advance and kept available for use as soon as the moment for taking action arrived. This lesson was thoroughly grasped by 1878, the Famine Commission of 1880 emphasized it, the various provincial governments luckily got a sufficiently long period to carry out the instructions; and the consequence was that a fair number of the works executed by relief gangs in the famine of 1896-7 were of real, some even of great utility. But we had another famine even more extensive in 1899-1900, there were few such plans available then, and one consequence was that there was comparatively very little indeed of real utility to show in return for the enormous sums necessarily spent upon relief in the course of the latter famine. The size of the central relief camps was to a certain extent prescribed by the intensity of the famine in the areas surrounding them, but opinion fluctuated considerably as to the point of maximum efficiency and economy combined with the minimum of risk. But latterly, and especially as volunteer agency was found to be trustworthy and came to be trusted more and more, the effort to force every one seeking relief to become a digger or a breaker of metal has been discarded as far as possible,

and special classes like weavers have been given work in their own line and in their own homes, and markets have been organised for the sale of their output. Moreover, substantial men have been given advances and this has enabled an increasing number of labourers of various classes and grades to find work with these employers. The famines of 1897 and 1907 were specially remarkable for the large amount of decentralised relief thus given. The supervision of the central camps has from an early date (1854) been handed over more and more to the expert agency of the public works department. The wages to be given to the labourers in the central camps have been fixed differently at different times. Attempts to differentiate between the workers broke down at an early stage of the period under review, as a minimum wage sufficient to keep the men alive had to be given in any case. The system that has prevailed on the whole has been a cross between payment by piece work or by results, and uniform payment to all, but a variation of the tasks set, according to the health and capacity of the different classes, amongst the workmen brought together by a common need at a central camp. Relief camps were first opened in the Madras famine of 1792, but they did not become the principal item of the relief organisation until much later.

The fourth essential is the independent and *gratuitous* relief of the children and the infirm. Kitchens and hospitals where expert medical agency controls the detailed work, but all four gates are open to visitors, and the general supervision is handed over to respected volunteers, combine efficiency as well as inspire the fullest trust; but decades elapsed before such a system could be built up. The superstitions and suspicions of the people, the corruption and heartlessness of the low-paid staff, the difficulty of providing such supervision as impossible, the domineering ways and red-tape habits of the official class, have made progress in this branch very slow, nor has it been uniform all over India.

The fifth essential is to break up the relief camps as soon as the next rainy season establishes itself and to help the returning people with *takavi* loans for the purchase of seed and cattle. Such loans were an established institution of Hindu India which was also copied by more than one of her Muham.

madan rulers. They have become an integral part of the British famine relief system from 1868. And from 1884 onwards they have also been given to substantial cultivators from an early stage of the period of distress for sinking or improving wells or for other agricultural improvements of a temporary or permanent character. The *takavi* loans granted in the famine of 1868-70 amounted to Rs. 21 lakhs. The great liberality of the policy pursued after 1901 is shown by *takavi* loans of over Rs. one hundred and eighty-five lakhs in the famine of 1913, and of over Rs. two hundred and twenty-five lakhs in that of 1907.¹

The sixth essential is the *suspension* of land revenue and its ultimate *remission* in whole or in part; in ryotwari India the State foregoes this; in the zamindari parts, the zamindar makes the remission and gets credit for it from the state. It is plain that when the cultivator loses his crop and has so little reserve remaining from past profits as to be brought to the verge of death by starvation, it is not at all possible for him to pay the land revenue, whatever the letter of the contract between him and the state. During 1900 suspensions of revenue were granted amounting to two hundred and six lakhs and out of this sum one hundred and ninety-eight lakhs were remitted altogether.² The Famine Commission of 1901 recommended early announcements of remissions and since March 1905 the principle has been accepted by most provincial administrations. The land revenue demand is suspended altogether when there is no prospect even of a four anna crop, and the suspended revenue is not demanded until after the affected tract has had one fair harvest. The suspensions of land revenue granted during the famine of 1913 amounted to over a hundred and eight lakhs.

Two more features of the system remain to be noted. Respectable people and pardanashin women would rather starve in their homes than go to relief works. Amongst these also many are not averse in a time of such stress to paid work, and their relief falls under the provisions indicated above for the benefit of special classes such as weavers. But there would be large numbers of these genteel classes who would or could do no work for which any remuneration could be earned; unless helped, they would quietly starve to death or commit suicide in some manner sanctioned by their religion. Volun-

teers of their own or a higher status are the only channel through which *gratuitous relief* could reach them. And even with the best efforts, a number of such cases, perhaps the most deserving of all, no system of public charity could ever hope to reach, in an ancient country like ours, where we still have an extensive heritage of aristocratic self-respect. The cost of all gratuitous relief—to children and invalids as well as to these classes—and of extra comforts to those who earn a famine wage of some sort, is borne by *charitable funds*. During the widespread famines at the end of the nineteenth century these funds were fed by contributions from all over the world; the 1897 fund amounted to a crore and seventy-five lakhs, of which a crore and a quarter was contributed by England; the 1900 fund amounted to a crore and a half, of which England gave nearly a crore. 1900 also saw the foundation of the Indian People's Famine Trust, by an initial donation from the then Maharaja of Jeypur of Rs. sixteen lakhs in government securities; the Trust had by the end of 1920 grown to Rs. thirty lakhs, chiefly by further contributions from members of the founder's family.*

Lastly, all the other expenditure on famine relief in every form—establishments, transport, cost of necessities, the wages and the doles—is met by the state. This is heavy; and it was, moreover, soon realised that a famine in one part of British India or another was a rather frequent phenomenon. During the decade from 1867 to 1877 famine relief had absorbed Rs. fifteen crores. From 1878, therefore, it was decided to raise an additional revenue of a crore and a half per year by extra taxation, and the object was to earmark this sum as a Famine Insurance Fund. Whenever there was a famine, relief expenditure was to be met out of it; in good years, railways or irrigation works of a protective character were to be built out of it; or when no such project was ready to spend it on, debt to that amount was to be paid off or at least less debt was to be incurred to that amount. The central idea of the scheme was that in a country exposed to recurring calamities of this character, the state was justified in imposing a little extra taxation on the people, who by the payment of a small annual premium, as it were, could have the full benefit

* Indian Year Book, 1921. It increased to 35 1/2 lakhs by end of 1923-4. *Ibid*, 1925.

of its capitalised value whenever the calamity was upon them. The term used to describe the extra fund was clearly a misnomer; for in this case there was no one like an insurance company to hand over the capitalised value. The policy should be regarded rather as an attempt to spread the heavy burden of a famine over several years, and at the same time to hurry on the construction of railways so as to link up the poorer and drier parts of India with the more favoured, as quickly as possible.³ Hence, in the construction of protective works out of revenue precedence was given to railways for over twenty years. But all the main lines of protective railways were thus constructed, and the famine commissions of 1898 and 1901 recommended that in future protective irrigation works were to be similarly constructed out of revenue as far as possible. The Irrigation Commission of 1901-03 followed. It explored the possibilities of new irrigation works all over India, productive as well as protective, and drew up schemes of protective irrigation works for the areas most frequently liable to famine, such as the Bombay Deccan, Bundelkhand, and parts of Bihar and the Central Provinces. As a consequence fairly steady progress has been made and the average annual addition to the cultivable area protected by fresh irrigation works of a 'major' type constructed by the state out of current revenues might be roughly put down at fifty thousand acres. The rate of progress has been slower during the abnormal years from 1914.

A. LOVEDAY, History and Economics of Indian Famines.

SIR T. MORISON, Indian Industrial Organisation Chs. 10 and 11.

INDIAN FAMINE COMMISSION REPORTS, 1880, 1898, 1901.

Section 50. Famine prevention. To protect the famine stricken and to relieve them is one and the same thing. If we restrict the term protection to relief activities pure and simple and to their immediate consequences only, all other activities on a large scale, and spread, with their consequences, over a period longer than the mere duration of a famine—with the famine as their starting-point, the reduction of famines in extent intensity or frequency as their motive,—would be, logically speaking, activities aiming at the prevention of famine. Some of these activities and policies might have other effects

also. Railways, for instance, reduce distances, unify the country, break down the isolation of the various parts, remove their ignorance of one another, make people more mobile, and while reducing the dependence upon and attachment to their birthplace increase their feeling of conscious attachment to the area of their own language or historical expansion at some period in the past, and to India as a whole. Railways foster trade. Railways might be used to help either foreign exploitation or nation-building industry. Railways enable a smaller army to hold down a larger area more effectively than could a larger army a smaller area in the absence of such an effective help to rapidity of marching. An administration armed with a well-planned system of railways could rule over a very extensive area from one centre with a very small number of officers. Towns grow up more rapidly, epidemics spread faster in a region possessing a network of railways than in one with only the old world means of travel. Thus railways have political, social and cultural effects as well as economic. And as long as there are areas in India which produce a surplus of food grains, to connect them by railways with others liable to suffer now and then from a deficiency, is to relieve the distress of the latter areas not only on a particular occasion but it is also to prevent a recurrence of it in future. Thus a well planned policy of railway extensions spread over several decades is a policy of famine prevention, as long as in spite of deficient productiveness in some parts, a region as a whole produces sufficient for its needs as a whole.¹ And from the point of view of administrators trying to cope with famine conditions, railway construction has this additional merit that the first stages of the actual construction only require unskilled labour working in large gangs.

Digging irrigation tanks and canals has also this merit of requiring unskilled labour in gangs. And irrigation has the further merit of bringing additional land under cultivation and winning a larger return from cultivation than before. It thus adds to the total output, and adds to the profits of the best types of agriculture and agriculturists. It also enables an area to become independent of rainfall itself, at least for one season. If the drought be prolonged the sources of supply which irrigation distributes might dry up, but such a contingency is so very rare, it might be left out of our ordinary calculations.

If we confine our attention mainly to famine needs, the superiority of a policy of extending irrigation to one of extending railways is not open to question. But it does not follow that the Indian government have been wrong in giving precedence to railways during the latter half of the nineteenth century. State policy is a complex whole where the resources available at any moment have to be carefully weighed against the needs of the moment, and the best possible working compromise sought out. The higher utility of a rapid extension of railways from military administrative and political points of view cannot be questioned. Perhaps, all that can be said is that if irrigation extensions could have been made earlier than they were, and at a quicker rate of progress, the country would have benefited more or suffered less. But this does not mean that such extensions could or ought to have been provided at that particular time. In matters of high policy there is no absolute principle corresponding to the categorical imperative of the intuitionist school of moral philosophy. In any country, however rich, the point is soon reached, when the statesman has to decide how to invest his last million of the available resources; his attitude of mind is—"here, now, I have only this last million: what shall I do with it—Railways? Irrigation?" He must make his choice. He cannot have both. And railways having had a start, railways being in possession, so to speak, railways being by far the larger property, and a property, too, that was a losing concern and could only be converted into one that paid by further development of it as early as possible, railway construction, finally, requiring far more purchases from England than irrigation extension,—it is not at all surprising that he should have decided in favour of railways, especially in view of their political and military utility also. Lastly, the choice once made, it was endorsed by the highest authority and could not be departed from. Sir Arthur Cotton the great advocate of a rapid extension of irrigation in India succeeded on account of the famine of 1877 in attracting attention to his ideas; John Bright and other prominent men felt that England owed it to India and to herself to sift the matter thoroughly, and a select committee was appointed with Lord George Hamilton, the then Under-Secretary of State for India, as chairman (January 23, 1878). Before this committee Sir Arthur Cotton made the mistakes of both claiming too much for irrigation and running down railways too far. The Com-

mittee decided for railways, and their verdict settled the policy for twenty years.*

It has been urged, however, that we have also to look at the other side of the shield. As railways spread, factory goods invaded Indian markets and conquered them, Indian manufacturers (producing by the hand, using only tools and implements of a primitive type) lost their customers, agriculture or casual unskilled labour were the only other occupations open to them, and thus railway extension at a rapid pace has meant the progressive degradation and ruralisation of the population. Even if political and military needs justified a forward railway policy, if it had been developed gradually, the invasion of Indian industries which maintained hundreds of thousands of skilled workmen each working on a small scale, by foreign large-scale industries organised in factories would have proceeded more slowly; there might have been time for re-adjustments; and a stronger better balanced healthier economic organisation might have come about. As it was, the policy adopted of railway extension at the greatest possible speed, even out of additional revenues raised by fresh taxation, must be charged, at least in part, with causing the famine condition, or rather the inability of large masses of the people to tide over even the loss of a single harvest,—for which it was claimed to be the best if not the only remedy. M. G. Ranade appears to have been the first Indian to develop this point of view, in the seventies of the nineteenth century.² This indictment of the government railway policy has been frequently repeated since, and not only by Indian writers. Perhaps its best exponent is Mr. Loveday, whose restatement of it in his valuable essay on Indian Famines, I give in a condensed form in a note.³

So much space has been given to this controversy because of the importance of the principles underlying it, and because the aim of this book is a historical treatment. Throughout the nineteenth century India produced food supplies in excess of her needs. That controlling circumstance rendered the extension of irrigation—and an absolute increase in her total production of food—comparatively less important then. But we have reason to believe that our population is fast approaching the limit at which it would begin to press upon our food

* Dutt, *India in Victorian Age*, Ch. 9; Sir Arthur Cotton's pamphlets.

supplies. It might be said indeed that we have not at present sufficient statistical information as to the cultivation and produce of all our foodgrains, and until such additional information is recorded all over India, we are not in a position to arrive at any conclusion on the subject. Such scepticism however, goes too far. Where exact conclusions are not available, 'probability is the guide of life'. And in this particular case it is a matter of recent experience, consequent upon the partial monsoon failure of 1918 that our supply of certain food-grains was so deficient that there was an abnormal rise in their prices.⁴ The policy of famine prevention now required, is, in the first place, a policy to increase our total annual production of food supply as much and as quickly as possible. More irrigation, more and better manuring, better implements, and in one word better tillage all round, that is the most urgent need of to-day. Finally, and to clench the matter, all our principal lines of railway have already been built; and even the subsidiary and feeder lines are not so urgently needed now that the cheaper motor lorry is becoming available in sufficient numbers.

Luckily, the department of Agriculture, founded on the recommendation of the Famine Commission of 1880, and steadily developed since, especially by Lord Curzon, is aware of the need and is facing the problem in all its complexities. What they have done and planned to do in recent years I summarise in a note.⁵

Their programme, extensive as it is, appears however to need still further extension in more than one direction. Agricultural and wild or forest produce other than food grains—textile products, woods, gums etc.—should also be attended to; with a careful and steady development of our vast natural resources, sufficient quantities of these can be produced not only for our own use in the raw state and as the raw materials for various industries, but there should also be a growing surplus available for export. It is far better to export these both in the natural state and various more or less finished and manufactured forms, than to export foodgrains and flour, oil seeds, oil cakes and oil, fish and fish manure, bones and horns, and similar necessities, of which we now find, we have not always a sufficient supply even for our own needs.

In the second place, one of the outstanding defects of British rule in India has been that it has never realised how great is the need of a special cattle policy in this vast agricultural country, that will not use butcher's meat as an article of diet, and depends far more than perhaps any other mass of humanity of such magnitude, upon plough cattle for its agriculture and transport, and upon milch cattle for indispensable ingredients in its dietary in substantial quantities. The great mortality of cattle in the famine of 1900 gave almost the first shock to the ingrained indifference of the European mind to the subject. The repetition of that experience in later years including 1918, has led to further reflection. That it is necessary to preserve breeds with special qualities, that model cattle farms are needed all over the country, that more fodder must be produced, that the cruelly high child mortality in cities cannot be reduced without a far larger supply of milk, cheap and pure, than is available, are propositions which are at length being more and more seriously considered. But it does not appear even yet that the problem is being envisaged as a whole in all its complexity. A cattle policy like that of France where there are no useless or undersized cattle, where only the best are kept, treated as well as possible, and worked as hard as possible, but kept only while they are in their prime,* is a policy that the European understands. There is hardly any difference in the European's attitude towards trees and towards cattle. The meat and the milk, the hide and the labour, the feed and the return obtained, are all entered on one side of the account or the other, the maximum of profit realised, and the necessary action taken at the right moment. To the Indian it is not a question of a mere profit and loss account; religious sentiment enters into it and is even the decisive factor. This our rulers have known all along; but a state policy providing for steady increase in the cattle population of India, sufficient to supply the increasing needs of the growing human population, without any deterioration in quality or an undue increase in the prices the individual has to pay,—is still a problem for the future to solve.

Thirdly, suppose economic holdings constituted, suppose the live stock, the capital, the implements and the skill of the cultivator improved; suppose further that the co-operative

* See Keatinge, *Rural Economy*, pp. 130-131.

societies enable him to get the current capital he needs, and to buy what he requires and sell what he produces, without middlemen sticking their greedy fingers in: suppose, finally strong provincial land banks created, granting sufficient loans for sufficiently long periods, for the agricultural improvement of entire clusters of villages:—the lot of the average cultivator and cattle farmer will be undoubtedly far better than at present. But will there not still be cases by the hundred thousand in which the farmer or cattle breeder and his family and cattle are stinted, cases in which the 'hardly one full meal a day' condition persists? They do not know their India well, who do not realise that one tap-root of India's eternal poverty is that the agriculturist and his dependents in the village home have not enough remunerative work to do all the year. How can there be a sufficiency of production for the masses at the bottom of society unless in return for hard full-time labour? Agriculture in India even with rich irrigated and manured land, does not furnish work all the year round. In the busy season there is so much work, there is hardly labour enough to get through it in time. And as we descend in the scale of land, capital and crops, the quantum of work agriculture provides is less and less. The moral is, there must be subsidiary occupations in the village; a comprehensive policy of cottage industries and remunerative village employments must be developed.

Finally and more generally, the well-known recommendation of the famine commission of 1880 is as true to-day as then: "No remedy for present evils could be complete that did not include the introduction of a diversity of occupations through which the surplus population might be drawn off from agricultural employments and led to find the means of subsistence in manufactures or some such employments".

G. KEATINGE, *Agricultural Progress in Western India.*

WADIA AND JOSHI, *Wealth of India*, Chs. 6 to 17.

S. RAY, *Economic Causes of Famines and Suggestions to prevent &c.* (1909).

Section 51. Railways. The "industrial revolution" or the transition from a mediaeval economy of production distribution and exchange, rural and self-contained, to a modern

economy resting rather on world trade and large scale production by specialised labour and machinery, was inaugurated in India before the Mutiny, by Dalhousie's "far-reaching schemes of railways, roads, canals and public works."¹ It was Dalhousie who planned the grand trunk lines, Mayo added connecting links and feeder lines, financial exigencies delayed the execution of the schemes and in the meanwhile famines altered them here and there and added 'protective' lines, the larger Native States followed the initiative of British India, although at a great distance, and latterly, public bodies like port trusts and rural boards have added a few short lines here and there. Private joint stock companies without any concession from the state except in the matter of land have also constructed some lines.² The first railway to be opened for traffic was the Bombay to Thana section of the G. I. P. Railway, in 1853. Jabalpur was reached by the East Indian Railway from Calcutta in 1867, by the G. I. P. from Bombay in 1870; Raichur was reached from Madras in 1862 and from Bombay in 1871; and at one end Dehli and at the other Mysore were reached in 1862. The mileage open exceeded the first five thousand miles by 1871, and every additional five thousand miles by 1882, 1889, 1896, 1901, 1907 and 1915.* The first ten thousand miles took about thirty years to build; the next thirty years added nearly twentyfive thousand miles. Progress during the Great War was naturally very much slower, 1917-18 was the worst year, when three hundred miles broad gauge were dismantled for war purposes, and only about three hundred and fifty miles of new metre and narrow gauge lines could be opened.³ However, the route mileage open by the end of 1923-24 was over 38,000 miles, nearly a half on the broad, and a little over fifteen thousand on the metre gauge.⁴ The most important of the projects to be undertaken in the near future and in different stages of consideration are a causeway line of little over twenty miles to connect India and Ceylon across the sandbank of Adam's Bridge; and a railway from India to Barma, either from Chittagong to the rice-lands of Arrakan, or along the Hukong valley in the north.⁵

The capital needed was originally raised by a free grant of land and a guarantee of five *per cent.* annual interest. Other conditions were that when the railway earned more than five *per cent.*, half the surplus was to be handed over to the state

* See the Chart in India in 1919.

every half year, and the construction working and management of the line were to be controlled by the state. The companies thus assured of their five *per cent.* on every pie spent, had no motive for economy, or even for building the lines quickly or at a steady pace. Their engineers with only English experience to guide them had to pick up a knowledge of Indian conditions as they proceeded with the work, a process which turned out very costly indeed. Their standards of solidity and thoroughness were too high. And they were men of such conservative and swadeshi ideas, mechanics of almost every type were at first brought over all the way from England. For instance, no Indian seems to have been employed as an engine driver upto 1875. English engine drivers cost at least £100 more per head per year, the wastage was high so that larger cadres had to be maintained, and later when Indians came to be employed as engine drivers and in other capacities—the departure was first made, perhaps, on the state lines to be presently mentioned,—it was also found that they “worked longer hours and gave far less trouble.”* The government wanted quicker progress at less capital outlay and with cheaper working. The old contracts, moreover, had been worded so loosely, their powers of control or check could not be exercised in practice. And the guarantee meant an increasing loss, which by 1869 had grown to an annual tax of one and a half millions sterling. Even “dear railways are far better than none,” says Chesney.† There is, however, a limit to the price that even a despotic government can afford, except only when it has the luck to have as finance ministers Stracheys or Chesneys! The Government of India decided to give no more guarantee and to build its own railways. From 1869-70 it began to provide about two crores a year for the purpose. In 1875 the sum was raised to four crores.⁶ War and famine followed. For the next few years the only sum the state could spare was what could be made available from the annual Famine Insurance Fund for the construction of “protective” lines. Thus, the old plan of railway construction through companies attracted by means of a guarantee had to be reverted to. But the guarantee given was lower and the contracts were more carefully drawn up. The state also needed at once some lines, neither productive nor ‘protective’ but even more urgent because ‘strategic’, and a committee of the House of Commons examin-

* See Fawcett, *Indian Finance*, p. 66. † P. 304.

ed the whole subject, about the same time as Lord George Hamilton's Irrigation Committee mentioned in the last section, and advised a loan of about two and a half crores to be raised in India annually, and to be spent, two crores on state lines of railways, half a crore on irrigation. Another committee in 1883 thought a loan of about a crore more might be raised and spent upon railways. In the nineties a fresh effort was made to recast the contracts with English companies and the terms to be granted to them. A guarantee of from two and a half to three and a half per cent,⁷ or a certain percentage of the net earnings of existing lines on the traffic brought to them by the new lines to be granted to these latter as a rebate as long as their own earnings did not yield a certain percentage of profit, and all surplus profits to be shared when they accrued, were the new terms. And, more recently, a few hundred miles of railways of local importance have been constructed on the security of the resources of district boards, supplemented, if necessary, by the levy of a new cess for the purpose. All the contracts, right from the time of Lord Dalhousie included terms for the purchase of the line by the state at stated periods. Cases have happened, nevertheless, in which on the first date arriving, the state unaccountably failed to assert its right. From 1880 onwards, however, when the East India Railway was acquired and the working again entrusted to the same company under special arrangements,* the policy has been followed of acquiring a line whenever it could be done according to the terms of the first contract with it, and handing over the working under a fresh contract to the same company or to another working a connected line. Some state lines, e.g. the Rajputana Malwa Railway, have also been handed over for working, the state only exercising general control. In the case of all such lines owned by the state and worked by people who are not state officials but servants of independent companies, the fresh capital needed for extensions, laying down extra lines, increase of rolling stock, improvement of bridges, stations etc. has to be provided by the state, just as in the case of lines which are both owned and worked by the state itself. Thus the Indian railway system as a whole is a growing property which can fulfil its functions, pay its way, and yield a profit besides, only as long as it is kept in proper repairs and developed, moreover, by the pursuit of a steady and intelligent policy regular-

* For a summary of these see Moral and Material progress Report, 1892-3, p. 270.

ly requiring fresh amounts of capital to be sunk into it. Railways develop trade and human movements, and these react by making a growing demand for better equipped lines, more frequent and quicker services, and new extensions. Hence, in the course of the first decade of this century, it was decided that in allotting fresh capital, the pressing needs of open lines were to rank first, and of lines under construction, company's lines were to rank before state lines. Plans for new lines were to go through various stages of scrutiny, and were to be passed for construction only as these prior claims allowed of it. The system as a whole began to yield a clear profit to the state from 1899-1900. The average profit for the four years upto 1907-08 was nearly three crores a year, and although in 1908-09 there was a loss, the profit has gone on increasing since. It is a vast asset representing in the aggregate about Rs. 7,200 millions of capital (1923-24), yielding an annual net income of from five to seven per cent.⁸

The Railway Board, an annexe of the Government of India department of Commerce and Industry, was started in 1905 to look after the State Railways, to serve as a mediator between the Government and the Company Railways, and as an expert arbitrator between any two railways, and to advise on schemes for the improvement of railways and railway management in general. It has now been reorganised in accordance with the recommendations of the Acworth Committee (1920-21), and since 1924, consists of the Chairman or Chief Commissioner, the Financial Commissioner, and two members. Its work has been arranged into four branches, each under a Director, who is the executive head, and there is also a Secretary for coordination not only between the branches but also between the Board and other departments of Government and between the Board and committees of the Legislative Assembly like the standing Finance Committee.

This railway system, vast as our country is vast, is admittedly an *imperium in imperio* in many ways coming closer to the people than the state itself, and exercising a direct influence over the production and distribution of wealth, the success or failure of business and other activities, and the comfort or discomfort of masses of the people, second to that of no other human agency in the country. It is ruled over by a body of men as small as the Indian Civil Service, who also form a caste

of foreigners even more exclusive and more unsympathetic. Immediately under them is a larger body of 'Anglo-Indians', Eurasians, and others, who hate the Indian more than any other class of men in the country, who have for the poor starving down-trodden 'coolie', only terms of abuse accentuated by kicks, and who have really no other manner or behaviour for the clerks and 'babus' doing all the intricate recording accounting and inspecting of the railways, or for the third class passengers or for any other Indians whatever. Most of these men, again, are 'volunteers', and there are hardly any other volunteers except in the few centres of the European mercantile or planting communities; thus, these men have arms and a trace, however slight, of military discipline, while all around them is Indian humanity, so mild their mildness is a vice, so accustomed to bear maltreatment uncomplainingly. From Sir John Lawrence to Mr. Gandhi prominent men in every decade have raised their voice against the maltreatment of the third class passenger and the middle class Indian gentleman by the railways and the railway-men. Mr. Curtis relates an incident in which a railway official while talking to him deferentially, kicked back like "a vicious mule" at an Indian passenger who had just happened to brush his back under circumstances in which "it was physically impossible for anything else to happen".* The wrongs of the third class passenger are a defect of the system. The vices of the railway official are a defect connected with the personnel of the railway staff. The only remedy for the latter is to dilute the railway staff with increasing numbers of middle class Indians. The true remedy for the former would involve an amount of expenditure which can only be provided by replacing the present very expensive and inefficient administration by one cheaper as well as more efficient.

The real cost of the Railway system to the country is far greater than the railway accounts by themselves can ever show. This extra cost is again partly the fault of the system and partly that of the men in office, and consequently in power Sir F. Lely's comments on railway rates⁹ pillory concrete instances, examined by him about 1903, and these serve as well as any later ones to expose the faults of the system. The railway rates for goods have been so fixed as to injure the

* Dyrarchy, p. XLIX.

coasting trade and ruin the petty ports. "No one in his senses would object to free and fair competition between land and sea. But is it free and fair? The boat has the great natural advantage of being cheap, but it is slow and subject to greater risk. With fair play all round, much merchandise would take the rail, while other, such as coal, would prefer the water". But the railway fixes a rate for coal, cocoanuts, timber, and other goods of the kind from Bombay to Broach or from Broach to Bombay, fifty to sixty *per cent.* lower than the rate between the very next station north of it or south and Bombay; with the result that the boats which plied between Broach and Bombay by scores even upto the last generation, have lost their occupation more and more and ceased to be. The rates again are the same from Bombay to Agra as, say, from Ahmedabad to Agra. Foreign matches going from Bombay to Agra are charged the same freight as Indian matches made at Ahmedabad and sent to Agra.¹⁰

Top-heavy establishments, with officers paid at fancy rates, necessarily involve numbers of overworked underpaid men without prospects, in the subordinate ranks. The necessary consequence is a large amount of delay, ingenious creation of technical difficulties, petty thieving and wholesale systematised corruption. All this is an extra burden on the trade of the country and must ultimately come out of the pockets of the consumer. Can any one venture even to calculate how enormous this is? The railway system of a country is a monopoly created and maintained by the state, and it is as much the duty of the state to see that it does not take much more out of the pockets of the people than the charges publicly levied, as it is universally recognised to be, in the case of the taxation it levies directly, through the agency of its own officers.

Section 52. Irrigation. India is a land as various as it is vast. There are desert lands within it—Sindh, parts of the Panjab—which depend altogether upon an artificial or man-contrived supply of water for cultivation and population; there are within it wide regions where the rainfall is deficient and irregular, and the crops in consequence more or less precarious unless the thirsty fields could get water at the right time and in the right quantities from some conveniently placed store; those parts of India, even, which have an adequate rainfall as a rule, would be benefited by irrigational facilities in more

ways than one. Every few years there is a drought, when of course there would be hardly any crops but for such facilities; almost every year there are breaks in the rains, and any one of them lasting two or three days longer, might reduce the final outturn more or less seriously; and even in good years, with the help of irrigation, three crops could be raised per year or two, instead of only two or one. With the exception of the districts of the heavy black soil where cotton is the king of the crops, there is hardly any region of India which does not gain largely by irrigation facilities.

Lift irrigation, where the sub-soil water is reached by a well and raised vertically upwards by means of a leather-bag or a rotating wheel of pots, has been practised in India from times immemorial. Madras is the province best supplied with wells, but in Bombay and the Panjab too, they might be counted by lakhs, and U. P. and C. P. are also increasing them at a fair rate. One of the best legacies handed down to us by the religious past is our sentiment that the building of wells and stepwells is an act of piety, and rajas and their officers, merchant princes and their ladies, and sanyasi managers of religious foundations have all vied with one another in building and repairing wells all over this sunbaked land. The roads of the Emperor Asoka had trees on both sides, and rest-houses for man and beast at convenient intervals, and a well at each rest house. Nor were the Pathan sultans and the Mughal emperors behindhand in following a custom so obviously recommended by the climate. We first read of takavi grants for the building of wells in the terrible famine of 1345 under Muhammad Tughlak; the principle has been acted upon with increasing liberality by the British Government from 1868; and the Irrigation Commission, 1901-03, recommended a further development of the policy; and also a lower rate of interest, a longer period for the repayment of the principal, and the remission of a part of the loan if the well failed from the first or at a later date. They also proposed a subsoil water survey and trial boring, quoting as examples the borings in Sholapur district and at Nausari.* A more active policy in these directions has begun with the famine of 1907.

Wells are the property of private individuals. So are small tanks and shallow pits which the rains fill with a supply

* Ch. 5, Section 2, and Ch. 7.

of water that lasts a few months. They are very numerous in Madras and there are a good many in Bengal also. The comparatively large ones are treated as the joint property of the village. There are a number of more or less natural depressions in the U. P., called jhils, which are also similarly owned and utilised. They are apt to fail just when most wanted, when the drought is prolonged, but while the water lasts it is very useful indeed for the crops, especially at a pinch. The area irrigated by each is small, but because of their numbers, the total area helped just as in the case of wells, is considerable. The large lakes, on the other hand, are the property of the state. The cost of constructing them is heavy, but the very large volume of water stored up in them can be distributed for miles. These storage irrigation works were not unknown to pre-British India. The Sudarshan lake near the Girnar, an irrigation reservoir created by damming up a small stream, served the tillage of neighbouring villages for four centuries, until it was destroyed by a storm in 150 A. D. Rudradaman rebuilt the dam "three times stronger"; a storm burst it once more, it was again repaired in 458 A. D.; and then this "Lake Beautiful" sinks below the horizon of history.¹ These facts are recorded on the celebrated fragment of the Asoka pillar near Junagadh. And for southern India in mediæval times we have the testimony of Paes how the Vijayanagar monarch had a tank built with the labour of several thousands "looking like ants so that you could not see the land".* Modern engineering has of course far greater resources and modern states can, by providing a lakh per year, say, from the annual revenue for only ten years, borrow twenty lakhs, which could be spent at once and repaid in thirty to forty years, that is to say, practically out of the new revenue derived from the work when completed. So wherever there is a gorge or other suitable site, and plenty of water running to waste that could be held up by a dam, the dam could be built, provided remunerative uses could be found for the water. Perhaps the most striking of the lakes and reservoirs the British government has built for irrigation purposes, is the Periar Lake three thousand feet above sea-level in the state of Travancore, which stores up the surplus water of the Periar river flowing into the Arabian Sea, and carries it by a tunnel, across the watershed, into the Vaigai river, which flows across the peninsula into the Bay of Bengal near

* Sewell, *A Forgotten Empire*.

Madura. The work was opened in 1896, and is capable of irrigating two lakhs of acres.

More important than irrigation by means of storage works, is canal irrigation. This also has been practised in India in localities suitable to it from a remote past. The province of Sindh for instance is full of the channels of old canals. The passage from Megasthenes already quoted would apply also to irrigation of this description. And the kings of Vijayanagar cut irrigation canals from the Tungbhadra as well as built large lakes, where possible. But perhaps the greatest surviving monument of ancient India in this class of work is the 'Grand Anicut' or weir in the Kaveri delta, which is believed to have been originally constructed in the first centuries of the Christian era. The Jamna Canal of Firoz Shah Tughlak and the Agra Canal of the Mughals were the most extensive works of the kind attempted in Muhammadan India. But the inundation and perennial canals of British engineers have far surpassed any pre-British works of the kind both in magnitude and utility. The construction of productive irrigation works of this type out of loans might have proceeded at a quicker rate, but for the failure of two great projects at an early date in the history of irrigation. Sir Arthur Cotton's Tungbhadra project was undertaken by the Madras Irrigation and Canal Company in 1863, with a capital of one million pounds and a guarantee of five *per cent.*; only a small section of it, however, was ever constructed, and the Company had to be bought off by the government in 1883. Sir Arthur's Orissa canal scheme was undertaken by the East India Irrigation and Canal Company in 1860, without any guarantee, but the Company could not raise the necessary funds, and had to be bought off in 1868. Hence it was that the construction of irrigation works could not be proceeded with by means of companies; government had to construct them itself out of loan funds and surplus revenues. Sir John Lawrence began this new policy with the repair construction and extension of the West Jamna Canal; the renovated canal was able to irrigate five lakhs of acres, and subsequent extensions have increased its capacity still further. The Agra Canal also from the Jamna was restored and improved, and it was opened in 1874. The first original work constructed by the British Government—begun 1848, opened by Dalhousie, 1854—was the Ganges Canal, followed up later by the lower Ganges Canal, opened 1878, each of

which became capable of watering over eight lakhs of acres. But works of this character cannot be judged solely with reference to the area irrigated by them. The great triumphs of modern engineering skill in this line are to be seen in the Panjab. The Himalayan snows are perennial stores of water, which, as they melt, send continual supplies down the innumerable streams which coalesce into the noble rivers that ultimately fall into the Indus. The slope of the land is also all that the heart of the engineer could desire, and extensive tracts in the province have a soil that without water is desert sands, but with water yields rich crops of a high quality year after year. The Panjab canals had in 1905 the capacity of irrigating over five million acres, and during the last fifteen years this has almost doubled. What this means in terms of concrete plenty and prosperity, the canal colonies of the Panjab reveal at a glance and in the most convincing manner. The best example is the Chenab Canal Colony in the Techna Doab. With an area of 3,900 square miles, in 1892 it was inhabited by 70,000 nomads. In nine years it was transformed into a busy hive of 791,000 flourishing agriculturists; and by 1912 the population had risen to 1,111,000. The indirect gain from relief of pressure to the congested areas of the Panjab was nearly as great. The Triple Canal Project recommended by the Irrigation Commission (1901-3) and sanctioned in 1904, has combined into one the Upper Jhelam, Upper Chenab and Lower Bari canal systems, and was declared open in 1912. The great service rendered by the Irrigation Commission (1901-03) in recommending greater expenditure on irrigation works and a more liberal policy about advances for wells has been already mentioned. Perhaps their greatest service resided in changing the attitude of government altogether as to the proper view to take of the costliness, as well as the utility, of irrigation works in regions unfavourable to their construction. The Sindh Canals for instance irrigated two and a half million acres at a capital cost of two million pounds. The canals in Gujrat and the Deccan irrigated no more than 340,000 acres and at a capital cost of over four million pounds.* A simple arithmetical calculation showed how much more productive a pound was when spent in one part of the presidency than in the other. The Commission argued, however, from the direct losses the recent famines had inflicted on

* India in 1910, p. 116.

people and state alike; they took the district of Sholapur as an example, which had cost on an average Rs. five lakhs a year on famine relief for a period of thirty-three years, added to this the further loss due to loss of revenue and the lowered economic condition of the people, and thus argued that quite a different standard of profit and loss applied to irrigation schemes in regions which had the double misfortune of offering little scope for such schemes, and at the same time of necessitating a very high expenditure upon them.* And they drew up an extensive programme recommending various schemes for every province. The total costs they put at forty crores, only one third on productive and the rest on intermediate and unproductive² works, and they anticipated that the works would take not less than twenty years to complete, and when completed, irrigate six million and a half acres. With regard to the Bombay Deccan in particular, they said that the abundant rainfall on the Ghats could be stored—at a price—in suitable sites and carried thence to the districts in need of it. The Government accepted most of their recommendations, discovered in working along the lines they had indicated that the possibilities of irrigation works were greater even than those the Commission had in view, and have been following a more active programme of construction during the last two decades. The completion of the Triple Canal system in the Panjab has been already noted. The Satlej valley project when complete will irrigate three million acres besides giving a more regular and larger supply to the two million acres served by the older inundation canals in the valley. This will be achieved by an interconnected system of twelve canals, starting from four weirs, three on the Satlej and the last below its junction with the Chenab. The Lloyd Barrage project in Sindh sanctioned in 1923 will similarly give rise to seven canals not only capable of guaranteeing a more regular and larger supply to the two million acres already served by the older inundation canals, but also of bringing under the plough several million acres of desert waste, where at present there is neither cultivation nor population. Protective irrigation works, on which the Commission laid such stress have also advanced considerably. Of these the Nira Right Bank Canal which will irrigate two lakhs of acres when complete, and the Godavari and the Pravara schemes,

* Report, Ch. 4, Secs. 1 and II.

sanctioned in 1906, might be specially mentioned. The Godawari canals were opened in 1918 and the other two are approaching completion. To take a more general view, in 1902-03 there were only 350,000 acres irrigated by protective works; and of these there were 49,000 acres in the U. P., 59,000 in the Bombay Deccan and 85,000 in Madras. By 1918-19 the total for British India had doubled, the Deccan having gained 63,000 acres, Madras 23,000, and the U.P. as many as 162,000. Lastly, students of the subject should note that although a big canal flowing like a river through several districts and throwing out thousands of distributaries in a carefully designed network, or a big lake in picturesque scenery giving out miniature rivers for miles carried across all obstacles, might strike the imagination, and although the capital sunk on these extensive works amounted to colossal figures, the small well and the petty tank of the cultivators also rendered a service by no means negligible. Just as the population inhabiting our small villages was in the aggregate hundreds of millions, because although each village was so small there were several lakhs of them, so also the total area irrigated by our wells and tanks, the work of the people, with only a little help in recent years from the state, was very large indeed, and for the same reason. The Irrigation Commission calculated in 1903 that in 1877-8 the total irrigated area in British India was thirty three million acres, out of which private works irrigated twenty two and a half millions, while the state works irrigated only ten and a half; the proportion of private to state irrigation was as 68:32. In 1902-3, the total in their opinion had increased to 44 millions, and out of that private works irrigated twentyfive millions and a half, while the state works irrigated eighteen and a half million acres; the proportion at that date was thus 58:42. At the end of 1918-19 the area irrigated by state works had grown to over twentyfive million acres. Even if we assume that the growth in the area irrigated by private works was at the same rate as in the former period, it must be put down at very nearly twenty-nine millions, or an area larger than the state irrigated area by over three million acres. No doubt the state is bound to forge ahead in such a competition in a decade or two more. But, in the first place, it is a nobler achievement to advance from thirty millions to forty millions irrigated by private effort, than from thirty to sixty millions by state organisation and enterprise. And in the second place, as our country emerges out of its extreme

depth of poverty, people will have greater resources and will develop more enterprise, and I am confident we can soon forge ahead of the state again in a few more decades. Finally, it should never be forgotten that in more tracts than one large and spectacular irrigation works are and will ever remain physically impossible, whereas progressive additions there will always be possible to its numbers of wells and small tanks in good repair.

INDIAN IRRIGATION COMMISSION REPORT, 1903.

CHAPTER VIII: NOTES.

SECTION 48.

1. As an outstanding example, for the effects of the Shivali loots of Surat (1664-1670) for years afterwards and upto the Narmada and beyond, see J. Sarkar, *Shivali*, pp. 203-5, 423, etc.
2. A rise in price upto 32 times the normal was recorded in the Bombay district famine of 1709—Leveday, p. 27.
3. English shipping, for India has no shipping of her own, has benefited in consequence, as much as India, by this expansion of Indian exports.
4. See D. S. Dubey's *Study of the Indian Food Problem* (*Indian Journal of Economics*, July 1920 and January 1921). He studies seven years from 1911 to 1917. I had given a summary of his figures in the first edition: but on further examination of this very complex subject, I conclude he has overstated the danger (1926.)
5. This as it stands is a highly abstract proposition, one of those propositions, easy and plain at sight, but really difficult to grasp, which constitute the special difficulty of economics. In limiting the statement to about two generations, I have in view (1) all India, (2) the costliness of all kinds and forms of insecurity, and (3) the sharp fluctuations which were the immediate effect of the first introduction of British rule in province after province. See as an illuminating instance G. Keatinge's historical review of the condition of the poor in the Bombay Deccan during the 19th century, in his book, *Rural Economy and Agricultural Progress in Western India*.
6. The following summary of census results will emphasise the argument of the section. "In 1891 Upper Burma, Kashmir and Sikkim were included in the census for the first time; in 1901, Baluchistan Agency, the Rajputana Bhil country, the wild Nicobarese, and Andamanese, and some

outlying tracts along both the N. W. and N. E. borders; in 1911, the population of the areas included for the first time was under 1.75 millions. The official computation is that after allowing for these disturbing factors, the rate of the growth of population in the Indian Empire during the last thirty years has been as follows:—

1881-91: 9.8%: 1891-01: 1.5%: 1901-11: 6.4%.

The wide-spread famines of 1897 and 1900 with their sequelae, cholera, fever and other epidemics—affected the second period: five millions in excess of the normal rate of mortality had died. There also were fewer births. During the third period the mortality from plague was substantially greater than 6.5 million. Plague and malaria were responsible for the decrease in the Panjab and the U. P". Condensed from *India and the Durbar*, Ch. 18. The real increase in the last twenty years is not eight %, in the last forty years, not sixteen % (1926.)

SECTION 49.

1. Loans to agriculturists for improvements and takavi proper are both regulated by the Land Improvement Loans Act (19 of 1883) and Agriculturists' Loans Act (12 of 1884), and by the rules framed under them in each province. The working has varied with the personal interest taken in the matter by District Officers—See Irrigation Commission Report.

2. The largest remission of which there is any previous record is that of Rs. seventy lakhs by Shah Jehan in the famine of 1630 (Elliot and Dowson VII, p. 25.)

3. For a criticism of the Famine Insurance Fund, see Dutt, *Victorian Age*, pp. 592-4; *Famines in India*, pp. 78-81.

SECTION 50.

1. It may also produce famine intensification, by throwing ever-widening markets open to foreign wares, which beat indigenous wares out of their own local markets, and thus depress the hereditary artisans into landless agriculturists and unskilled labourers. Taking the bread out of the mouths of the artisan classes, it "ruralises" the tracts where industries flourished for centuries, 'scrapes' the hereditary skill of thousands of families and "rustifies" them, and thus intensifies famines.

2. "About 22 years ago I had occasion to notice this collapse of domestic industries and the gradual rustification of our chief occupations in a series of lectures which have been published...." he said, in 1893 (*Essays in Indian Economics*, pp. 102-3).

3. "It involves (he says) no criticism of the ultimate benefit accruing from the Government's policy to consider the possible damage which that policy has caused in the past. The extraordinary rapidity (of railway extension in India) produced an economic revolution...not unaccompanied by suffering. The obligation to save life in times of drought and the necessity of lines of strategic utility... have been the cause of that rapidity; and it has had for effect the destruction of the native industries and the concentration of labour on that very employment to which droughts are the most dangerous. Had strategic or economic considerations allowed the change to be more gradual, it is conceivable that greater powers of resistance might have been shown by the native industries....so that labour might have drifted to other occupations as well as to agriculture....The Commission of 1898 drew attention to the decrease in the real wages of labour....Manufactured goods of the West have been imported, raw produce has been given in exchange; the price level of the former has sunk with the increase of supply, the price level of the latter has risen with the increase in demand. It is true, no doubt, that those districts which export the greatest quantities of raw produce and grain are on the whole the least subject to drought. But the importation of manufactured articles and the consequent decay of home industries cannot be measured by the statistics of the export trade. Though pulse and millets the products of the poorer districts constitute but a minute fraction of the total export of grain, the explanation of the strength of the demand of those districts for British textiles is to be found in the figures of the coastal trade and the extent of internal commerce."

(*History and Economics of Indian Famines*, pp. 106-126)

4. Prices in July 1919 compared to prices in July 1914: rice had risen from 26% in Assam to 73% in C. P.; wheat had risen from 38% in Assam to 100% in C. P.; millets had risen from 102% in U. P. to 132% in Bombay;—India in 1919, p. 66. Export of grain, pulse and flours from India proper (excluding Burma) amounted to 10.2 million tons during the 5 years 1909-10 to 1913-14; to 5.2 million tons during the next five years (ibid, p. 65). See also in the same government publication the scarcity chart, 1919, and the rain fall charts 1918 and 1919 and for full details the annual Review of the Trade of India.

5. At the annual meeting of the Board of Agriculture in December 1919 it was resolved that (1) there should be an export tax on oil seeds and cakes (2) and that a total prohibition of the export of bones, horns, and fish manure was necessary, because the conservation of such natural manures for use in the country itself was a matter of the gravest importance; that for a rapid extension of irrigation it was necessary, (3) to revise the maximum charges for irrigation water in view of the new level of prices, and (4) to encourage

the sinking of wells, (5) of small bores and (6) deep borings; that (7) rivers and other sources of water should be surveyed with a view to select sites where, in seasons of drought the water could be profitably lifted and utilised by oil-engines and pumps; that (8) the loss through erosion and the run off of the water from the land was enormous, and to prevent this, as far as possible, the importance of embankments and a better layout of the land should be emphasized; that to prevent the loss of cattle, as far as possible, (9) grass areas should be improved, (10) fodder storage should be studied and extended, and (11) emergency fodder stuffs, such as prickly pear and nim leaves should be studied and the best methods of utilising them ascertained; (12) that grain storage in large quantities should also be studied, to obviate as far as possible the enormous loss inflicted by a single monsoon failure, which runs into hundreds of crores when it is at all extensive, (13) dry tillage, drought resistant crops and varieties of crops, and crops that would ripen early should be specially studied and, finally, (14) that in the opinion of the Board, the problem of famine prevention and relief had now assumed a new aspect. The established policy of relief works and gratuitous relief depends for success on the existence, somewhere in India, of adequate stores of grain, while the very success of relief operations tends to obliterate the motives which, in the past, created local stores of grain. The Board is therefore of opinion that a special enquiry should now be made into the means whereby a sufficiency of food stuffs can be secured even in the event of two successive monsoon failures. The Board considers that the best agency for making such an enquiry would be a strong Famine Commission appointed by the Government of India". (Proceedings of the Board of Agriculture held at Pusa, 1-12-1919 and following days; see esp. pp. 53-66, 83-90, and 116-7).

6. That conditions might arise in which even in return for hard full-time labour the bare necessities of life might not be won, and the labourers have got to be helped out of 'a concern that cannot possibly pay'. is illustrated over and over again in the economic history of the world. The latest illustration on a large scale is passing to-day through all its inevitable stages, and its inner significance can be seen by all who have the eyes to perceive it,—I mean, the coal-mining industry in England at the present day. Political power however vast and however unscrupulously applied can never make unremunerative labour remunerative. It can, however, win a little time during which conditions might be so recast as to place the industry (and those who continue in it) on a new footing altogether. In our democratic age political power will be sought more and more to be used more and more for such ends (1926).

SECTION 51.

1. Dalhousie (R. of I.) p. 11. Before he became G. G. only three short lines had been sanctioned in 1845,—Calcutta to Raniganj, Madras to Arkonam, and Bombay to Kalyan, total mileage 192 miles.

2. E. g. the Bard Light Ry., 117 miles; the Bengal Provincial, 22 miles.

3. The broad gauge is 5½ feet in width; metre 3 3/8; narrow 2 1/2 and 2.

4. Of the total a little over 5000 miles were owned by Native States.

5. The railway through the Khyber Pass was opened, 1926.

6. The Rajputana Malwa Railway is a good example of the class of state railways. Its main line from Dehli and Agra to Ahmedabad was constructed, 1878-79.

7. E. g. The Burma Ry. Co. formed 1897, accepted 2 1/2%; the Assam Bengal, 1892, 3%; the Tapti Valley Ry. is an example of a Co. accepting rebate terms.

8. The profit to the state is this income minus interest, annuity sinking fund and other charges.

9. Suggestiveness, pp. 98-130: I omit his example of the adulteration of cotton or the substitution of inferior cotton for superior. The difference in prices is so great that I do not see how mere railway rating, however ingeniously planned, could stop such tricks of the trade.

10. "In other words the state-guaranteed (B. B. and C. I.) and the state-owned (Rajputana Malwa) Railway was giving a bounty to the foreign manufacturer equivalent to the whole cost of carriage between Bombay and Ahmedabad. It would strain the powers of a viceroy to do as much for a home trade.... The Traffic Manager argued that competition from Karachi and Calcutta forced the railway to quote lower rates from Bombay. The Bombay Government could not help, because this was an imperial matter. In other words, not one but every native industry entering the field must be trampled down in a struggle for freight among the railways.... The Traffic Manager wields an irresponsible power over the country commanded by his railway, which should not be entrusted to any man, and least of all to one who, rightly from his point of view, regards only his masters' dividend and certain wide limits set down by Government. By a slight readjustment

of rates he can and sometimes does break down a flourishing trade or transfer it to another part of the country; he can, and sometimes does, crush a rising home manufacture in favour of a foreign customer. An amended code of Civil Procedure occupies for days and months the wisest of the land, but is of less practical consequence to the people of a district than a new edition of their Local Goods Traffic Book"—Lely, *Suggestions*.

The railway 'risk note' has only recently been amended a little: as it existed for half a century, railway mismanagement and railway dishonesty inflicted huge losses on innumerable people who entrusted their goods to the Railway, and the note was so worded that the owner who lost his goods in whole or in part could recover little from the Ry. by going to law about it.

SECTION 52.

1. Vincent Smith, *Early India*, pp. 182-3. Megasthenes has noted that Chandragupta's officers "measure the land, as in Egypt, and inspect the sluices carrying the water into the branch-canals, so that every one may enjoy his fair share of the benefit." The *Arthashastra* recently discovered supplements this general description with many details.

2. Productive—certain to yield at least 5% within 10 years of completion; unproductive—certain not to do so; intermediate—works about which neither statement could be made (para 125).

CHAPTER IX.

FINANCE.

Section 53. State Needs. There is really no limit to the needs of the modern state. It wants from the people all they can spare for its purposes, and restrains itself with difficulty at the margin,—wide or narrow according to the habits and circumstances of the people,—where political discontent and the increasing friction of collection advise a halt in no uncertain terms. Wars have become fewer and shorter, but armies and navies have grown continuously, and the advance of science, and the rising prosperity of the people with the rise in the standard of living necessarily resulting, have made them more and more costly. The devastation of war itself has become less frequent, but the burden of being prepared for the eventuality of war has grown, until in some cases at least, the inability to support it longer has precipitated war, as the less unbearable alternative. The nations at the apex of prosperity and progress have led the way, and all others have had to follow, more or less.

As population grows, the cost of roads and communications grows. The advance of science revolutionised transport during the nineteenth century,* and the railways, ships, canals, and ports of modern times have a capacity and efficiency undreamt of by former ages, but the cost too has grown to undreamt-of heights, and, whatever the theory, the practice has grown of placing these indispensable services more and more under state direction. As population grows, the cost of preserving health and maintaining and improving sanitary conditions grows, the proportion of orphans, failures, disabled persons, and aged persons, with none to support them, grows beyond the means of private charity, sporadic efforts break down, and the state has to undertake these duties on uniform national lines. In economic activities, properly so called, the distinctive modern note is production on a large scale for which labour has to be concentrated in masses working through the instrumentality of machines growing in numbers and variety, each needing specialised skill to yield the net maximum of output; the raw material has to be obtained from the ends

* A. W. Wallace *The Wonderful Century*, gives a good idea of the revolution.

of the earth and often in enormous quantities; and the finished product has to seek distant markets, for the locality where it is turned out cannot possibly consume even a small fraction of it. All this implies elaborate organisation with delicate adjustments. The labourer has merely to obey orders as the mere soldier has to, in an army operating on a vast front, and here too, whatever the theory, the logic of facts is inexorable, and the practice grows of greater inspection control and support by the state on uniform national lines. The maintenance of internal peace and order also becomes costlier as population increases, and as crime learns to prostitute the various advances of modern knowledge and the wonderful facilities of modern society to its own ends. Sensibility to suffering, appreciation of cause and effect, and the feeling that the struggle for existence is getting very keen have also grown, and one of the joint products is an ideal of education more complex and exacting than had been possible in the past. How far this growing ideal can be reduced to practice remains to be seen, but the whole meaning of human existence is to work for the attainment of ideals, and, whatever the theory, again, in practice this sphere too is falling more and more into the hands of the state to direct, control, and improve. In one word, the modern state is more and more expected to be the educator of rising generations in order that they at least might have a progressively better world to live in than we and our forbears have had to suffer from: a world of less suffering and more knowledge, a world where insight is surer, and character less inadequate to the strains, the calls, the opportunities, the visions, and the dedications of life. The State, in fine the modern man enthrones in his heart as Secular Providence, and the state bureau is the only temple to which he willingly brings offerings, full of hope. Is this all a delusion? Who knows? The ultimate truth of life and thought, philosophy and humanity, can never be seen free from doubts and mists and dark indefinable masses in the background; those to whom the faith and the hope are given will walk by their light while they possess the urge of youth, while those others, their brothers, to whom the light has been denied, will still follow at a distance, grouching and grumbling.

Section 54. Expenditure. I. Wars and War services.
Sir J. Kaye complained in 1853: "It is a truth to be wept over by every friend of humanity that within the last fifteen years

while some five million pounds have been spent on great national works, thirty millions have been spent in wars".* The East India Company had incurred a public debt of over £ fifty millions when the sceptre passed from its hands, and the Mutiny added to it over £ forty millions. But by 1858 British conquests in India had reached the natural frontiers of the country, and the only war on a large scale which India had to wage during the period from 1858 to 1914, was the Afghan war of the Disraeli Ministry (1878-80). This cost £ eighteen and a half millions, out of which England paid five.† Lord Dufferin's Burmese expedition (1855-6) and Lord Curzon's Tibetan expedition (1903,) were not much bigger than some of the various expeditions campaigns and blockades which have had to be frequently undertaken on the N. W. frontier between the Indus and Afghanistan proper.¹ There have been quite a number of these, in fact, there have been periods during which this No-man's land has been almost continuously disturbed for a number of years at a time, but the total cost has not been really heavy, especially when we consider the length of the period covered, and the training in actual warfare afforded to our troops.²

Less easy to defend was the burden England imposed upon India upto about 1900, by employing our troops on Imperial objects outside India, and paying for them either not at all, or very inadequately. On more than one occasion the Government of India protested vigorously as had the Court of Directors before them, for the practice had originated before 1858; but it was easier for the British Ministry and parliament to impose their will upon the Government of India than upon the Directors and Proprietors of the Company; or we may describe the position in another way by saying that the Government of India had a distinctly lower status and influence under the Act of 1858 than had their predecessors the East India Company. The Act had provided, we have seen, that whenever Indian troops were employed beyond the frontiers, the matter was to be brought to the notice of parliament at an early date, and that no such expenditure was to be imposed upon India without their consent. Even this express provision was disregarded on more than one occasion; so that the behaviour of the richest empire the world has known,

* P. 217. † The Afghan War of 1919 cost £ 14.74 ms.

towards this poor dependency, was in these matters not only mean and unfair, but also illegal at times.³ This shabby page of British Imperialism began with the Abyssinian War⁴ of 1867, and was not closed until the Boer War at the end of the century inaugurated a fairer treatment of the subject from England. The change might be attributed not so much to the men in charge at the moment, Lord Curzon and Lord George Hamilton, as to the cumulative effect of the strong criticism repeatedly expressed on the matter, and especially by the official and unofficial witnesses before the Select Committee on Indian Finance 1871-4, and the Welby Commission on Indian Expenditure, 1895-1900.⁵

Least defensible of all, as involving not only a large burden, imposed upon India as an additional annual tax, but also issues graver by far than the mere money cost of it, was the policy that deliberately saddled her with an army much larger than her actual needs, and constituted, moreover, so as to insure the permanent military supremacy of the ruling power at an incalculable sacrifice to the people thus brought completely under subjection. The aim was to maintain a force ready to take the field at a moment's notice, large enough to hold the frontier until reinforcements could arrive from England, and at the same time, another force large enough to hold the country down with ease. In order to prevent all possibility of another conflagration like the Mutiny the proportion of British troops to Indian was fixed at 1:2; the equipment and training of the Indian troops were kept inferior; the proportion of British officers was increased, the prospects of the Indian to rise in the army were kept lower even than in the days of the Company; the British troops were to be short service men in the prime of life, and troopships ploughed the seas perpetually to bring up fresh relays of British youths to replace the older soldiers; the Indian troops were kept longer in the ranks, and special care was taken to see that there did not accumulate in any part of the country large numbers of men trained in the army, discharged and discontented; and, lastly, the recruiting of Indian soldiers was deliberately carried out on a system that can only be described as increasingly anti-Indian. The more the system is studied as a whole and in all its details, the more plainly does it reveal an utter distrust of the Indian, and at the same time an iron determination to employ all the means that the driest intellect could devise to hold him

down for ever as a helot incapable of ever rising up to claim the status of freedom. This army, this unique creation of British Imperialism, must certainly be pronounced a great achievement of practical statesmanship. It has throughout performed successfully the twin functions for which it was designed, and has also been able to lend a hand, as we have seen, in the defence and the expansion of the Empire in Africa and Europe⁶ as well as in Asia. The cost of it has been heavy, almost too heavy for the country to bear; and the moral cost, if the view here presented be at all sound, so far outweighs the material, that to say much about the latter would be almost a waste of time and space. Still, some indication of the money cost, however brief, can hardly be omitted from this section. The period under review began with an army of 186,000,—82,000 British and 124,000 Indian troops, costing Rs. sixteen crores a year. In 1885-6 it was increased to 211,000,—71,000 British and 140,000 Indian troops, and cost Rs. eighteen crores a year. In 1894-5 it was further increased by 9,000,—3,000 British and 6,000 Indian troops, which meant another two crores per year. The pay of the British soldier and the charges to be paid for him to England have been increased more than once. The pay of the Indian soldier was also increased from the 1st January 1899. And barracks, military works and equipment have swallowed up large sums every decade. Perhaps, the costliest period was the decade from 1899 to 1909, during which £ fifteen millions were spent upon these necessities. The average net cost of the military services under all heads during the three years preceding the War was over £ nineteen and a half millions per year. The net cost shown in the budget for 1922-23 was £ forty-four and one third millions. The Indian Retrenchment Committee presided over by Lord Inchcape has advised (March 1923) that "expenditure after a few years be brought down to a sum not exceeding Rs. 50 crores" (i.e. £ thirtythree and one-third millions).*

THE ARMY IN INDIA AND ITS EVOLUTION (1924)—an official publication.

II. *Famines.* The loss to the people from famines is far greater, we have seen, than the indirect and direct loss to the state, and this latter again is far greater than the direct and

* Inchcape Report, Part I.

indirect expenditure the state is obliged to undertake because of famines. In this section we can only deal very briefly and roughly with the last and the lowest of these three amounts, and only of one part of it, viz. the direct expenditure. It has been shown in an earlier section that the cost of direct famine relief to the state during the decade from 1868 to 1877 was Rs. fifteen crores, and so a Famine Insurance Fund was instituted from 1878 amounting to Rs. one crore and a half per year. No such sum, however, could be provided on account of the Afghan War before 1881-82. During the decade 1873 to 1882 the amount spent on Famine Relief and Insurance was a little over £ seventeen and a half millions; from 1886 to 1890 only Rs. one crore and sixty eight lakhs altogether could be provided, but the larger provision in the remaining years of the decade brought up the total to a little under £ six millions; thus, adding to this amount the two million pounds actually provided in 1881-2 and 1882-3, we have for the so called Famine Insurance Fund an actual expenditure of only £ eight millions during the first twelve years after the Fund was constituted, whereas the additional taxation imposed for the purpose was on the understanding that £ twelve millions would be allotted. During the next decade (1893-1902) the full crore and a half was provided only in the first year; only three crores were allotted during the next three years. Then followed the great famine of 1896-7 which cost Rs. seven crores and a quarter in direct relief and the greater famine of 1899-1900 which cost over Rs. ten crores in direct relief. During the decade 1901-1911, not ten but eleven million pounds and three quarters⁷ had to be allotted to this head of expenditure, mainly because of the famine of 1907-08. Finally from 1911 to 1920 the average annual provision per year was £1·2 million because Rs. twenty lakhs in addition to the usual one hundred and fifty had to be provided in the year 1919.*

III. Railways and Irrigation. As has been noted above, Sir John Lawrence started the policy of state construction of "productive"⁸ works out of loans. Before his time the expenditure on ordinary irrigation and public works out of revenue had risen from £ one third million in 1849 to over £ four millions in 1858. When it exceeded six millions in the year 1867-8,

it was perceived that the treasury could not provide the amount out of ordinary revenues, still less go on enhancing it, without an increase in the burdens of taxation that would be unbearable, especially as the sum the government had to find annually to make up the guaranteed interest of 5% to the railway companies, was also increasing year by year. "Protective" public works—railways and canals—began to appear in the accounts from 1881 as a result of the recommendations of the Famine Commission of 1880, and we have seen above how the Famine Insurance Fund was created by additional taxation in order that such schemes could be pursued more or less steadily, and progressively realised. Throughout the period under review government have consistently borrowed as much money as they could in England and in India, and they have kept themselves well supplied on the whole with railway and irrigation schemes to spend it on. And it must be admitted that where vast sums and large undertakings spread over years are involved, the pursuit of a steady policy like this makes on the whole for economy to an incalculable extent. Railways, we have noted, have been the favourite investment; irrigation schemes obtained very much less of the money available, for a whole generation. But we have also seen that from the beginning of the present century much larger sums have been allotted to irrigation, mainly because of the rude shocks of the famines of 1897 and 1900 and the plain moral deduced from them by Sir Colin Scott Moncrieff's Commission. The *public debt* has grown from about £92 millions in 1861 to £157 ms.⁹ in 1882. But by the latter year £43 millions of capital had been sunk by the state in railways, and 21 millions more in major irrigation works of a productive character; so that the burden of the debt was then no more than what it had been in 1861. During the twenty years from 1882 to 1902 the debt increased nominally to £211 millions; but it had been really reduced to £72 millions, as by that year the capital spent by the state on railways and irrigation had reached the figure of £139 millions. Finally by the end of 1913-14 the last year before the great War, the debt had risen nominally to £274 millions; but again we have to enter on the other side of the account £45·5 millions spent by the state up to that date on irrigation works, and a railway property which inclusive of the guaranteed railways purchased by the state was worth at least £330 millions on that date. Thus the Gov-

* Vakil, *Financial Developments*, Ch. 9. The figures for every year are given with their subheads from 1878 to 1920. (pp. 262-3.)

ernment of India is as a property-owning corporation a wealthy party whose assets exceeded the liabilities by over £ one hundred millions. And many Englishmen entertain the opinion, not only that this growing wealth has been created by British foresight, persistence, supervision, and control, but also that Indians do not possess nor are they capable of acquiring the qualities necessary for the efficient management and steady improvement of this property, so valuable in itself and so beneficial to the entire population. On the other hand, Indians can acquire confidence in themselves and inspire it in others, only in proportion as they get the chance of managing and developing large concerns, involving millions of property and employing hundreds and even thousands of men in various capacities. A beginning is only just being made in the direction of throwing the higher appointments in Railways open to qualified Indians.* And the public works department ought to give us men like Sir M. Vishweshwaraya, D. B. K. R. Godbole, Pramath Nath Bose, the creator of the Jamshedpur mines and industries, and the late K. B. Murzban, in a steady stream. As our machine-driven industries grow and thrive, they will supply another small stream of managers and financiers. And finally the Indianised army will also turn out decade by decade another contingent trained up as Royal Engineers. So that there is no reason to apprehend a dearth of men of the right stamp even for the largest state concerns. The dearth of qualified men for so long a period has been entirely due to the greed of power that has kept these avenues of training a close monopoly, in utter disregard of the vital interests of the nation.

Section 55. Expenditure: Ordinary Civil. IV. Public Works of a non-military character and other than railways or irrigation works, were provided out of current revenues, and the expenditure varied according to the character of the year. They were taken out of the hands of the Military Board by Dalhousie in 1855, and separated from State Railways and Irrigation by Lawrence. New civil buildings, repairs to communications, new communications, repairs to buildings, and establishments are the principal sub-heads. Buildings range from the Secretariat at Dehli to a chowki in a petty village. Roads are metalled or ordinary, with bridges

* See India in 1924-25, diagrams 14 & 15.

throughout their length, or only at some places; or they are banked and surfaced roads, or only banked, or only cleared, and drained only more or less partially. All these are regularly maintained. There were not forty thousand miles of metalled, nor one hundred and forty thousand miles of unmetalled, roads in British India by 1901-02; this record no one could regard as at all satisfactory for our vast country. In spite of the Stracheys and the Chesneys, to go on building railways at breakneck speed is not everything. The net expenditure incurred by the state varied; it was £2.7 millions in 1902-03, £ 3.8 millions in 1882-3, £ 4.4 millions in 1862-63, and £ 5.1 millions 1911-12; the average for the three years just preceding the Great War was £ 5.4 millions.

V. (a, b) *Civil Departments and Miscellaneous* The general heading Civil Departments comprised ten sub-heads; (1) General Administration, (2) Courts of Law, (3) Jails, (4) Police, (5) Ports and Pilotage, (6) Education, (7) Ecclesiastical, (8) Medical, (9) Political, (10) Scientific and Minor Departments. Let us consider very briefly the more important of these, mainly from the point of view of finance.

(1) *General Administration* meant the upper civil administration from the Secretary of State and his Council down to the Commissioners of Divisions. Exceptional expenditure prompted from motives of high policy, such as on a Dehli Darbar, a Jubilee celebration, or a visit from a member of the Royal family, or the Tsarevitch, or the King of Belgium, was also entered under this head. Apart from the occasional fluctuations thus arising the cost under this head remained stationary for a long period; for, as we have seen, there was no change of importance in the upper administrative organisation of British India from 1858 to 1893; there has been no extension of boundaries, either, except in the case of Burma. Curzon's partition and constitution of the N. W. F. Province, Morley's enlargement of the executives and legislatures, the visit of His Imperial Majesty and the repartition of Bengal and the formation of Dehli as a separate province, were on the other hand all crowded together in one decade, and the expenditure under this head, £1.3 millions in 1901-02 became £ 2.6 millions by 1911-12. Some economy had been effected since, and the average for the three years ending with 1913-14 was £ 2.2 millions. The new Government of

India Act with its enlarged executives and legislatures will of course involve another large increase, commencing with 1920-21; but for the first time in the history of British India a substantial and let us hope an increasing proportion of the total will come into Indian hands and circulate in the country.

(2, 3) *Law Courts, Law Officers and Jails.* This head need not detain us. The net cost has for many years been in the neighbourhood of half a million pounds for jails, and five times that amount for law and justice.

(4) *Police.* This head need not detain us either. Apart from the village watchmen, the police force cost about Rs. two crores and twenty lakhs upto 1880. In the eighties better training arrangements were made, the proportion of officers was raised and the net cost by 1891 was Rs. three crores and forty lakhs. In 1901 the cost was Rs. thirty lakhs more. Then came the Police Commission and the reforms recommended by it. The numbers were increased, the pay was improved, although as often in India, not adequately for the lower ranks, and the net cost also increased by Rs. three crores. And during the triennium ending with the outbreak of the Great War the average net cost was about Rs. six crores and ninety lakhs.

(6) *Education.* The total expenditure on the public educational institutions in British India, which being Government institutions are wholly controlled by the Education Department, or being aided by Government are inspected and partially controlled by the same agency, is derived from Government funds (including the funds of municipalities and local boards), or from fees, or from subscriptions and endowments by private individuals, or from other miscellaneous sources. The growth in the expenditure upon education from public funds has been at a gradually increasing rate. From Rs. 91 lakhs in 1873-4, it grew to one crore and eight lakhs in 1881-2, nearly four crores in 1901-2, and seven crores and eightyseven lakhs in 1911-12. A table printed as a Note gives the distribution of the expenditure over the entire field of education.¹

A mutual comparison of the fortyfive figures. in that table, vertically and horizontally, will of itself suggest many a reflection and criticism. The defects of the system both as a whole and in the mutual relations of its various parts lie almost on the surface. Some of them will be dealt with in a later

chapter. Here it would not be appropriate to the main subject to refer to more than two of them. In the first place, look at the unspeakably meagre provision for Special Education. A finance minister cannot draw more and more from the people for the treasury unless the productive capacities of the people go on increasing; and this end cannot be realised under modern conditions of international competition, without heavy and growing expenditure on a sufficient number of technical institutions of every variety. While it is true in a sense that all sound education is productive, all technical education worthy of the name is directly productive. Well-trained agriculturists, mechanics, artisans, chemists, engineers, ship-builders, and other skilled workers too numerous in their variety to detail, would be productive in a far higher sense than railways and irrigation canals, fisheries and mines, forests and plantations. These other material objects, indeed, are productive only in so far as there are the human agents armed with the necessary skill to make or work and develop them. And to arm an increasing number of the boys and girls as they grow up with the necessary skill is to establish and rapidly develop a well-conceived system of technical and vocational education, all over the country, properly correlated to the key industries, the main occupations, and the economic products and peculiarities of each linguistic area. How much of this can be done in our vast country with a beggarly eighty-four lakhs a year? How can a bureaucracy failing to create such a system of education and preserving the posts of responsibility and opportunity for men of their own race from decade to decade, rebut the charge that they meant not to develop the country and the people but merely to exploit them?

Secondly, compare the expenditure on education as a whole with the expenditure upon the various other objects more or less briefly discussed in these sections. Could not more have been allotted to this, if necessary, even at the expense of one or more of the others? Cannot more, and a faster rate of progress be provided now and in the immediate future? And if it be really found impossible to do so out of current revenues, why should there not be a thorough examination of Sir M. Vishweshwaraya's suggestion of "a loan averaging about fifteen crores per annum during the next ten years for the development of education and industries"?*

* See his *Reconstructing India*, Ch. II 14.

(8) *Medical.* This is another head of expenditure which badly needs a large and an immediate increase. The death rate in India is high.² The death-rate of women within the child-bearing age-limits is higher. The rate of infant mortality is dreadful. Our bloated cities are areas where diseases rage like forest-fires. And yet our rural areas, scanty in resources because of the want of work, are pouring their life-streams into these stinking slums in increasing volume. Malaria takes off about a million people per year, and the numbers who recover only to lead lives lacking in vigour and hope cannot be counted. Now and then there is an epidemic of fevers, when more than two millions die of it in less than a year, as in 1908. Such an epidemic is followed, moreover, by a year of a lower birth-rate. The influenza carried off six millions in 1917. The average mortality from plague since it broke out first in August 1896 works out at five lakhs a year, though the later portion of the period with its reduced numbers has lowered the average for the whole. Cholera, which can take a heavy toll only from cities, pilgrimages and fairs, has become less frequent with better water supply and improved conservancy, but still it killed seven lakhs in 1907 and nearly six lakhs in 1891, and the year is rare in which it kills less than two lakhs. Small-pox is about the only scourge whose ravages have fallen off during the British period. Vaccination was introduced early in the sixties of the last century. It has to contend against the ignorant prejudices and superstitions of the people. In 1864-5 only 556 persons were vaccinated in the whole of north India. From such microscopic beginnings, however, the activities of the department have grown until they reached fair proportions. By 1880-1 the annual vaccinations were over four millions, and the next two decades doubled the number.

Perhaps the first civil hospital in British India was opened at Madras in 1670; the Calcutta General Hospital was opened in 1795. The number of hospitals and dispensaries³ has grown at a snail's pace. There were 1247 in 1881, 1809 in 1891, 3402 in 1901 and 4128 in 1911. The population of British India was in 1911 over 244 millions. Does that give one hospital to 59,108 people? By no means. Bombay is the only major province with a high urban population, and even in Bombay over four-fifths of the people are rural. At the other extreme stands Bihar and Orissa, backward and mediaeval with a

vengeance, if you associate progress and modernity principally with towns; for this province has only 3.7% living in towns out of its population of thirty-four millions and a half; and, of course, very few of our four thousand hospitals are in villages.

It may be remembered that the East India Company thought of a proper system of laws and lawcourts only when parliament threw India open to Englishmen. It is equally curious to discover that improvements in the general sanitation of the country were seriously thought of only when the Army Sanitary Commission, 1863, pointed out that the army itself could not possibly be expected to keep better health without them. Sanitary Boards and Commissioners were appointed. But what could these foreigners utterly ignorant of the language ways and medical and hygienic conceptions of the people, obsessed moreover with the fads and fanaticisms of new science, achieve? It is all very well to call the Indian village a dung-heap with stagnant water befouled by men and cattle, in which men and cattle bathe, and out of which they drink together. It is all very well to call the Indian villager ignorant superstitious and conservative. It is not for the reformer to twitch his nostrils and turn away. Such as it is, that is the world he has to work in for and better, as far as possible. And if he only brings sympathy and understanding to his labour of love, he will find it, with all its faults, very human and plastic. Real progress dates only from the extension of local self-government by Lord Ripon; but it is substantial as yet only in municipal areas, though as their population goes on increasing, the old solutions and arrangements cease to answer, or the welcome reform of one generation comes to be regarded as a legacy of evil by the next. Sanitary Engineers have been appointed from 1888 and sanitary works in towns and rural areas, sanctioned by the Sanitary Board and wholly or partially financed by government, are carried out and maintained under their supervision. Thorough-going changes in the organisation were introduced under the recommendations of the Indian Plague Commission of 1898. The Indian Pasteur Institute at Kasauli started work from 1900, and similar institutions have been opened in other parts of the country. The Plague Research Commission, 1905-07, proved that the infection did not travel directly from man to man, and that the problem of fighting and eradicating plague was the prob-

lem of fighting and eradicating the rat-flea; and important changes in the methods of dealing with the epidemic and the areas where it prevailed followed, many useless troublesome and unpopular measures being discarded. The Imperial Malaria Conference, 1909, has led to the formation of Central and Provincial Committees and the establishment of a Central Malaria Bureau at Kasauli for research and the training of officers. And this has been followed up by the appointment in the provinces of touring malaria experts to investigate the conditions in specially affected areas, and advise as to the proper remedies. Thus Dr. Bentley's report about Bombay City in 1911, for instance, has led to the filling up of wells and tanks, the laborious structures of an age when the waterworks had not yet come into existence. A scientific study of tropical diseases began in India with the Parel Central Research Institute (1901), which was moved to Kasauli in 1904. The Bombay institution confined itself thereafter to the preparation of antiplague vaccine. These and similar activities have been financed by Imperial grants from 1908-09 onwards, amounting to over a million pounds in the first five years;⁴ a portion non-recurring for capital expenditure or exceptional use, but the balance promised to continue for several years.* And from 1910 when Sir Sankaran Nair became the member of the Imperial Executive Council for sanitation as well as education, an active policy has been inaugurated for the sanitary and hygienic improvement of towns and villages, by the creation of a new service of Health Officers, Sanitary Inspectors, and Travelling Inspectors, open to Indians with the necessary qualifications, and by the encouragement of postgraduate study and research in the necessary subjects. The expenditure from government funds, central provincial and local, was Rs. seventy lakhs in 1882-3, eighty-eight lakhs in 1891-2, over a crore in 1901-2; for the triennium ending with 1913-14, it averaged Rs. one crore and forty lakhs. The single head has since been split up into two (a) Medical, (b) Sanitation; the gross expenditure on (a) from 1914-15 to 1918-19 has averaged £ nine and a half lakhs, and that on (b) £ six lakhs nearly; thus giving a total for both of Rs. two crores and thirty-two lakhs. From one crore in 1901-2 to two crores and a third in twenty years is by no means a rate of progress to satisfy those who at all realise the life and death importance of medical aid and sani-

* By 1919 they amounted to £ 20 ms.

tary improvements in our vast rural land, teeming with a population weakened by disease and poverty, and disheartened by ignorance and oppression and a hopeless environment.

(9) *Political.* Under this head is entered the expenditure of the political and foreign department of the Government of India upon Residents, Agents and their establishments in Native States, political subsidies, such as was paid to Amir Abdur Rahman Khan of Afghanistan, the maintenance of refugees, State pensioners, and State prisoners,⁵ and similar objects. Occasionally, a Boundary Commission, a special Mission, or a Negotiation swells the total. The amount exceeded £ one million for the first time in 1906-7, was in the neighbourhood of that figure from 1911-12 to 1916-17, but was over £ two millions for the next two years, owing to India's contribution to the expenditure upon the South Persia Rifles and similar items due to the Great War. On the other hand, the income from the tributes and contributions received from Native States has generally amounted to £ six lakhs a year, and this sum might be fairly treated as a partial set-off.

(10) *Scientific and Minor Departments.* This head covers the Department of Agriculture, the Civil Veterinary Department, various Survey departments geological, magnetic, meteorological, linguistic, archaeological, ethnographical; several central institutions such as the Central Museum, the Central Research and X Ray Institutes, the Imperial Library, the Bureau of Commercial Intelligence; and other miscellaneous activities such as the census, the supervision of emigration, the inspection of mines, explosives, and factories, etc. The expenditure as late as 1891-2 was less than Rs. six lakhs a year. But the Agriculture Department started in 1881 got an impetus during Lord Curzon's regime, agricultural colleges and researches have grown apace with excellent results, improved seed, improved methods and scientific processes of protecting the crop from pests etc. have been produced and are being popularised by demonstrations and propaganda, the various highly intricate problems connected with Indian agriculture are being envisaged more concretely continuously and earnestly by a larger number of minds, better equipped than ever before in Indian history, and as we have seen in an earlier chapter, the department is already urging government

and people to advance scientifically towards the rapid attainment of results of incalculable beneficence. Some of the other departments and activities enumerated above are of still later origin, and while several of them are necessarily on a limited scale some are developing at a vigorous rate. The total gross expenditure has naturally grown fast; it was nearly £5 lakhs by 1901-2, nearly £ one million by 1911-2, and with the single exception of the year 1915-16, has continued growing year by year; it was a little over £ one million and a half in 1918-19, and the Agriculture Department has nearly always had more than half the outlay.

Europeans often express dissatisfaction at what they consider the very inadequate appreciation for services like the above, by educated Indians. But there is more in the matter than meets the superficial eye. In the first place Government reports are not easily accessible and official accounts are as a rule unreadable. Secondly, Indian education has been far too literary and abstract in character. Thirdly, a good many years necessarily pass in what might be called prospecting and pioneering work; while on the one hand, a conscientious government does not increase expenditure and establishments except in directions offering reasonable prospects of substantial results, on the other hand, meagre allotments and small establishments can rarely produce results, and, to the lay mind not accustomed to look before and after with the hopeful vision and enthusiasm of the expert, are likely to appear a mere waste. Besides, until they do achieve results, a consummation that might not be attained for decades, these experts and their official mouth-pieces rail at the backwardness of the country, the ignorance superstition and conservatism of the people, and the depressing apathy of the surroundings, in every variety of tone and gesture. Under these circumstances, it is hardly a matter for surprise that educated India should emphasize a single aspect common to all such activities and departments, as to which it finds the government attitude indifferent to the point of criminality. Educated India is not at all against the importation of real and indispensable experts or of keeping them as long as they are really indispensable. But the foreign expert gives less than twenty years of active service and that too in broken periods. He takes away all his experience, training, faculty, and reputation with him to benefit other lands, while he is still in the prime of life

There is also the possibility of his not giving the benefit of all the secrets and processes he has discovered or perfected while here, to the land to which he feels little attachment in spite of all it does for him, since it is not in human nature to feel much attachment for a land where he and his children cannot settle down. Under such conditions, the average individual responds only to the cash nexus and behaves accordingly. Hence it is that from the days of V. N. Mandlik and M. G. Ranade, Indian patriots have felt that Indian resources had much rather not be developed at all than developed only at the hand of foreign experts, to give rise only to an increasing exploitation of the country by the foreigner. Any strengthening of the jute industry or the tea plantations for instance, while they continue, as from the beginning to the present day, monopolies in the hands of foreigners, who moreover, resist Indian aspirations with all their might, and have proved themselves incapable of any real sympathy for Indian labourers and subordinates, Indian opinion does not look upon as pure gain. There can be no real industrial development or economic advance until the new industries or occupations are from the top to the bottom in Indian hands, so that the skill, processes and organisation involved are all likewise in competent Indian hands. Experts might be brought now and then, here and there, and assigned certain tasks, as in Japan or any other country; but they should be servants employed only for a period, during which the training up of the Indian or Indians associated with them should be an integral part of their duties. There is no industrial advance worthy of the name, which is not a complete transplantation and successful culture of foreign skill into our own country.⁶ A mere increase in the mileage of railways or in the bulk and the value of the production is one thing, a real progressive advance is quite another. Hence it is, and not at all because of such unworthy feelings as jealousy or colour prejudice, that exponents of the Indian view have become more and more insistent on the subject of the race and domicile of the agency employed. In the dissenting Minute already referred to in an earlier section, Sir Abdur Rahim wrote:

"The proper standpoint, which alone in my opinion furnishes a satisfactory basis to work upon, is that the importation of officials from Europe should be limited to cases of clear necessity (para 50) In the second group (of the services)

should be placed appointments in which the administrative aspect of the work (to be done) is more or less subsidiary, and for which differentiated and specialised qualifications of a professional, scientific or technical character are required. As such qualifications are capable of being sufficiently definitely ascertained there is no good reason why in this class of appointments Indian candidates when properly qualified should not be appointed to the fullest extent available in India. I would place in this group all judicial appointments, and appointments in the education agriculture, civil, veterinary, forest, geological, survey, factory and boiler inspection, mines, mint and assay, pilots (Bengal), public works and railways, Indian finance, military finance, medical, telegraph (engineering) and the survey of India departments" (para. 54).*

V (b). *Miscellaneous* covers the heads of territorial and political Pensions, civil, furlough, absentee, and superannuation Allowances, Exchange, Stationery and printing, special Commissions of Inquiry, etc. It is not necessary to give any details about these heads in an elementary book like this. But connected with the subject of Exchange and indeed with the whole topic of Expenditure is the much debated matter of the *Home Charges*. The expenditure of our government is necessarily incurred partly here, and partly in England. This must continue to be the case, to some extent at least, as long as India is within the British Empire. We have borrowed a large portion of our public debt from England; and the interest has of course to be paid every year. This must continue to be the case as long as England is for us, as it has been all along, the cheapest market to borrow from. A conflict of interest between England and India arises with regard to the remaining items. The larger the number of foreigners employed in India in civil or military capacities, permanently or for short periods, the larger the charge for pensions, leave and furlough allowances etc., items which are really a part of the pay due to them under their contracts with us. From Dadabhai Naoroji onwards, the Indian contention has been that it should be a cardinal principle of the policy of the government, to employ the fewest possible foreigners, and keep these charges as low as possible. The reply to this has been that this was not merely a question of the money cost; the British were bound to give

* Allington Comm. Rep. I, pp. 411, 418.

to India a Western, modern, progressive, efficient, British administration, this was the inner meaning of the phrase "the British Connection", which could only be maintained and developed thus, and the indirect benefits to India were far greater than the cost. And the rejoinder has been—it was perfectly true that this was not merely a question of the money-cost, for the losses to India, direct and indirect, are far greater than the cost. The money if spent upon Indians would circulate and fructify within the country. The experience and the reputation, if won by Indians, would remain available even after they retired from service and would elevate India in the estimation of the world. And as G. K. Gokhale observed in 1905,*

"This question is to us something more than a mere question of careers. When all positions of power and of official trust and responsibility are the virtual monopoly of a class, those who are outside that class are constantly weighted down with a sense of their own inferior position, and the tallest of them have no option but to bend in order that the exigencies of the situation may be satisfied. Such a state of things, as a temporary arrangement, may be accepted as inevitable. As a permanent arrangement it is impossible. This question is thus to us a question of national prestige and self-respect, and we feel that our future growth is bound up with a proper solution of it".

How far the new constitution put into force, 1920-21, and the new era commencing, will alter the case and how fast, the future will show.

Again, in connection with our international trade, the shipping, the banking, and the agency without which it could not go on, were for a long period exclusively British; and when other nations like Germany, Japan and America obtained a share, all these other foreigners together accounted for only a small though a slowly increasing share of it. Even in their case, the payments were to a large extent made through England, and all these items have gone to swell the Home Charges as the volume of the international trade has increased. The government attitude on this section of this subject has through-

* Budget Speech Impl. Leg. Council 29th March.

out been—"What can we do? It is the course of the trade: it is the natural course of things". Or "We are convinced free traders: it is really for the best; and to act otherwise is against our principles". Here, again, the Indian view has been that a national government would necessarily have behaved very differently; Indian shipping banking and agency business would have been helped by it to make a start and to grow up until each was strong enough to compete unaided, and thus there would have been not only a progressive reduction of this item in the Home Charges, but a real industrial and economic advance.

Another amount in the Home Charges is due to the purchase of military, railways, and government stores in England. Government is necessarily such a large buyer, that in the case of some articles it could easily have built up its own factories and produced for itself what it needed.* In that case, the price paid would have remained in India, Indian labour would have been benefited from the first, and the indirect gain would have been all the greater if the factories as they developed had been Indianised, and thus had served to raise up one industry after another in the country. Instead our government simply bought all it needed from England for a long period. As a rule, much more of Indian money was annually spent in England than the English capital annually borrowed on Indian account. The production of some of the military requirements in India itself in government factories, and the purchase locally of a few other articles, have been changes in the practice, introduced from the eighties of the last century. How far we shall go in this direction and how fast in the era now dawning, the future will show.†

Lastly, *Exchange*; from about 1870 to 1898 our treasury lost a great deal on the exchange of rupees into sovereigns; for any coin outside the boundaries of the state within which it is a legal tender, is worth only the precious metal contained in it, payments in any country have to be made in the legal tender of that country, the legal tender of England is the sovereign which is a gold coin, while the rupee is a silver coin,

* The Mughal Government was a large producer. See J. Sarkar, *M. Administration*, pp. 13-15.
† See, for Home Charges Morison, *Economic Transition in India*, Chs. 9 & 9.

and as the gold-value of silver fluctuated largely with a downward tendency and actually fell considerably⁷ during the period indicated, more and more rupees had to be paid out of our treasury to make up the same number of sovereigns for our payments in England. In 1893, the government, after prolonged consideration and with much hesitation, fixed the rupee at one-fifteenth of a £ (1s. 4d.), and ceased to coin fresh rupees for a time. By 1898 the rupee rose to this gold value and it remained at that level to the beginning of the Great War. During this later period, therefore, there was no loss to the treasury from exchange; on the other hand, there was a considerable gain through the coining of fresh rupees in enormous quantities from silver purchased at market rates,—as we shall see in a later section.

Section 56. Income. A State derives an income from its properties and from trade and other activities, just like a private individual. It also takes by law,¹ at stated intervals, a definite part out of the property or the annual income of various classes of its citizens: this is its income from taxation, which it derives by virtue of its right and power as a sovereign to coerce its subjects, and in modern states the income so derived forms by far the greater portion of the whole. We therefore begin with a brief account and discussion of the principal heads of the *Taxation Income* of our government from 1858 upto date.

The most important of these is:—I. *Land Revenue*. This is a tax on agricultural incomes, levied in India from times immemorial, being the most natural of taxes in a country predominantly agricultural. The permanent settlement with the Zamindars was a tax on their rents or agricultural incomes, which, in 1793 when first fixed was, we have seen, as high as ten-elevenths of these incomes, but has fallen in process of time to one-fourth or less. The land revenue realised from U. P., C. P. and the Panjab is also a tax on rents the proceeds of which have increased with the progressive growth of rental incomes in those provinces, as the settlements there were subject to enhancement at each revision; but a progressively larger fraction of the income has remained with the landowning shareholders, a decreasing fraction has been taken into the treasury; the fall has been from over eighty to under fifty per cent. The land revenue in the ryotwari pro-

ries of their staff and the bare necessities of their existence, but nothing more. I could provide nothing for their expansion or improvement.... Government contributions to all aided institutions would at once lapse.... Government aids to all local institutions would cease...." For instance, the council having reduced the grant for the educational inspecting staff from Rs. 7.47 lakhs to Rs. 1.12 lakhs, the staff was reduced accordingly. The head of the C.P. and B., on the other hand, 'authorised' under similar circumstances and in transferred subjects, even "new expenditures which really were commitments of the government in accordance with practice, such as grants to local bodies for general purposes" (D. N. Bannerji, pp. 150-154, referring for the C. P. and B. to a Notification by the Financial Secretary, C. P. and B., 24-3-1924.)

Under normal conditions, such behaviour on the part of a legislature means want of confidence in the Minister; the first step on such a situation arising, is to resubmit the grant (as the Joint Select Committee advise) with a clear notice that the reconsidered vote would be treated as a vote of confidence in the minister concerned. And if the vote be repeated, the next step is a new minister or ministry with a fresh budget drawn up according to their advice, or, under certain circumstances, a general election. But the conditions, during the second legislatures, in these provinces were not normal; there were too many representatives returned by the electors who were irreconcilable and actively hostile to the constitution as by law established.

Thus, the circumstances being abnormal, my conclusions are:—

I. The course followed by the head of C. P. and B. was better than that followed by Lord Lytton.

II. Both the heads were ill-advised in claiming to act under, or seeking a course of action under, section 72D (2) (b). That provision in the Act cannot apply (I venture to submit) to emergencies arising out of a general condition of abnormality likely to last for a whole triennium.

III. Under every constitution there is and there ought to be, somewhere, absolute power in reserve, to be exercised at the sole discretion of the executive head, whenever required and to the extent required, for the good of the State and the people. And such power in reserve is all the more necessary—and therefore latent—in a constitution professedly transitional, imperfect and experimental. The action taken by the head of C. P. and B. should have been taken in Bengal also, and in both provinces it should have been taken by the head in consultation with the Governor General and the Secretary of State, and openly in the name of this absolute power in reserve at the back of all constitutions. I submit that (a) to seek to apply 72D (2) (b) to such cases is to strain the law, and that (b) the course

I suggest would have weakened the irreconcilable and wrecking party much more and much earlier.

3. Bills regulating a University, providing for light or feeder railways, affecting the general principles of the land revenue system, or touching the religion or religious rights of any people in India, are the most important of the kind of bills which the Governor "shall reserve" for the assent of the G. G.

4. Any of the minor provinces existing today or to be created hereafter may have legislative councils with nominated and elected members, together not exceeding 100, of which number one-third must be non-officials. The powers of such legislatures would of course be limited, since these provinces would not cease to be mere agencies of the Government of India.

SECTION 77.

1. And We do hereby authorise and empower Our said Governor General in Our Name and on Our behalf to grant to any offender convicted in the exercise of its criminal jurisdiction by any Court of Justice within Our said Territories, a pardon either free or subject to such lawful conditions as to him may seem fit.—Clause 5 of the Instructions to the Governor General (Bannerji, App. N., copying the G. I. Notification No. 1552, 8-6-1921).

2. This sympathy for the G. G. appears to be rather misplaced. The Governor General and the Members of Council have to carry on the government as one man: their responsibility is "united and indivisible." And this "principle of united and indivisible responsibility applies" in their case, as in the case of the British Cabinet, "equally to administrative and to legislative action"—Montagu-Chelmsford Report, para. 24.

3. It seems to me that it is too early to dogmatise on this point. England gives complete freedom to Canada to arrange her relations with the United States as seems best to Canada herself. But, of course, whatever the precedents so far, Canada would not be able to go to war against the U. S. though England wanted no such war, or to remain at peace with the U. S. even when England went to war against that country—Canada that is to say, could not do either of these things and at the same time continue within the Empire. And it is far easier for Canada and England to agree on all questions of relations with the U. S., than it would be for India and England to agree on all questions of relations with the powers of the Near East—Afghanistan, Persia, Iraq, Ibn Saud, Egypt, and Turkey. I do not say that England and India would find it impossible to harmonise their policy in the Near East as perfectly equal friends. But I do feel that the continuous preservation of such harmony or identity of

and order and progress of a selfgoverning India, an equal partner with herself and her dominions in a free Empire. Our voters *en masse*, at the moment each is casting his vote at a general election, are this self-governing India: only partially self-governing to-day, but that is only because we are yet in the first moments of the Dawn ushered in by the Government of India Act 1919. But freedom is just like health or knowledge or love or spiritual insight or any other of the real goods of individual existence; freedom is just like justice or harmony or order or co-operation or any other of the real goods of collective existence: it cannot be received as a boon; it cannot be put into our lives from above; it cannot be just won as at a gamble, and then hoarded: it can only be ours by sleepless vigilance and perpetual endeavour. That is why it is priceless. That is why it is its own virtue and reward and blessing. And that is also why at least those of our voters and our legislators who call themselves educated ought to familiarise themselves more and more with the budgets and the financial policy of our country from year to year, both as a whole and in detail, both as an immediate event of primary importance and in the historical perspective of the long line of its predecessors.

L. ALSTON: Elements of Indian Taxation.

C. N. VAKIL: Financial Developments in Modern India.
IMPERIAL GAZETTEER: IV Chs. 6 and 8.

CHAPTER IX: NOTES.

SECTION 54.

1. The most important were—the Umbeyla or Black Mtn. Campaign, 1862-3; the Bhutan War, 1865; the Gilgit Expedition (occupation of Hunza and Nagar), 1891-2; the Re-occupation of the Kurram Valley, 1892; the Chitral Expedition, 1895; the Tirah Expedition, 1897; the Mahsud Blockade 1901; the Military and naval blockade of the Mekran coast upto and inside the Persian Gulf for several years from 1910 to suppress gun-running; the Abor Expedition, 1911-12.

2. In how many of these cases was Government fully justified in a resort to arms? The Tibetan expedition has been almost universally condemned, and the last Burmese War will always appear to some minds

have been a case of Imperial land-grabbing. Even the frontier expeditions have not escaped hostile criticism. These, however, are questions of high policy, and though very important in themselves, are to be kept apart, as far as possible, from questions of finance. So far as any of these wars was unjustifiable, the money spent upon it was of course wasted, and there was so much less available for better objects.

3. E. g. The Parak Expedition (1875). As to this, Lord Northbrook told the Welby Commission—"I protested. No address was moved, in the House, so that the law was broken." (Dutt, *Victorian Age*, p. 563). Again as to the Sudan, "the continued employment of the Indian troops at Suakin as a garrison was not covered by the Address" (p. 564).

4. The Governor General, Sir John Lawrence, wrote November 4, 1867: "Surely this is neither a question of hiring nor lending, but simply one of payment by the country which employs the troops.....All the expenses of the British troops employed in the Mutiny who came from England, were paid out of the revenues of India. I recollect very well, that in 1859 and 1860, India was even charged for the cost of unreasonably large numbers of men who were accumulated in the depots in England, nominally for the Indian service.....In the present case India has no interest whatever in the Abyssinian expedition and.....She should pay none of its cost." (Bosworth Smith, *Life*, Ch. 28).

5. For these see Dutt, *Victorian Age*, Bk. II, Ch. 10, and Bk. III Ch. 11. This is a good instance of a change in practice, without any change in law, brought about by juster notions gradually prevailing.

6. Disraeli had called up an Indian contingent to Malta, 1877. The services of the Indian Army, British and Indian, in the Great War in France, Belgium, Gallipoli, Egypt, and the Middle East are too recent and too wellknown to need detailed reference.

7. For the figures in this chapter, see the decennial issues of the Moral and Material Progress and Condition Reports, the Imperial Gazetteer, and for figures later than 1911-12, the annual Financial Statement and Budget; also from 1914, the handy *Indian Year Book*, already referred to more than once, published by the "Times of India." Also *Statistical Abstract of British India*, an annual publication by government—ten years' figures in each issue. The last issue, 1925, gives the figures for the decennium 1911-1921.

8. Sir J. Lawrence called them "extraordinary;" the epithet "productive" was substituted and the policy developed in some detail by a committee of parliament in 1879.

9. The rupee debt being converted at Rs. 10 or Rs. 1=£ 1. In the figures for 1902 and 1913-14 it has been calculated at Rs. 15=£ 1.

SECTION 55.

1. In lakhs of Rupees—

YEAR	1881-82	1891-92	1901-02	1911-12	1913-19
University Ed.	18	33	46	87	159
Secondary Ed.	48	99	127	209	397
Primary Ed.	76	96	119	207	353
Special Ed.	9	17	23	54	84
Direction and Inspection.	17	22	25	48	62
Buildings &c.	9	22	28	97	142
Scholarships	5	7	9	13	24
Miscellaneous	4	8	27	72	108
Total.	1.86	3.04	3.99	7.87	12.99

—Indian Education in 1913-19.

It should be noted that Special Education comprises principally technical and industrial schools, training schools, medical schools, schools of art, and commercial schools; and that under Buildings &c. are included furniture and all varieties of scholastic apparatus, appliances, models, instruments &c. as well as buildings proper.

2. See the diagrams in India in 1913. It has been argued that the death-rate has been rising for some time—see e.g. Gokhale, Budget Speech, 26-3-1902, Appendix. There is expert authority accepted by the Census Commissioner, 1911, for the view that the vitality of the people is declining—See P. K. Wattal, *Population Problem*, Ch. 3. In so far as these opinions are really well-founded, there is all the greater need for a rapid development of medical and sanitary provision.

By way of contrast consider facts like the following:—Within a century London, Berlin, and Munich cut their deathrates nearly in half. In Sweden the average length of life is 50 years for men, 58 for women, and in the U. S. 44 and 46, and in India 23 and 26.

—Price Collier, *The West in the East*, p. 187.

3. These hospitals and dispensaries are grouped into six classes (State Public Institutions, State Special, Police, Forest and Surveys, Canals and Others, this last class further subdivided into private Aided, private Unaided, and Railway institutions). Out of the total more than half are maintained wholly or partly from municipal and local boards funds. There were in all 83 hospitals and dispensaries in Calcutta, Madras and Bombay at the beginning of the century.

5. And, after anarchism appeared in India, political detainees.

6. Readers ignorant of economics might think that the proposition goes too far. They will find ample justification for it in F. List, *National System of Economics*, and similar works.

7. Rates of exchange—Rs. 1=1s. 11.126d in 1871; 1s. 7.96ld. in 1878; 1s. 4.898d. in 1887; 1s. 1.1d. in 1894; 1s. 3.978d. in 1898; thereafter 1s. 4d. At 1s. 6.5d., 1s. 5.1d., 1s. 4d., and 1s. 3d., £ 1=Rs. 13, 14, 15 and 16 respectively. The cost to India of Home Charges totalling £ 20 millions for instance, would be Rs. 20 millions more at each of the latter, than at the immediately preceding rates.

SECTION 56.

1. By explicit law in modern constitutional states; by custom or by executive order in others. In the absence of a state the strong take what they like from the weak and play many monkey tricks besides, making life unbearable all round. To put a stop to this, to prevent this condition from recurring, the state comes into being. This, the making human existence possible under the *chhatra* of law and order, justice and social co-operation, is the primary function of the state, and this is what makes it right on the part of the state both (a) to exact obedience from its inhabitants and (b) to exact contributions (i.e. taxes) from them. The position that the blood spiller and the rogue use force and cunning, so does the state, the only difference between the two being that the state has greater force and cunning, is a mere sophism. The state takes and gives; gives in return goods of far greater value; gives spiritual goods in return for merely material goods; the state takes that in order to give this and does so; and even in taking the material goods it takes care to waste as little as possible.

2. See Baden Powell, p. 49: "land revenue operates as a tax, the discussion a profitless war of words." Strachey (Ch. 9) presents the official view that land revenue is "not taxation properly so called," supported by wobbling quotations from Mill and Fawcett. Alston, *Indian Taxation* (Chs. 2 & 19), indicates very briefly the historical genesis of the view of European socialists.

3. Men and Events. See Chs. 9, 10, and 15 for a lucid account of the finances of British India upto 1873-4.

4. Proceedings of the G.G.'s Legislative Council, 1886-7. V. N. Mandlik was a member and suggested a revival of the import duties on cotton goods instead.

SECTION 57.

1. *Moral and Mat Rep.* 1891-2, p. 250. For an earlier statement of the government attitude and policy see the quotation in *Strachey* at pp. 184-5. From 1884 to 1904 the consumption of country liquor declined from 4.95 London proof gallons per 100 of the population to 4.06, while the taxation rose from 2-10-7 per gallon to Rs. 4-7-8.

2. The Finance Member, Sir J. Westland, the Governor General Lord Elgin, all the members of his council and all the additional members of the legislative council were against the exclusion but Lancashire had insisted upon it and the Secretary of State had ordered it. The measure was passed in the Legislative Council (Act VIII of 1894) by the official bloc. See proceedings of the Legislative Council; N. J. Shah, *History of Indian Tariffs*, pp. 263-273; C. N. Vakil *Financial Developments in Modern India*, pp. 425-6.

3. Despatch, 5th September: Dutt *Victorian Age* p. 540. See the debates in the Indian legislative council 1895 and 1896; Vakil pp. 426-434; Shah, pp. 273-301.

4. Income from these cotton duties import and excise:—1897, Rs. 78 lakhs and 11 lakhs; 1902-05, 111 lakhs and 22 lakhs per year; 1912-15, 174 lakhs and 52 lakhs per year. Note that while the import duty proceeds grew from 10 to 22 the excise proceeds grew in the ratio of 10 to 47.

5. The *Times* (London) admitted, 5-3-1917, just before Act VI of 1917 was passed in India:—The Indian cotton duty has always been politically economically and above all morally indefensible. Opposition to it unites every class in India, from official members of the Government, to all grades of the Indian community. It has made a grave breach in the moral basis of the British control of India. It was deeply resented from the outset, and has remained an open sore. India considers that the excise was imposed out of fear of the Lancashire vote, and no one can say that India is wrong in her belief.

6. Executive action, 1919-21, has almost annulled the higher duty of 15%; very little of the export paid more than 5% see Vakil, p. 449.

SECTION 58.

1. Irrigation Report for 1919-20—total capital outlay, including outlay on works under construction—Rs. 763 lakhs and a half; total net income—Rs. 61 lakhs.

2. "The rupee contains 3/8 oz. of silver...When silver is at 32d. an oz. the cost of a rupee to the Government is about 12.241d" (J. M.

Keynes, *Ind. Currency and Finance*, p. 87 n). This means a profit of 3.76d. on every rupee coined, with silver at 32d. an oz. But from 1893 until it began to rise again as a consequence of the Great War, silver was never as high as 32d., and was in the neighbourhood of 24d. for several years. The coinage profits of our government have thus been much larger than 3.76d. per rupee. While silver was at 24d. the coinage profit was 6.82d. per Rs.

3. When a party has to go to law, his document would not, in some cases, be admissible as evidence, unless it had been registered at the time it originated; moreover, in the case of a document not written on stamp paper, i.e. on which the fee leviable had not been originally paid, the party going to law has to pay not only that fee, but a penalty besides. No document is registered that is not written on stamp paper or not properly signed and witnessed.

CHAPTER X.

FINANCIAL DECONCENTRATION: LOCAL
SELF-GOVERNMENT.

Section 60. Mayo to Hardinge. We have seen that from the Regulating Act onwards parliament tried to unify British India more and more under the single authority of the Governor General in Council. The presidency governments were depressed more and more into administrations or mere agents of the central authority and the process was completed by the Charter Act of 1833. Twenty years later witnesses from the provinces, examined in connection with a renewal of the Charter pressed for some financial independence especially with regard to public works, but the Act of 1853 introduced no reduction in the Governor General's powers of control.* And after the mutiny the need for economy and the authority of the Viceroy and his Council and especially of the Financial Members of that Council who were appointed directly from England were, relatively speaking, greater than ever, and the provincial administrations sank so low that they could not increase any salary, or create any post or even "rebuild a stable that had tumbled down,"† without the sanction of the Government of India. Such over-centralisation, however, was soon discovered to be suicidal. No agent would reduce expenditure below, or obtain an income above, the customary amount, if he was left no discretion as to the use of the money saved or earned. And if the agent's proposals on changes that were either indispensable though involving extra expense, or likely soon to yield a net gain, were repeatedly vetoed by an authority too far off and too ignorant to be able to enter into their merits, he would soon lose heart in his work, and all sense of responsibility about it. It was necessary therefore, to restore some initiative, discretion and sense of responsibility to the provinces, and the first step in this direction was taken by Lord Mayo's Government in 1871. For this purpose several of the spending departments were, so to speak, lumped together into one to be known thenceforward as Provincial Services; and the Government of India made a single consolidated grant to each province for these services collectively, a grant

* Sir Charles Wood's speech, 3-6-1853 (extracts—Mukharji I p. 128-32.) † Strachey, p. 121.

that added to the normal income from them was just sufficient to cover the normal expenditure. The provinces were given a certain amount of freedom in the administration of these services and were assured that they would be permitted to carry forward as their own to the ensuing year whatever balance they created by better administration. The departments thus provincialised were Education, Jails, Police, Medical Services (in part), Registration, Printing and Public Works. Of these Registration was the only head that yielded a net income. The next important step was taken by Lord Lytton's Government in 1877. Instead of a fixed consolidated grant, other heads yielding a net income were handed over to the provinces; Excise, Land revenue, Forests, Income Tax and Stamps were among the heads so transferred, along with the expenditure of the heads of Law and Justice, General Administration and Minor Departments. The normal income of some of the income heads was transferred altogether, and a share in the case of others. Some of the productive Public Works were also made provincial. The total provincial allotment in 1871 was about £ 5.5 millions; under the more extensive scheme of 1877 the control of about £ 16 millions of annual expenditure was transferred. Five years later Lord Ripon's Government went further still. All the heads of income and expenditure were arranged under three classes: customs, posts and telegraphs, railways, opium, salt, tributes, the mint, Home charges, and the military department continued wholly Imperial; civil departments and provincial public works, became wholly Provincial. The rest became Divided Heads, that is, the net income was to be shared between the central and provincial governments in proportions definitely laid down by the former; and amongst them the head of land revenue was given this unique position, that the amount, by which the allotted income from the other heads fell short of the total expenditure transferred to provincial control, was made up by the transfer of a carefully calculated percentage of the land revenue.¹ These settlements were for five years and when first introduced it was fully intended that the government of India would not only confine their own expenditure within the resources they had thus provided for it, but even go to the aid of the provinces whenever any one or more of them suffered from a calamity, like famine. But a long series of lean years followed, years, moreover, during which the expense on the army and the loss on exchange increased enormously. At the renewal of the

quinquennial contracts on three successive occasions, the supreme government seized for its own use a substantial portion of the increase in income which the provinces had created by careful administration. And special contributions were also exacted on more than one occasion during the period. The inevitable result was again to weaken the administrative and financial conscience of the provincial authorities. As Sir A. Mackenzie said in the budget debate of 1907, "the provincial sheep is close-clipped and shorn of its wool, and turned out to shiver till its fleece grows again. The normal history of a contract is two years of screwing and saving and postponement of administrative improvements, two years of resumed energy on a normal scale, and one year of dissipation of balances, for fear that if not spent they will be annexed by the supreme government at the revision. Now all this is wrong, not to say demoralising."

But the cycle of poor years came to an end, the exchange difficulty was over, the opium revenue revived and as mentioned in the last chapter, large surpluses were realised year after year. The central government started making grants to provinces, earmarking each for a specified object and making it a recurring annual grant or allowing its utilisation to be spread over years. The object was, as Lord Curzon put it,* that the provincial stokers in charge of the administrative machinery might no longer be handicapped for want of fuel and that the engine might once more be propelled at full speed. In 1904 the entire relations between the supreme and provincial government were reviewed and a system of quasi-permanent settlements was started, in which the resources handed over to the provinces were for the first time not inadequate to their needs, particularly when the special grants mentioned above which were also continued, and the subsidies² given from time to time to such provinces as needed them, were also taken into consideration. And at this third start the determination was firmer than ever that the amounts resigned to the provinces were not to be touched at all by the supreme authority as far as possible. The famine of 1907 added a new device, as buttress to the system. The Government of India placed to the credit of the province liable to famine, a carefully calculated amount, which was to remain at their credit, until when

* Budget speech, 26-2-1903.

famine broke out it was to be drawn upon; and famine expenditure by any provinces beyond this amount was to fall equally upon the province and the central government. Finally, in 1912 Lord Hardinge's government simplified the entire system as far as possible and declared it permanent. The expenditure handed over to the quasi-independent control of the provinces under this scheme of financial deconcentration rose from £18 millions (out of a total of £68 millions) in 1904, to £29 millions (out of a total of £79 millions) in 1911 and £36 millions (out of 123) in 1918. It was not a system of decentralisation in any proper sense of the term. True decentralisation was impossible under a constitution that held the Government of India and the Secretary of State in Council responsible for every detail as well as for the general methods and broad results of the governance of British India. It was not for the provinces to tax or to borrow except only in a very small way; and real financial or administrative enfranchisement is impossible except where adequate powers of levying taxes and raising loans exist. No province could have a policy of its own either, without such power. All that can be claimed for the financial deconcentration of the period from 1904 to 1919 is that it provided less inadequately for the needs of the people than the earlier system that had been introduced in 1871, and that it prepared the ground for the fundamentally different system which the Government of India Act of 1919 inaugurated.

REPORT I C. R. paras. 102-120.

MUKHARJI, I, PP. 623-38, 651-67, 719-21.

B. R. AMBEDKAR, *Evolution of Provincial Finance.*

Section 61. Presidency Town Corporations. The history of local selfgovernment in British India begins with the name of Sir Josiah Child. He obtained a charter from James II (1687) to set up a corporation at Madras—a mayor, aldermen, and sixty or more burgesses—who could build a town hall, a jail and a school house, improve the roads and undertake the lighting conservancy and other duties of a city corporation, and were empowered to tax the inhabitants for such purposes.* An octroi or terminal tax was, however, the only impost the

* *Ibid.*, pp. 21-3.

inhabitants submitted to, and this first corporation languished for want of resources. Subsequent efforts to keep the presidency towns fairly clean and improve them did not succeed much better,¹ and government were obliged to hand over the duty in each place to three salaried officials from 1856. The municipal administration of the presidency towns has a continuous history only from this point onwards.

Madras. The Act of 1861 established provincial legislatures and these renewed the attempt to create local governing bodies for the presidency towns. The Madras Act of 1867 divided the city into eight wards, created a body of thirty-two nominated members, four from each, and over eleven of them officials, with a nominated president; and entrusted the police, education, hospitals, vaccination, street cleaning and lighting of the city to this body. The Police were taken over by the government from 1871 and by an amending Act of 1878, half the commissioners came to be elected. The corporation was however little more than a body of advisers to the president, who wielded all the powers, practically without any check. The most important works of public utility completed by this corporation were the Cholavaram and Red Hills Tanks, which supplied drinking water to the growing population upto 1884. A cyclone breached the latter tank in that year, the water was also found on analysis to have deteriorated in quality, and work had to be commenced on a new and larger water works scheme which was not completed before 1911. In the meanwhile the Act of 1884 gave a new constitution raising the number of elected members to twenty-four. And twenty years later, another Act increased the total number of corporators to thirty-six, twenty to be elected by the wards as before, three each by the Chamber of Commerce and the Trades Association, and two by such other associations, corporate bodies or classes of persons as government might direct, leaving eight to be nominated as before. A standing committee consisting of the president and eight corporators was constituted to exercise some check upon the president on financial and public works questions. And power was also given for the removal of the president by a vote of twenty-eight members;* but the Madras Corporation has throughout been and still continues the most backward of the presidency town municipalities.

* There is a similar provision in the Bombay and Calcutta Acts also.

Calcutta. The Act of 1863 established a corporation at Calcutta consisting of a nominated president and the J. P's residing in the city. Schemes of water supply and drainage were taken in hand, the Hindu practice of throwing corpses into the river was stopped, burning and burial grounds were placed under strict supervision, and other measures for reducing insanitation were prosecuted with vigour. The Act of 1876 replaced the justices of the peace by elected and nominated members, forty-eight elected by the ratepayers, twenty-four nominated. But the Act continued all the powers of the corporation in the hands of the nominated president, and even as advisers and exponents of popular views and desires, a body of seventy-two proved unwieldy for businesslike debates. In the meanwhile the suburbs in close proximity to the city but outside the limits of the corporation grew in numbers and in filth, and the ratepayers demanded a remedy for the evil. The Act of 1888 amalgamated seven of the suburbs with the city, and the water supply, drainage and sanitation systems had to be extended over the additional area. Lord Curzon's Act of 1899 followed, cutting down the number of members to fifty, twenty-five elected by the rate-payers, four each by the Chamber of Commerce and the Trades Association, two by the Port Commissioners, and the rest nominated. This Act also created a standing committee of twelve, in imitation of Bombay; but the nominated president continued more independent of popular check or control, and the corporation as a whole, therefore, was more of an officialised department, than in Bombay. It was also in imitation of Bombay that an Improvement Board of eleven trustees, four nominated by Government, four elected by the Corporation, one each by the Bengal and the Bengal National Chambers of Commerce, and a nominated president was established by an Act of 1911, to open up congested areas, regulate housebuilding and house occupation, create open spaces, construct buildings for the poor, and pursue systematically a policy of progressive city improvement. It is only in one particular that the Calcutta corporation appears to have shot ahead of the Bombay model. Its roll of voters was for many years as small compared to the population, as in Bombay or Madras. But by an amendment of the rules in 1909 the number of voters was increased from under 10,000 to over 38,000.²

Bombay. The Bombay corporation established under the Act of 1865 saw the light on the 1st of July, a day never to be forgotten in local history, since it witnessed the bursting of the huge speculative bubbles floated by reckless company promoters upon the sudden jump in cotton prices resulting from the American Civil War. This first corporation consisted of a nominated municipal commissioner and justices of the peace. Arthur Crawford was the first Commissioner and he prosecuted his activities for the cleansing and improvement of the island with a vigour which soon outstripped the resources placed at his disposal. The J. P.'s had little power to check him, he had little need to exceed the extensive powers the Act gave him, but in his zeal he was guilty of both extravagance and irregularities, the J. P.'s themselves led the popular agitation for an inquiry and a reform of the constitution and the result was the Act of 1872. It was universally acknowledged that the powers of the executive head must be curtailed, and that a body like the J. P.'s appointed for life would not answer. Few of the older leaders ventured to suggest a body periodically elected by the ratepayers, since they had no hope that government would consent to the adoption of popular election in India. Pherozeshah Mehta, however, then only twenty-six, had the audacity and optimism of youth. He also saw that it was not merely a Bombay question; the constitution that proved successful in Bombay would have every chance of being extended to other Indian towns also. He boldly suggested a corporation half the number elected by ratepayers, and the other half made up of J. P.'s and nominees of the government; a corporation of which the executive powers were to be vested in the officer nominated by government. These were the very principles finally embodied in the Act of 1872, which also provided a Standing Committee of twelve, eight elected by the corporation and four nominated, for more detailed supervision and control of the executive departments. The corporation itself laid down general policy, scrutinised and sanctioned the budget, and attended to complaints and shortcomings. The system worked so well that no radical change was introduced by the Act of 1888; popular representation was increased by the addition of eight members to the whole,* four more elected by the wards, two by the Chamber of Commerce. The Vihar lake in the valley of the Gopur

* Bringing up the total to 72

river had been completed in 1860, work on the Tulsi Lake in a higher valley was begun and completed in the seventies, the Pawai Reservoir was finished in 1890, and the great Tansa Lake with a masonry dam two miles long was ready by 1892. Government and the corporation had various differences on financial and other questions and on more than one occasion the latter had to appeal to the government of India and the Secretary of State. But on the whole they worked together fairly smoothly, and in the face of calamities like the plague the corporation set an example of loyal co-operation to the rest of the country. The Bombay Improvement Trust was constituted in 1898, with fourteen members, four elected by the corporation, one each by the Chamber of Commerce, the Port Trustees, and the Mill Owners' Association, and seven nominated—and a nominated president. And in 1907 government took upon itself the entire burden of the city Police, transferring to the corporation in exchange the entire burden of primary education, medical relief and vaccination. This put an end to controversies which had lasted for years, and the expenditure of the corporation upon primary education, which had been far greater than in Calcutta and Madras from the first, went on increasing at a still higher rate from 1908 onwards. That public opinion has not urged the corporation to advance with equal or greater energy in providing better sanitation, or more and better equipped hospitals, medical schools, and at least a second medical college, or better housing for the poor, and better rest houses for the traveller, or more open spaces for women and children, and a purer and more adequate supply of milk and other dairy products, is a fact which clearly indicates the level at which vocal and active opinion stands today in our country even in wealthy and cosmopolitan Bombay.*

MORAL AND MATERIAL PROGRESS (Decennial)
Reports, 1881-2 to 1911-12, i.e. 2nd, 3rd, 4th & 5th.

Section 62. Town Municipalities. The above account shows that Bombay City had elected members before Madras and Calcutta. And historically some of the smaller cities had elected members on their municipalities even before Bombay. The principle of election was accepted in the provincial

* The Calcutta Municipal Act 1922, and similar measures after and consequential on the Reforms, are dealt with in the last chapter.

Acts constituting city and town municipalities (1871-4), which followed Lord Mayo's Decentralisation Resolution (1870)¹ and although C.P. was the only province in which election thus came to be generally resorted to, the other major provinces also (except Barma) came to have a number of municipalities with elected members. Lord Ripon's Resolution of 1882 followed, that solitary gleam of genuine liberalism in the entire period from 1858 to 1906. Lord Ripon's aims were a greater uniformity, a greater association of the people in the tasks and responsibilities of a civilised administration (growing increasingly onerous), and above all the development of "an instrument of political and popular education". He realised clearly that the steps he advocated might bring about at first some loss of efficiency, but "had no doubt that in course of time as local knowledge and local interest were brought to bear more freely upon local administration, improved efficiency would in fact follow", especially if Government officers "set themselves to foster sedulously the small beginnings of the independent political life, and came to realise that the system really opened to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it superseded". He added that "as education advanced there was rapidly growing up an intelligent class of public-spirited men, whom it was not only bad policy but sheer waste of power to fail to utilise". And he also urged that the contemplated advance could not be a success unless it was "though cautious, yet at the same time real and substantial". The fundamental principles he laid down, "which after every allowance has been made for local peculiarities must be universally followed and frankly adopted, if the system was to have anywhere a fair trial" were:—(1) Not less than two thirds of the members of the municipalities must be non-officials. (2) The system of election should be cordially accepted, Government officers should set themselves to make it a success, and it should be introduced at once as widely as possible, first in towns of any considerable size, and then though cautiously also in smaller and less advanced areas; "the simple vote, the cumulative vote, election by wards, election by the whole town or tract, suffrage of more or less extended qualification, election by castes or occupations, new methods unthought-of in Europe", should all be tried, until experience indicated the form or forms "best suited to the local peculiarities and idiosyncracies of the different populations".

(3) Government control should be exercised in two ways; municipalities should have to obtain the sanction of Government before deciding upon some of the most important acts, such as raising a loan, levying a novel tax, or any matter likely to affect religious passions or the public peace. But the number of cases in which such previous sanction was insisted upon ought to be gradually reduced, and the executive should confine itself more and more to "control from without rather than from within;" the act or acts of the municipality might be set aside in particular cases; "in the event of gross and continued neglect of any important duty", a board might even be suspended for a time; but all the resources of friendly advice, sympathetic exhortation and timely remonstrance must first be exhausted. (4) The chairmen should be non-officials as far as possible, for thus alone would the non-official members come to feel that they had real power and responsibilities; thus also could the boards become effective schools of public spirit and political education. The chief executive officers should stand outside, "acting as arbiters between all parties, and not as leaders of any"; and so, even where, to begin with, official chairmen could not be dispensed with, they should not vote in the proceedings. (5) Expert advice help and supervision by such Government officers as engineers and doctors must be rendered by them as servants of the municipality and not their masters; the outside control vested in the District Officer should be sufficient to ensure smooth working. (6) Lastly, the resources made available for these selfgoverning bodies should in the main be such as could yield an increasing revenue with improving administration; nor should any duties involving additional expenditure be transferred to them without the simultaneous transfer of additional resources fairly adequate for the purpose.

It must be admitted that these ideas were at the moment of their promulgation somewhat in advance of the time. Outside the presidency towns, the great majority of the elderly Indians who had then acquired any eminence still preferred nomination by the government; a contested election they hardly cared for, success in one they hardly deemed an honour; nor were there many among them who could face their own possibilities or make a firm stand in the defence of their own convictions. The provincial governments were not ignorant of these facts and in translating the aspirations of Lord

Ripon's Resolution into Acts of the legislature (1883-5),* they drafted the provisions in a conservative spirit. In the day to day administration of these provisions, again, the district officers and their superiors whittled them down still further. And in the meanwhile, education was spreading, the younger men coming to the front were increasingly of a more modern type, nor did there arise any one between Lord Ripon and Lord Morley to recast the laws and reform the practice. The Decentralisation Commission appointed by the latter reported in 1909, a generation after Lord Ripon, that municipalities ought to be given a substantial elective majority and allowed to elect their own chairmen, that they should have greater freedom in regard to their duties, establishment and taxes, that they must be relieved of some of the charges and contributions taken from them, and that they could not perform even their proper functions efficiently until they were also granted both a permanent addition to their resources, and occasional substantial assistance besides, to undertake necessary but expensive projects such as drainage or water-supply schemes.† The period from 1882 to 1910 was not indeed altogether barren. Lord Ripon had spoken of a temporary loss of efficiency for the sake of familiarising the people with the modern methods of supplying their needs and solving their problems by their own efforts through their own representative committees. What actually happened was "that the educative principle was subordinated to the desire for more immediate results.... The broad fact remained that in a space of over thirty years the progress in developing a genuine local self-government had been inadequate in the greater part of India."‡ In spite of elected members slowly increasing in numbers to about a half of the total, the system worked mainly as a state department imposed upon the people from above. Town conservancy and sanitation, the principal market and roads and especially the water-supply improved upto a certain point and then were maintained at that higher level. The last of these services is a specially noteworthy item. The number of cities and towns which have had waterworks constructed for them, bringing to each house an abundant supply of pure water, reflects as much credit on the administration, as their

* The act remodelling the C. P. Municipalities was passed as late as 1889.

† Report, Ch. 20; see also the 1915 Resolution on L. S. G. Policy.

‡ Report, I. C. R. para. 13, see also the above Resolution, para. 3.

successful fight against smallpox mentioned in an earlier chapter. But though there has been this improvement in the municipal administration in the course of these decades the rate of improvement cannot be held to have kept pace with the growing needs, still less outstripped them; a more favourable judgment is impossible in face of the death-rate.

A brisker rate of progress commenced from 1910 when Sir Harcourt Butler was placed in charge of the department as a member of the Governor-General's Council, and especially from 1915 when Sir C. Sankaran Nair succeeded him. The municipalities—and District Boards—became from 1892 electoral colleges for the return of members to the provincial legislative councils, a function that assumed somewhat greater importance from 1909 as they returned more members under the Morley Reform. And with the parliamentary announcement on the 20th August 1917, it became more than ever necessary to make the municipalities—and the district boards—representative bodies responsible to the people in the full sense of the term. The Viceroy in commenting on the pronouncement observed that the time had come to quicken the advance in the domain of urban and rural self-government, to stimulate the sense of responsibility in the average citizen and to enlarge his experience. A Resolution of the Government of India reviewing the subject as a whole followed (1918) with recommendations of a far-reaching character, (1) The elective element was to be raised from slightly over a half to seventy-five per cent. of the total number of members. An adequate representation of minorities was to be secured either by communal representation or by nomination. As Chief Officers, Municipal Commissioners, Health Officers and other experts (whose appointment to executive office under the general direction of the municipality but with powers defined by legislation and by-laws had been recently introduced,)* increased in numbers, it was felt that the need for government officials as members of municipalities would not in future be as great as in the past. But even where they continued to be necessary, they were to be appointed merely as advisers and supernumeraries, without the right of voting. (2) The municipal franchise was high, its actual working was not a little arbitrary,

* Bombay provided for such appointments by an amending Act in 1914; U. P. in 1918; etc.

and the electoral roll rarely included more than six *per cent.*, of the population. This was to be reformed everywhere, and the electorate was to include about sixteen *per cent.*, so as to be really representative of the ratepayers. (3) Of the chairmen in 1914-15, 222 (32%) were elected non-officials, 51 (7%) were nominated non-officials, 249 (35%) were elected officials, and 174 (25%) were nominated officials.* Bombay had 56 non-official chairmen out of a total of 153; Bengal 82 out of 111; Panjab 16 out of 104; U. P. 39 out of 84; Madras 53 out of 83; C. P. and Berar 12 out of 56; Bihar and Orissa, 12 out of 55; Assam 3 out of 15; and the chairmen in the municipalities of the other provinces about sixty in all, were as a rule officials. The number of elected non-officials as chairmen was to be increased as far as possible, though municipalities were not to be forbidden, either to ask for a nominated chairman or to elect an official as chairman, but in the last alternative the election was to be by a majority of the non-official members, and to be also dependent upon the approval of higher authorities. (4) The subject of control over the municipalities by the executive government gave rise to recommendations equally fundamental. Indebted municipalities whose loans had been either obtained from or guaranteed by government were not to be free to make any alterations in their taxation without government sanction; but all other municipalities, especially those with a substantial elective element returned on a broad franchise were to have full liberty in the matter, within the limits laid down by the legislature, except where the legislature had not prescribed a maximum rate. The municipalities were also to have such greater control over the establishments provided out of their resources as the Decentralisation Commission had recommended. And the further recommendations of that body that municipalities should be free to make their own budgets, provided that they maintained a prescribed balance, and that the grants and subsidies given to them by government should not be rigidly earmarked for specific services or should be in the form of a percentage contribution towards the expenditure on particular objects, were also endorsed. On the other hand, the powers of the executive government, exercised either by the Collector and District Magistrate, or by the Commissioner, or by the Provincial Government itself, to veto a particular resolution

* Resn. 1915, para 7.

of a municipality, to remedy the neglect or omission to perform certain indispensable services, and even to suspend a municipality for a time in cases of grave and continued default at any rate after Government had dissolved one council and ordered a fresh election to enable the electors to replace it by a better, were necessary in the interests of the people and were to continue in force. (5) Finally, the member of the executive council in charge of the local selfgovernment portfolio might have a board or a standing committee of the legislative council to help him, and such a body might not only shape policy and serve as a supreme court of appeal, but it might also entertain inspectors, auditors and other expert establishments, not merely to check and criticise but also to help, advise and influence municipalities and local boards in a variety of ways. Thus the general policy of the Resolution of 1913 was the reduction of official control and official supervision to the irreducible minimum, and the association of responsible popular representatives with executive officials even at the highest stage.*

Municipal activities and municipal finance are still in their infancy in our country. The importance of cattle and dairy produce, vegetables and green groceries and of male and female labour for miscellaneous domestic, house building, house-repairing, and factory purposes, is not yet sufficiently realised, nor has any comprehensive policy been yet attempted or even thought out, distinguishing clearly between the sphere and responsibilities of the state, the towns and the village areas in these matters; and the consequence is that chaos reigns, although under the title so dear to mid-Victorian liberalism of individual liberty and free competition, chaos but slightly mitigated by such state tinkering as factory laws. Latterly we have begun to talk glibly of garden cities, city improvement and town-planning; but we do not appear to have advanced even in idea beyond wider roads and sanitary dwelling houses in particular areas. The key to the rapid, adequate and permanent improvement of a congested area like Bombay, for instance, really lies not inside that area at all, but outside; the real problem is to remedy the human drift towards Bombay, the instinctive drift of struggling masses in search of employment and food; and the real solution can

* Cf. India in 1923-24, p. 59.

only be such an organisation of production and labour in the surrounding areas as would afford to the people there sufficient remunerative employment, and so fix the bulk of them where they are, enabling each locality to keep for itself out of what it produces sufficient for its own regular needs, and to export the surplus. To try to make just one organ or region in a whole organism (or to allow matters to drift so that it grows) stronger and more active than the rest of it, is merely to draw the whole lifeblood more and more into it and thus destroy the whole organic complex all the more surely, because the real effect is disguised by the maintenance of a hectic appearance of health vigour and progress in the particular organ or region favoured by this one-sided shortsighted system. Local remedies may have to be attempted at start, but these could only be palliatives, and there could not be any real solution without envisaging and attempting the problem as a whole in all its intricate ramifications. The legislature, however, has so far assigned to municipalities and rural boards hardly any powers and responsibilities for the proper regulation and organisation of any of these larger matters.²

The fact is that in the definition of the powers to be granted to municipal and rural boards, English models are for India almost the worst models in the world to follow. Great Britain is a little island obtaining the bulk of its necessities by import from other countries, and exporting in return capital, political, commercial and shipping services, coal and manufactured goods. It is by this system of economy miscalled free-trade, that England has maintained a marvellous rate of growth in wealth and population for over a hundred and twenty years. Its manufacturing shipbuilding and mining districts thrive upon a concentration of the population. Self-sufficiency in the production of necessities became physically impossible long before Peel's repeal of the Corn Laws, and even the idea of maintaining it was dropped with that repeal. Picture a ship at sea now in front of one coast and now another, with vast almost inexhaustible mineral stores in its holds and several workshops upon its decks; there are plenty of children, women and old men always on board, the ship is their only home; but of the adult male population, large numbers always spend more of their time on the coast, and taking capital skill and power along with them where they land, they send over to the ship (their natal home), interest, profit and tribute dividends in the

shape of necessities and luxuries; the men, women, and children busy on the ship, in its holds and in its workshops, consume themselves only a little of what their labour yields, they are labouring all the while with a view to the needs of the coast populations, and sending over the bulk of what they make, buy in return such other necessities and luxuries as they need but cannot produce inside the ship. That has been the situation, the policy and the economy of England. State municipal and rural institutions and regulations which further such a system, the Englishman (brought up under such peculiar surroundings) instinctively looks upon as inherently right and just: institutions and regulations of a different pattern and with other aims he finds it difficult to understand, and even when he does so, his sympathy for them can only be halfhearted. India on the other hand is a sub-continent, economically self-sufficient and even rich if properly organised; and it is moreover geographically severed to an exceptional degree from other countries, so that it is no exaggeration to call it a world in itself. The Englishman, again, is not only self-reliant but also enjoys his self-reliance to an exceptional degree. That is what his history and traditions have made him. Our history and traditions, on the other hand, have fashioned us very differently. We are almost at the opposite pole of humanity. The Indian is nothing if not communal; the family, the caste, the hereditary occupation and status, the gild, the temple, the village, the birth-place, the neighbouring fair, he clings to with all his heart, and more than all his strength; he is never so happy as when living and working in and through and for them and under their protective canopy. As soon as our municipalities and districts become really self-governing, it needs no prophet to predict that the tendency will be to claim for them almost all the powers of a state in miniature, and to organise them as a federation of occupations and trade guilds, each accepting full responsibility for, and asking for complete control over, its members. That of course would be mediaevalism, and the tyranny of it would be far greater under modern conditions. India is a world in itself, but it does not follow, that each or any of its provinces is a world in itself; and to allow any town or district to organise itself in monastic isolation on the supposition that it was also a world in itself, would be the highest of absurdity. Municipalities and districts must have far greater powers and freedom than hitherto, each over its locality, its people, and its products; but where the line of

demarcation is to fall between these on the one side and the state on the other, how each is to be the associate feeder and prop of the other in the everyday life, business, education, and production of the community as a whole, is a problem so complex and difficult, that our legislatures will not be able to solve it in a hurry. Perhaps the best policy in the long run would be to allow local bodies a reasonable latitude for experimentation in the beginning, so that courses tempting in appearance but essentially unsound might have their real nature demonstrated and the evils and losses necessarily resulting might be held in check and prevented from spreading over extensive areas.

The annual income of our district municipalities from taxes and rates and government contributions was Rs. 129 lakhs in 1880-1, Rs. 237 lakhs in 1900-1 and Rs. 492 lakhs in 1912-13.* As there were seven hundred municipalities in the last year, the average income per municipality was Rs. 70,000 per year. The average in the U. P. with its large cities such as Lucknow, Benares, Cawnpore, Agra and Allahabad, the smallest of which has over a lakh and three-quarter inhabitants, is almost Rs. one lakh per year; the average in Bombay with its many municipalities that in other provinces would be only notified areas is only Rs. 57,000 per year; in Bihar and Orissa the average falls below Rs. 40,000. The principal taxes are octroi in Bombay, U. P., Panjab, C. P., N.W.F.P. and Dehli; and taxes on houses and lands in the other provinces. The second is a tax upon property or capital or consumption, and in so far as it is a tax on capital, the owner could transfer it to (i.e. recover it from) the man actually consuming the capital, and thus alter it into a tax on consumption; but it is always felt as a direct tax. The first is a tax on consumption which is not so felt, since it is collected from the person bringing the articles within municipal limits and not from the individual consuming it. Madras, Barma, Berar, and Assam municipalities also realise substantial amounts from tolls; Panjab, N. W. F. P., and British Baluchistan are the only provinces where there are no tolls; and every province taxes animals and vehicles. The tax on professions and trades—an income tax—is the principal source of municipal income in Berar, and Madras also derives one-fifth of its taxation income

* Imp. Gaz. IV, p. 306. and the 1915 Reqn. para. 10.

from this source. And the other taxes levied are really rates for the services rendered, such as water-supply, conservancy, lighting, schools, and hospitals.

Section 63. Rural Boards and Village Panchayats. The remaining section of the subject can be dealt with more briefly. There were no elected members on rural bodies in any province until the local selfgovernment Acts passed in consequence of the Ripon Resolution introduced them.* That Resolution desired that "the smallest administrative unit, the subdivision the taluka or the tahsil, should ordinarily form the maximum area to be placed under a local board"; and recommended for such boards as also for the higher district council or board in each district the same principles and aims as have been indicated in the foregoing sketch dealing with the municipalities. But in the boards actually set up or reorganised in the eighties of the last century there was even less selfgovernment than in the municipalities. Madras evolved a triple set. In the greater part of that presidency there are village sites, as elsewhere in India, but the houses of the villagers are scattered, many of them being in the fields, so that neighbouring villages meet and commingle, and in parts of the west coast even the regular village sites are non-existent.¹ Here, therefore, we have village unions, or all the inhabitants of a certain area, containing several village sites or only one or none, placed for sanitary administration under a body mis-called a panchayat.² Larger areas are the subdivisions of a district made for constructing and attending to local works such as village roads, tanks, rest houses or dharmasalas, school buildings, lock-ups, etc. Each of these areas including several village unions has a taluka board mainly for these rural public works. And there is the District Board for the whole District. Excepting Barma, which has no rural boards at all, and Assam, which has taluka boards only, all the provinces have District Boards; and Bombay, C. P., Bengal, Bihar and Orissa, and parts of Panjab and N.W.F.P. have sub-district boards also; U. P. had them upto 1906, but the U. P. Act III of that year abolished them.† Except in Bombay, elected members were introduced only in the district boards, and in some of the provinces these members were elected by the lower boards

* For the earlier history of rural bodies see Imp. Gaz. IV, pp. 298-9.
† Later on they were replaced in that province by tahsil subcommittees of the district boards.

out of their own members and these were all nominated. The electors such as they were and where there was any election, were only 6 per cent. of the population. After the report of the Decentralisation Commission (1909) recommending that nominated members should be only just sufficient to provide for minority representation and official experience, elected members have been everywhere increased. But Bombay did not consider it advisable to have an elected majority in either board, while such a majority was introduced in Bengal, Bihar and Orissa, and Assam; and in C. P. and Madras the elected element was increased to two-thirds and in U. P. to three fourths. The chairmen of the district boards have everywhere been Collectors, and of the taluka boards the subdistrict officers. The U. P. Act mentioned above provided that the district board should elect its chairman, subject to confirmation by the Lieutenant Governor. The Decentralisation Commission held that to drop the district and subdistrict officers from the presidentship would be to dissociate them from the general interests of the district. And the Resolution of 1918 recommended that the franchise in all the rural boards should be substantially extended and that election or nomination of non-officials as chairmen should be encouraged, provided that the district or subdistrict having non-official chairman should also have a special executive officer, appointed or removed only with the sanction of the Government.

The District Boards all over British India numbered 200, the subdistrict boards under 540, and the village unions, under 640. They had over Rs. five and a half crores to spend in 1912-13, and over Rs. seven crores in 1917-18.* The public works expenditure came to 50%, the educational to 25%³ and that on medical relief to 10% of the total. The main item in their income was the one anna cess on the land revenue, but upto 1913 the Bengal, Bihar and Orissa, U. P., Panjab, and N.W.F.P. governments handed over to them only a part of this, diverting considerable amounts to rural services which were not placed under their control. The contributions from the provincial government came to about 25% of their income from all other sources and from 1905 onwards the large capital and recurring grants which the Government of India made principally for the improvement of education and sanitation,

* Excluding "extraordinary" and 'debt' items.

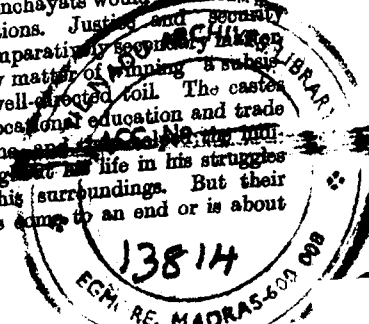
enabled the boards to confer increasing benefits upon the village population. The Decentralisation Commission recommended that a District Board might be allowed to levy an extra cess of one pice per rupee of land revenue, for building a light railway, or a railway or a tramway, and government accepted the suggestion, adding that the Board might either accumulate the proceeds and build the line out of them, or after a short period of such accumulation raise the balance of the capital required on the security of the line itself or raise all the capital from the first on the guarantee of this annual income. Madras, Bengal, and Bombay have already taken advantage of this concession, and some other provinces are going to do so in the near future. Other similar devices of increasing the resources of rural bodies either for general purposes or for some special object might also present themselves; and the provincial and central governments might have a period of financial prosperity before them, enabling them to make larger contributions for local use than in the past. Such contingencies, however, are unlikely, and steady progress, at any rate, cannot result from uncertain windfalls. Our district municipalities and rural boards must overcome the extreme reluctance they have so far shown to tax themselves even for objects necessary as well as paying in the long run, both directly and indirectly. Professor Gilbert Slater holds, for instance, that one of the evils India is suffering from to-day is "the heavy and crippling burden of insufficient taxation". No Indian economist will endorse the view for British India as a whole; but the ingenious antithesis does contain a lesson for our district municipalities and rural councils. The traditional Dharma of the prosperous individual to give away part of his excess of wealth to the village in which he or his wife or ancestor was born, is not quite forgotten in Hindu and Muslim India, and might revive under the warm rays of the forthcoming democratic age.

In his statement submitted to the Decentralisation Commission G. K. Gokhale⁴ pointed out that the old system of paternal rule by the district officers had become out of date and advised that panchayat rule should be substituted for it. A village with a population of 500 and over might have a panchayat consisting of the village headman, the village munsiff, the village conciliator, and two or three elders chosen by villagers paying land revenue amounting to Rs. ten or more. Where in addition to the headman, the village also had a police

The Decentralisation Commission accepted in a general way the 'desirability of developing village panchayats with powers and responsibilities with regard to local affairs; but they did not recommend any specific scheme for the whole country, and held that "the system must be gradually and cautiously worked". The provincial governments were even colder in their reception of the idea and more than one of them were distinctly unfavourable to it.⁶ The Government of India decided that (1) panchayats might be introduced in selected villages⁷ 'where the people in general agree', (2) that wherever introduced, all other bodies and committees should be merged in them, (3) and that if judicial functions were conferred upon them, they should be permissive. The essential point in the constitution of the panchayat was, in their opinion, the association of the village officers with others informally elected by the villagers themselves; and of the possible functions to be assigned to them the most important were village sanitation, village education and jurisdiction in petty civil and criminal cases.

* Suits in the presidency annually number about 1 1/2 lakhs, out of which more than a half consist of money claims for petty sums.

Legislative measures were introduced or under preparation in more than one province in recent years for improving local selfgovernment, enlarging the powers and responsibilities of local bodies and making them really representative. Bills about village panchayats were also on the anvil.⁸ Then came the Government of India Act 1919 under which local selfgovernment was placed in the group of departments transferred to the charge of ministers principally responsible to the people through their representatives in enlarged legislative councils armed with supreme powers with regard to purely provincial matters. We have therefore been marking time from 1918, and shall continue to do so until the new constitution settles down to its work. In the meanwhile instructed public opinion should carefully reconsider what functions could be most beneficially assigned to village panchayats. In the isolation of the Indian village from times immemorial down to the end of the third quarter of the last century, judicial decisions in petty matters had to be either obtained from some persons or body within the village boundary, or the aggrieved parties had to go without them altogether. This isolation has gone never to return. A system of travelling arbitrators and honorary magistrates could now be created, who could perform this function quite as cheaply and quickly and far more satisfactorily than lay panchayats, the members of which, moreover, could not always be free from the factions and party and caste feelings so frequent in villages. Again, it is the village environment that forces the witnesses cited and the parties themselves to tell the truth when solemnly adjured to do so; and the arbitrator or the magistrate coming down to the village to hold his court instead of calling up the parties and their witnesses to another place where he was holding it, would have the benefit of this circumstance as fully as it accrued to the panchayat of old or the patel or munsiff of recent times. Nor should it be feared that village panchayats would lack influence unless armed with judicial functions. Justice and security, however important, is after all a comparatively secondary matter. Far more important is the primary matter of winning a subsistence through honest intelligent well-directed toil. The castes of old were in India centres of vocational education and trade and industrial guilds, all in one, and the village headman, as a leader of his people, was a man of life in his struggles to wrest a competence out of his surroundings. But their ability to perform this service has come to an end or is about



to do so, even in the remotest and most isolated villages, and the caste bond is itself fast weakening. The Indian individual feels the loss and is groping after a more modern communal sentiment to hearten him, a more efficient collective organisation to take him by the hand and steady and direct his faltering steps from the cradle to the grave. The village panchayats of Ancient India had not this primary function to perform as the castes were there already to discharge it far more efficiently. But now new communal bodies of a more modern type are required to undertake it. If any concrete confirmation of this argument was needed, we have it already in the rapid success, moral as well as material, of the co-operative movement, in every locality lucky enough to find and place at the centre of the society a man or two animated by the spirit of disinterested service and the conscientious desire of securing equitable opportunities to all members alike. That is just the type of man who would make of village panchayats too an equal success. Only let us make our village panchayats the media not only for all sanitary advance in the village but also for all economic industrial and educational advance. The Agriculture and the Co-operative Departments have already evolved ideas, methods, processes, schemes excellent not merely in an academic way, but ready to be applied at once and reduced to practice; ideas, methods, processes and schemes which they want to spread broadcast in order that the masses in their millions might reap the benefit. The Industries Department is being formed; let us hope it will from the outset begin its operations in three sections—Home Industries and Crafts; Petty Industries and Crafts requiring say six labourers at the most in which a small motor might be used at option; and factory industries. The education department, too, let us hope, will soon get out of its present grooves, and develop practical methods of vocational training in strict correspondence with local possibilities and requirements. And both departments, as soon as they have developed these things, will, let us hope, want at once extensive propaganda work to spread them broadcast. Our village panchayats and other local bodies superimposed upon them should be so constituted as to make of them the proper media through which these and other nation-building departments could quickly and successfully transmit their enriching ideas to the villager in his cottage home.

MUKHARJI, I pp. 623-737.

REPORT DECENTRALISATION COMMISSION Chs. 18-20.

J. MATTHAI, Village Government in British India.

LORD RONALDSHAY; India a Bird's-eye-View, Chs. 11, 12; includes also a brief discussion of village self-government in Ancient India.

CHAPTER X: NOTES.

SECTION 60.

1. By these financial arrangements the provinces were tempted to be over rigid in their land revenue collections (*Curzon and After*, p. 357) and Report I. G. R. para. 109 criticises that system as it had been fully developed by Curzon, Minto and Hardinge re. land revenue and irrigation. "As regards revenues, so long as the G. of I. take a share in the proceeds they have a strong motive for interfering in details of administration. Their interest in land revenue e.g. inevitably leads them to a close supervision over revenue settlements; and the control tends to become tighter in cases where expansion and development, as in the case of irrigation, depend on capita outlay."

2. This policy of giving subsidies and the connected one of making special grants were criticised by more than one province and the Royal Decentralisation Commission (1907-09) examined the matter fully. For the final decisions of the G. of I. on this and all other topics arising out of the subject of financial devolution see the G. I. R. on Provincial Finance, No. 27, F., dated 18-5-1912.

SECTION 61.

1. The Mayors' Courts established 1726 were entrusted with some municipal functions. Under the Charter Act 1793, all European British subjects could be appointed justices of the peace and the presidency town J. P.'s were formed into a corporation and municipal duties were assigned to them with the necessary powers. In 1840 and later experiments were tried to secure by election from amongst the J. P.'s a number who would take fairly continuous interest in such matter

2. The racial distribution of the vote is even more striking than the small total number of voters. The *Bombay Chronicle* analysed the Bombay municipal elections of 1916 and 1919; it showed, among other things, that in 1916 there were only 11,547 voters—784 Europeans, 380 Indo-Portuguese and Eurasians, 2,806 Parsis, 2,578 Muslims, 4,924 Hindus, and 125 others. The corresponding figures for 1919 were respectively 12,781-858, 246, 2,924, 2,872, 5,760 and 121. The distribution in Madras and Calcutta is certain to have been quite as faulty. The number of voters in Madras in 1911-12 was 9,824.

3. "A similar expedient to that adopted in the constitution of the English Board of Guardians in which the J. P.s of the district sit *ex-officio* along with the elected members, in number limited by law to a third of the whole. A number of members, holding positions of public trust and importance might be similarly incorporated *ex-officio* in our elected body, thus ensuring the admixture of a certain amount of the highest intelligence and education in the town.....Such a body may be left, not to administer and govern for which it is radically unfit, but to fulfil its proper function.....The only way to dispose of the executive authority is to vest it in a single responsible officer.....The most liberal political thinker of the present age emphatically lays down that such an officer should be nominated not elected".....From Mehta's paper on the subject 29-11-1871 printed at *Speeches* pp. 81-115; see also for the rest of the above paragraph, *Speeches*: 184-22, 235-59, and H. P. Mody, *L.M.*, pp. 56-80, 116-21, 193-206, 265-73, and 558-68.

SECTION 62.

1. The Bengal Act X of 1842 proved inoperative. Act XXVI of 1850, applicable to the whole of India but principally availed of in Bombay and U.P., did not create any municipalities with elected members. Local Self-government in the proper meaning of the term necessarily implies local bodies including a number, however small, of popular representatives. Hence the history of local self-government in British India begins only with the above resolution of the 14th December, paras. 23 and 24 of which are quoted here as really initiating the change:—

"23. But beyond all this, there is a greater and wider object in view. Local interest, supervision and care are necessary to success in the management of funds devoted to education, sanitation, medical charity, and local public works. The operation of this resolution, in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of Native and Europeans to a greater extent than heretofore in the administration of affairs."

"24. The G. G. in Council is aware of the difficulties attending the practical application of these principles. But they are not insurmountable. Disappointments and partial failures may occur but the object in view being the instruction of many people and races in a good system of administration, H. E. in Council is fully convinced that the Local Governments and all their subordinates will enlist the active assistance, or at all events the sympathy of many classes, who have hitherto taken little or no part in the work of social and material advancement."

2. See, for instance, the Bombay District Municipal Act 1901 as modified upto the end of 1919-20, Ch. 9,—Municipal Powers and Offences. The sub-captions are: powers in respect of streets (3 sections); powers to regulate buildings etc. (7 sections); powers connected with drainage etc. (14 sections); powers regarding external structures etc. (6 sections); powers for promotion of public health, safety and convenience (8 sections); powers for the prevention of nuisances (13 sections); regulation of markets sale of food etc. (12 sections); and nuisances from certain trades and occupations (12 sections).

SECTION 63.

1. Upper Assam, too, has no village sites. The houses of the villagers are also scattered in Bengal proper, and in the delta of the Ganges and the Brahmaputra as the rainy season inundations subside, fresh mounds are thrown up and houses are closely packed together upon them, to be all washed away either at the very next inundation or in a few years. In Baluchistan and N. W. F. P. nomad tribes exist in large numbers. And forest tribes, hillmen, and aborigines in a still more primitive stage are still numerous in various parts of our vast country. The residential village with or without a wall or a hedge all round it or with a tower of refuge or a walled temple in the vicinity for shelter in times of danger, exists in the rest of India. But when the census of 1901 is quoted as having enumerated 728,605 villages in British India, the above brief summary of exceptional areas and human groups should be borne in mind, and it should be further remembered that "in some places the village was taken to be the area demarcated in the course of a survey, corresponding more or less to the English parish or the Teutonic mark," and in such cases was not necessarily a residential village community.—*Imp. Gaz. I* pp. 455-6; J. Matthal, *Village Govt.* pp. 8-9.

2. Under the Madras Local Boards Act V of 1884, a village union with 5 or more members, chiefly headmen of the village falling within the union, and a chairman nominated by the chairman of the taluka board, looked after (1) lighting the roads; (2) making and repairing roads

and drains; (3) keeping them clean, as also wells, tanks etc.; (4) water supply by constructing and repairing tanks wells etc. (5) establishing and maintaining such hospitals, dispensaries and schools as government had sanctioned; and (6) generally doing all that might be required for the preservation of public health. Bengal too had such unions from 1895 but they were introduced there experimentally in some parts only, and do not appear to have been a success. Bombay and C. P. had instead village sanitary committees, the larger Bombay villages had sanitary boards with larger powers from 1889. In U. P. the power of cleansing and constructing wells at the cost of the neighbourhood was given to the Collector from 1892, and there were neither sanitary committees nor village unions before 1912 (Matthai, pp. 99-108.)

3. In Bombay 38% was spent upon education; in U. P., C. P. and Berar, and N.W.F.P. 30%; but on the other hand only 17% in Bihar and Orissa; and Madras was at the bottom of the list with only 10%.

4. He gives the following figures about villages in the Bombay Presidency: total number in the British districts about 26,000; population below 500—about 16,000; population from 500 to 1,000—about 6,000; larger—the rest. For the villages with a population below 500 he says they should either be joined to larger adjoining villages or grouped into unions.

5. *Speeches* pp. 1213-4. Compare the provisions in the Madras Panchayat Bill introduced by Mr. T. Rangachari in Mrs. Besant's club for political debates, the Madras Parliament, published (1916) as No. 3 of the Madras Parli. Transactions.

The Mysore Village Panchayat Act, 1926, provides a registrar of Panchayats and Circle Inspectors under him, the district officers are to help and work with them and the panchayats instituted are granted functions classified into—(a) obligatory: management of religious institutions, preservation and development of communications, care and equitable use of village properties (wells, tanks, forest areas), measures of sanitation and public health; (b) discretionary: registration of births and deaths, economic improvement; and (c) delegated: primary schools, etc. Official lead and control are to be replaced by advice and warning as soon as practicable. Judicial powers are not yet given. The aim is to tap disinterested, steady, active leadership and force of character in these poverty-stricken down-trodden masses, and, as in the case of the co-operative movement, to go forward only in proportion as this is found. The experiment on these lines sounds a little more hopeful, but a good deal will depend upon the personal factor.

6. L. S. G. Rean. 1915, para. 37. It would be difficult to express greater hostility to the idea of reviving village panchayats as tribunals

than was done by Sir Henry Maine—of all people—in a Memorandum to the Secretary of State in 1889, which is quoted by Mr. Matthai ((pp. 182-3) and deserves most careful consideration by sentimental revivalists.

7. "The area under a panchayat should normally be a village unless villages are so closely connected that they may be treated as one"—L. S. G. Rean. 1918, para. 23.

8. The Bengal Village self-government Act of 1919 subdivided districts into convenient unitary areas each to have a Union Board, any two or more members of it government might by notification constitute into a Union Bench for the trial of petty local offences, or unto a Union Court to try petty and simple suits for money due on contracts, for recovery of moveable property or its value, or for compensation. The C. P. village Panchayat Act and the U. P. Village Panchayat Act, 1920 also constitute similar bodies with similar powers. Will the experiment succeed? I do not think so. Even the villager, I venture to hold, will very soon want better qualified and more indubitably impartial "benches" and "courts." Besides 'petty' and 'simple' matters are neither so petty nor so simple if you can look at them, as does the villager concerned, in all their concrete detail.

CHAPTER XI.

THE AWAKENING.

Section 64. Modern Education: The Beginnings. It is a historical fact that Ancient India from the period of Gautama Buddha and Mahavira Jina to that of Yuan Chwang was a well-educated country even by modern standards. A knowledge of the three R's was widespread, vocational training and apprenticeship were universal, and the country was dotted over with centres of higher learning thought and culture carrying on a living interpretation and continuously fresh adaptation of the rich legacy of former generations. Break-downs recurred, no doubt, at irregular intervals, whenever famines, epidemic diseases, or wars and invasions devastated particular regions, but these were local in extent and temporary in their effects and education and culture revived as the locality got over such calamities. The strength of the system lay in its being a spontaneous social activity quite independent of the state and its varying fortunes, even while receiving munificent aid from innumerable rajas, ranis and high officials, since the donations came from them in their individual capacity, prompted by reverence, or a sense of what they owed to particular localities, or foundations, or gurus, or a desire for the good of their souls. No culture, however, can live on through the centuries unless it can also develop a stable self-sufficient political system, strong enough for defence against attacks from without, and elastic enough to allow ample latitude for the play of individual freedom within. And failing in the first, Hindu society instinctively turned to the only other alternative, viz. the strengthening the social framework, until individual freedom and individual initiative—the other indispensable requisite—came to be progressively sacrificed through imperceptible but cumulative stages. Hindu culture was thus weakening internally when the Muhammadan period of our history began, accelerating the decay. The forces of revival had little chance until Akbar established his dynasty,¹ and after little more than a century, anarchy got the upper hand again, until the East India Company could attempt a reconstruction, starting from the nuclear points of Calcutta, Madras and Bombay.

The motives of the pioneers were rather mixed. There was sound policy in trying to win the intellectual classes over

to the side of the conqueror, by patronising their best representatives and harnessing them to a revival of the learning they valued so highly. The law courts needed learned pandits and moulvis whose rulings the people would respect in proportion to their learning.² Devout missionaries and earnest-minded leaders of opinion like Wilberforce and Charles Grant wanted to spread Christianity, or at any rate, they wanted the benighted and superstitious heathen to have a chance of seeing for himself what Christianity was, hoping from it the best and the most far-reaching results.³ The administration had to be cheapened as well as improved, larger numbers had to be employed in various capacities; this was not possible without an increasing use of indigenous agency; and the necessary amount of integrity, loyalty, intelligence, and knowledge could only be obtained at reasonable rates by a suitable system of education. The language of the courts and of official business had to be changed and this required the creation of a growing class with a working knowledge of English. A practical training in the medical and engineering sciences was inspired by motives of pure philanthropy as well as by a recognition of their obvious utility.⁴ And there was also the faith in the cultivation of the intellectual faculties and the spread of positive knowledge for its own sake. Darkness and superstitions were held to be the greatest enemies of the population and the greatest dangers to the stability of English rule in India, and it was realised that they could only be removed very gradually by the diffusion of a rational education. Equally mixed were the motives of the people, the living material upon whom the experiment was tried, who seized the widening opportunities offered to them in ever increasing numbers. Some applied themselves to the new subjects for the same reasons that their forefathers for centuries past had applied themselves to the old; study was their traditional occupation, their historical dharma, the *raison d'être* of their life and their place in the social whole. Others studied with a view to the worldly benefits they personally expected in return. And almost from the first, there were also others, rare spirits with a vision and a faith, of whom Raja Rammohan Roy was the great prototype. These were the first patriots of modern India. They saw their dear motherland feeble, cursed with many ills, humiliated. And they saw in the conqueror and in the West whence he came, the God-appointed agency to restore her to better days. They

sat at the feet of England and the West as admiring disciples determined to acquire from the guru the secrets of economic revival, intellectual activity, moral vigour, social health, political power and religious purity. The advance of India would have been much quicker and far better balanced if such men had appeared amongst Muslims also from the first. And some of the officers of the Company did obtain favourable opinions from one or two liberal moulvis, recommending English education to their co-religionists.⁵ But the community as a whole hung back suspecting the new departure, and after the Mutiny, their attitude towards the new order was, naturally perhaps but all the same very unfortunately, tinged with a bitterness which did not quite fade away for another two decades.

Official missionary and private efforts, individual and collective, have jointly contributed to the growth and evolution of our complex educational system. All three strands in the historical web are important, each has distinctive features, each agency has been inspired by ideals which have demanded more and more effort at every stage of accomplishment, and perhaps the most valuable lesson the history of modern education in India has to teach is that all three are still as indispensable as they were in the dawn of small and tentative beginnings at the opening of the nineteenth century. To educate a subcontinent like India means an ever-increasing outlay on a vast scale, the bulk of which must come out of state treasuries, local provincial and central. Without a rigid anatomy of structural uniformity and system, moreover, the education of our diverse nationalities would soon cease to be animated by a common spirit, and state agency, legislative and administrative, is the most natural source from which to derive this. The distinctive merits of missionary agency are freedom from the traditional limitations of the Indian outlook, Hindu and Muslim, an appreciation of the dignity of man as man, and a living grasp of the stern economic realities of Indian existence. The official is almost always conscious of being on a higher rung himself, and patronisingly bends down and extends his hand to pull up the Indian from where he is. The missionary on the other hand, who is the true disciple of his Master, goes among the people, becomes one of themselves, shares their life and work, and the children run to him because of his greater gentleness and love, and gradually they learn from him how to live and work better than

their own elders are doing. Missionary education is but a part, though an integral part, of the larger missionary endeavour to recast the whole life of the individual into a higher mould. Missionaries in Indian education are thus the pioneers and path-finders; they are the experimenters in our educational laboratory. Their failures are many some even grotesque, but these do not matter; while every success they achieve, however heterodox the methods, is so much pure gain.⁶ It is also pure gain for Indian undergraduates to come into touch with as many varieties of western culture as possible, and amongst the professors at missionary colleges we sometimes get humanists altogether different in stamp and lustre from the professors with equal or higher attainments at the Government institutions. The distinctive features of the third educational agency working in our midst have so far been its faith, imitativeness, and docility. Large and increasing numbers of Indian educationists have worked in the fields of official and missionary agency as subordinates of official and missionary superiors, making it their highest ambition to reproduce to perfection the best qualities of their superiors. Even in institutions nominally independent and indigenous the best masters have formed themselves consciously or unconsciously on some model or models. Really independent Indian endeavour has emerged rather late in our educational history and it is not yet possible for the impartial student to form any opinion about it. Sir Syed Ahmed's High School and College at Aligarh had for its initial aim the provision of a public school and a residential college of the English 'gentleman'-ly type for the Muslim youth.⁷ Mrs. Besant's Central Hindu College, Benares, also attempted a combination of religious and modern education of the highest type, through the agency of Englishmen and Indians working together on equal terms, and living all the twentyfour hours in intimate association with the boys and young men in residence. This institution developed by 1915 into the Hindu University, Benares, mainly through the devoted efforts of Pandit Madan-mohan Malaviya and the generous support of a large number of Hindu Chiefs and merchant princes. One of its aims is to supply the highest and the most up-to-date teaching in every branch of learning; thus a college of Engineering was opened in 1919, and medicine, teaching, agriculture, commerce and other subjects will be provided for in the near future. Institutions like those of the Deccan Education Society, Poona,

and the schools and colleges of the Arya Samaj, in more than one province, generally accept the established courses, text-books, examinations rules and regulations of the education department and university. Their aim is to extend education, rather than to create a new type of it; they charge lower fees, obtain what gifts they can from private sources, and although relying principally upon these, have no objection to grants-in-aid.⁸ Their one peculiarity is a purely Indian staff, a large number of whom have patriotically pledged themselves to draw from the funds of the society or the institution only a living wage and to give in return the best working years of their lives. This no doubt makes not only for economy but also for greater devotion on the part of the teacher and greater attachment between him and his pupils. But some of the best in this necessarily small band have been impelled by their patriotic feelings to divert their time and energies more or less to social work or journalism or politics. Take the most brilliant individual of the class, the late Mr. G. K. Gokhale, as an example. I do not mean to say that he should not have become a politician at all. My point is that his becoming a politician necessarily prevented him from rising to his full height as an educationist and a man of learning. Research, scholarship, teaching, is a jealous mistress and brooks no rival. Perhaps, as the country settles down, the best Indian educationists will themselves realise that education as a profession is fully worthy of the uttermost devotion possible to a man. Living in the busy hum of towns and in the ebb and flow of their swirling currents, they must yet lead their own lives dedicated to their science or sciences and their students. The Acharyas of the Arya Samaj Gurukulas find this counsel easy to accept, because they take themselves and their pupils quite out of the world of today to live by themselves in a world apart. And the type of education these revivalists seek to create is only a pale imitation of *what they think* was the type that prevailed in the heroic age of Ancient India. They are imitators no less than all the other Indian educationists so far described, their only distinction being that they are also visionaries led astray by their vision. The strength that Young India needs to rise to its full height in the modern world is a strength that can only be won in and through the modern world itself, and not at all by running away from it to primeval forests, musty texts and the ideals and rituals of days gone by. The only originality so far shown by Indian educationists is in the

institutions founded and patiently and reverently being built up by two men of transcendent genius, Sir Jagadish Chandra Bose and Rabindranath Tagore. Both institutions are still in their foundations. And genius of course is a law unto itself. What one desiderates for Indian education is that Indian educationists and the ethos of the Indian people should begin to play upon it freely and fashion it anew; the best to be found anywhere in the world should be taken, but instead of being copied it should be bodied forth in living forms under the Indian sky.

Section 65. Modern Education : 1787 to 1854. Carey and Marshman reached Serampore in 1799, and began almost at once to start schools, establish a printing press, translate the Bible into the Indian Vernaculars, and issue pamphlets and books. Missionary education, English vernacular and religious, was thus inaugurated.¹ Its growth was rapid. By 1815 there were twenty schools in the neighbourhood of Calcutta, and a similar number in Chinsura District. The Serampore College was opened in 1818, Dr. A. Duff's² institution at Calcutta the Church of Scotland's General Assembly's Institution, in 1830. J. Carey, Dr. Carey's son, opened a school at Ajmer in 1818, and had to be reproved (1822) for introducing the Bible (Hindi translation) there as a schoolbook. In the meanwhile parliament had passed the Charter Act of 1813, section 43 of which provided that—

"It shall be lawful for the Governor General in Council to direct that a sum not less than one lakh of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories, in India; and any schools, public lectures, or other institutions, for the purposes aforesaid, which shall be founded in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor General in Council."

The most important of the regulations related to the observance of strict religious neutrality. The missionaries tried all their authority influence and ingenuity to make even the government institutions places of Christian teaching and to retain subjects like the evidences of Christianity and books

like Pilgrim's Progress in the examinations, on the results of which scholarships and certificates were awarded and selections for government appointments were made. Some of the most distinguished amongst them even argued, without much scruple, that purely secular education would be demoralising to the pupil and a serious political danger to the Company. Some of the more serious-minded amongst the servants of the Company agreed with them to the extent of holding that British rule in India must end in transforming India into a Christian country, or at any rate that it must be pronounced a failure unless that was the ultimate outcome. But even these men were resolved to keep Christian propaganda within the narrowest bounds and to exclude from the government educational institutions everything that Hindu or Muslim sentiment might object to. The Bengal Government moved rather slowly at first. A school-book society and a school society had come into existence at Calcutta in 1817 and 1819 respectively, and government began to help them from 1821. A Committee of Public Instruction was formed in 1823. Existing institutions were to be supported and strengthened, oriental learning and European science were to be encouraged, and new institutions "for instruction in the learning of the East and of the West together,"* were to be established as far as possible. H. H. Wilson was the first secretary; a man of inexhaustible energy, who besides his work at the mint and as secretary of the Asiatic Society, also helped the Hindu College actively as a teacher. This institution had come into existence in 1817 through the joint efforts of Raja Rammohan Roy, David Hare, and Sir E. H. East the Chief Justice, "to instruct the sons of Hindus in the European and Asiatic languages and sciences," but especially in English.† Over a lakh was subscribed to start the institution and government inspection and aid were accepted from 1824. Another name that must be coupled with Rammohan Roy's in a history of the beginnings of English education in this country is that of Jaynarayan Ghosal of Benares, who made a donation of Rs. 20,000 and certain lands in 1814, and petitioned government to establish from the proceeds a school where English, Persian, Hindustani and Bengali might be taught. The school was started in 1818 and seven years later the son of the founder gave to it another

* Holt Mackenzie's Note 17-7-1823, (Sir H. Sharp, p. 60.)

† This was the declared object of the founders—H. R. James, p. 17. It was transformed into the Presidency College, Calcutta, in 1855.

Rs. 20,000.* The Hindus especially in Calcutta wanted an education in English and in modern subjects, although it is not likely that many of their leaders would have endorsed Raja Rammohan Roy's condemnation of the traditional Sanskrit learning as entirely useless.‡ The Court of Directors, too, had modified their views. In 1824 they wrote—

"We apprehend that the plan of the institutions (Oriental institutions like the Madresa, the Benares Sanskrit College and the Calcutta Sanskrit College) was fundamentally erroneous. The great end should not have been to teach Hindu learning or Muhammadan learning, but useful learning. No doubt Hindu media or Muhammadan media would have been proper to be employed, and Hindu and Muhammadan prejudices would have needed to be consulted while everything which was useful in Hindu and Muhammadan literature it would have been proper to retain. In professing on the other hand, to establish "purely oriental" seminaries, you bound yourselves to teach a great deal of what was frivolous, not a little of what was purely mischievous, and a small remainder, indeed, in which utility was in any way concerned. In the institutions which exist on a particular footing, alterations should not be introduced more rapidly than a due regard to existing interests and feelings will dictate; at the same time that incessant endeavours should be used to supersede what is useless or worse in the present course of study, by what your better knowledge will recommend.†"

This despatch should have decided the question as to what type of institutions government were to establish, and what subjects of study they were to encourage. But of the Committee of Public Instruction, half the members were more conservative. Modern subjects they would only engraft upon oriental learning; they wanted Sanskrit pandits and Muslim moulvis to learn modern subjects through the medium of Sanskrit and Arabic translations, and then to teach them to others through Sanskrit and Arabic. They were quite aware that this would mean very slow progress, but they were willing to wait, buoyed up by the conviction, which they held passionately, that theirs was the only right method of bringing about in the fulness of time, a genuine and a glorious renaissance in

* Mahmud, p. 26.

† Despatch of 15-2-1824, condensed.

India.⁴ It was against this view that Macaulay wrote his one-sided and rhetorical but opportune minute. The position and reputation of the author made up for what it lacked in knowledge or cogency, taste or judgment, historical breadth or philosophical depth, and Lord W. Bentinck's government decided against the Orientalists and in favour of the Angloists by their resolution of 7-3-1835, declaring "the great object of the British Government" to be "the promotion of European literature and science among the natives of India," but also deciding that no institution of native learning in existence was to be abolished "while the people availed themselves of the advantages it afforded," and that no individual teacher or student was to suffer any loss owing to this change in the educational policy of the state.

In Bombay a society for promoting the Education of the Poor started two schools at the capital, and one each at Surat, Broach and Thana in 1815. And soon after the Maratha territories were finally annexed, a Sanskrit College was opened on the 7th October 1821 at Poona, part of the Dakshina Fund of the Peshwas being assigned towards its maintenance. English classes were added from 1825, the institution was thrown open to all classes in 1837, developed into a College in another twenty years, and obtained the name of the Deccan College a little later.* The Bombay Native School and School Book Society was constituted in the same year as the Calcutta Committee, and on the retirement of Elphinstone, Bombay citizens collected together a fund of over two lakhs and requested government to accept it as a trust out of the proceeds of which three English professors of European languages arts and sciences were to be employed, to be known as the Elphinstone Professors. The Court of Directors recommended that the project might be enlarged into something like the Hindu College of Calcutta. This was the beginning of the Elphinstone Institution, which grew by 1856 into the Elphinstone College and the Elphinstone High School. Dr. John Wilson's school was started in 1834 and also grew into the Free General Assembly's High School and College a little later.

Madras had a Committee of Public Instruction a little later than Calcutta and Bombay. Sir Thomas Munro laid

* 'Origin of the Deccan College' by B. K. T. in the *Deccan College Quarterly*, Vol. I.

stress upon improving the knowledge and increasing the numbers of teachers and estimated that the male population of the presidency would need twenty Collectorate schools for Hindu and twenty for Muslim boys, and three hundred tahsil schools, single teacher institutions, the collectorate school teachers receiving Rs. 15 per month, and the tahsil school teachers Rs. 9 each.* This idea of extending primary education through the medium of the vernacular had the sympathy of the Directors as had the similar Bombay plan of having a vernacular school first in each principal town and sadar station, and later on in the *kasbas* and larger villages.† But they pointed out to the Madras Government the more immediate need of and the far greater benefits to the people likely to accrue from institutions devoted principally to higher branches of knowledge, that might moreover begin immediately to supply an increasing "body of natives qualified to take a larger share and occupy higher situations in the civil administration. The measures for native education which have as yet been adopted or planned at your Presidency have had no tendency to produce such persons."‡ The central school for the training of teachers was accordingly turned into a High School in 1841 and grew later into the Presidency College. Pachaiappa's institution was also started in 1841 out of an old endowment and developed into a college. St. Peter's College at Tanjore goes back historically to Swartz's school at that place mentioned above. And a school started by Mr. Anderson in 1837 developed into the Madras Christian College and the Church of Scotland Missionary Institution.

The comparative backwardness of Bombay and even of Madras did not retard the development of educational policy. The Charter Act of 1833 increased the annual grant of Rs. one lakh to £ one lakh. Act XXIX of 1837 abolished Persian as the Court language, Sir Henry Hardinge declared, as already noted (p. 112), that in the selection of natives for public employment, preference shall be given according to 'degree of merit and attainment,' and the Council of Education found so many hundreds pressing for English at the new institutions and acquiring such high proficiency therein, that the president proposed a central University at Calcutta, "armed with the powers of granting degrees in Arts, Science, Law, Medi-

* Minute, 10-3-1826. † Despatch, 18-2-1829.
‡ Despatch, 29-9-1830.

ine and Civil Engineering," and endowed with such privileges as were enjoyed by "the recently established University of London."⁵ A system of Primary Education had also been created and actually established over an entire province by Mr. Thomason while he was Lieutenant Governor of the N.W.P. from 1843 to 1853.⁶ Thus the ground was prepared by half a century of experiments failures and advances and the hour had come for consolidating the results, and tying up the types and ideas of proved utility into a graduated system. This was accomplished by Sir Charles Wood's despatch of the nineteenth July 1854. The Committees and Councils of education were to be replaced by an education department at each presidency under a single head. Universities were to be established for each of the presidencies. Government Colleges, High Schools, Middle Schools and Primary Schools were to be systematically increased. The vernaculars were to be the media of instruction in the primary and lower branches. Scholarships were to be multiplied and spread over the entire field in such a manner as to enable talent to ascend the ladder of education upto the highest institutions. Central training colleges were to provide trained teachers to institutions of every grade. The institutions of private persons or bodies, including missionaries, were to receive grants-in-aid, provided that they were under efficient management, gave a good secular education, charged fees however small and accepted Government inspection. Female education, recently started by Lord Dalhousie at Calcutta was to receive "the frank and cordial support of Government as it would impart far greater proportional impulse to the educational and moral tone of the people than the education of men.* And, finally, the spread of education was to be pushed on by government officers in every district taking an active and continuous interest in the institutions within their charge.

SYED MAHMUD: History of English Education in India, Chs. 1-17.

SIR H. SHARP: Selections from Educational Records, Pt. 1.

H. R. JAMES: Education and Statesmanship in India Chs. 1-6.

J. RAMSAY MACDONALD: Government of India Ch. 13.

* Gazetteer IV, p. 481.

Section 66. Education: 1854 to 1919. The history of Indian Education from 1854 onwards need not be noticed in detail. It took the government and non-missionary agencies some years to overtake and leave behind the missionary institutions in the number of students they educated; but the missionaries have all along followed the policy of breaking new ground, they have led the way in virgin areas and unworked layers of the population and new types of educational endeavour, so that the mere statistics cannot do justice to the character and magnitude of their service. Many of the new individuals they educated and humanised were not merely so many units added to the total; they were new candles lit in masses of darkness which light had never before illumined. The education departments each under a Director of Public Instruction with Professors of Colleges, Head Masters of High Schools, Inspectors of schools, and subordinates, were organised all over British India in about twelve years. The Universities of Calcutta, Bombay and Madras were constituted in 1857,* Colleges were opened at Delhi and Lahore in 1864, an Anjuman-i-Panjab was formed the next year, and the Panjab University was incorporated by Act XIX of 1882 (October 5th), which recognised study and examination in certain branches through the medium of Arabic, Persian and Sanskrit, and granted to such students suitable degrees corresponding to the B. A. and M. A. of their ordinary courses, in which study and examination were through English, as in the older universities. The Allahabad University followed five years later (September 23rd, Act XVIII of 1887). The advance in primary education was very slow at first. A despatch of 1859 recognised that private effort was not likely to do much in this section of the field, and a cess on the land to be collected along with the land revenue and expended on primary schools in the locality, was recommended.† Acts authorising such land cesses in aid of primary education were in consequence passed during the sixties and from the seventies onwards with the growth of the municipalities and district boards, the provision of primary institutions in town and village was one of the important functions handed over to them. The number of pupils in these schools increased from two lakhs in 1860 to five and onesixth lakhs in 1870 and to over twentyone lakhs and a half in 1881.

* Acts II (Calcutta January 24th), XII (July 18th, Bombay), XXVII (September 9th, Madras) of 1857.

† Moral and Material Progress Report 1882-3, p. 313.

Out of these as well as all later primary schools figures a serious deduction has unfortunately always to be made, for seventy five *per cent.* or more are always in the two lowest classes who do not go higher at all, and at least one half of these relapse into illiteracy soon after leaving the schools to which they never took very kindly while there.¹ Two other factors have also to be borne in mind in order that this increase, such as it was, can be viewed in a proper perspective; the first is the growth of the population, and the second is the rapid decline and almost entire destruction of the indigenous schools, tolls, makhtabs, etc., which had been in existence in numbers upto 1860 and were fast disappearing by 1880. The progress in secondary education was more substantial. The numbers attending these institutions grew from twenty-three thousand in 1860 to two lakhs and six thousand in 1870, and sixteen thousand were added to the total by 1880. Nor should it be supposed that here too the wastage was high. Wastage there always is and always will be in every system of education, but the boys or rather men² who left at various stages without finishing the course and passing through the gateway of the entrance examination into colleges, also proved themselves in later life fairly able to perform the work they found to their hand in the educational, judicial, revenue, public works, post, railways and other departments, or as lawyers, or in various other walks of life. There was a growing demand for intelligent reliable and plodding men with some knowledge of English which they could improve according to their opportunities, and many of those who left their school course unfinished did so because they happened to see openings which they were glad to seize. We must not judge of the period upto 1880 by what we have seen in the later decades. Even more valuable was the progress in Collegiate Education. From 1857 to 1881 the universities passed out 3284 B. A.'s and 536 M. A.'s* Calcutta led, Madras had shot ahead of Bombay, and the other provinces were left far behind. The quality too was far from uniform. The Calcutta and Madras Colleges had already begun to suffer from the evil of congestion, nor does it appear that they had succeeded in securing such a large proportion of vivifying personalities on their staff in succession as had the Bombay Colleges.³ But whatever the relative differences between the provinces and the Universities, differences difficult to esti-

* Moral and Nat. Progress Report, 1882-3, p. 329.

mate, these graduates and undergraduates as a whole rendered invaluable services to the country during their generation. The new birth in vernacular literatures, the birth of Indian journalism, the initiation of social reform, and the creation of an intellectual atmosphere in which integrity and a sense of public duty were assigned a higher place than in the degraded traditions inherited from the downfall of the Mughal Empire, the habit of collective political action on constitutional lines, the creation and development of All-India conferences, the serious disinterested and public examination of moral, social and religious problems as an independent activity in the light of reason and experience,—in one word much of what we mean by the modern progress of India during the last quarter of the nineteenth century was the handiwork of this small body of men. The ideals seen from afar by Raja Rammohan Roy's generation, this second generation of Indian patriots brought by their exertions and sacrifices, individual and collective, within the range of practical endeavour, and they were in turn the begetters of the third generation of impatient nationalists obstinate irreconcilables, and anarchists fanatical and perverse.

At the beginning of the next twentyfive years of our educational history stands the Education Commission appointed by Lord Ripon, with Sir W. W. Hunter as president. The recommendations of the Commission have been variously judged. We now see that their contemporaries expected too much from them, that it was a mistake to appoint a large ostentatious commission whose labours and inquiries were only limited to a part of the entire field of education, and that their recommendations, such as they were, were not fully carried out anywhere or uniformly in all the provinces. They saw the congestion already beginning in colleges and high schools. They saw that high school education had not sufficiently advanced in the last decade. They could not help noticing that the quality too was falling off. Nor were the funds available for education unlimited. In fact, the fat years were gone, the servile years were upon us, the army needed additions, the services needed better pay and larger numbers, and the fall in silver meant a drain growing at an enormous rate. Any increase in the education budget at a rate higher than in the past was quite out of the question. What then was the best possible distribution of the funds, likely to be available? This was the further limitation, not set down in so many words but not

the less clearly recognised, of the Commission's inquiry. Nor was this all. The minds of the ruling aristocracy who alone were responsible for India, and who held India in the hollow of their hands, were also made up on two other fundamentals. The first was that primary education must be extended much more quickly. What they felt most keenly was that the poor beast of an agriculturist must be made a man of somehow, that he must be saved from the wily moneylender and not allowed to fall into the hands of the not less wily lawyer. Indians might not relish this way of putting it, but the elevation of the ryot is undoubtedly a worthy object, and it is also obvious that not much can be accomplished in this direction without a proper system of primary education spread all over the land as quickly as possible, by means of teachers, male and female, properly trained for their difficult job of winning the maximum of results in the minimum of time. The other fundamental as to which the ruling *corps d'élite* were also unanimous was that the colleges and high schools already in existence needed a much larger leaven of Englishmen, and moreover the Englishmen already there had reason to be dissatisfied with their pay and status so that every Englishman in the department was going to cost much more than in the past.³ Thus the changes in policy resulting from the Commission and their Report can be summed up very briefly. (1) Government undertook to extend primary education as quickly as possible and to treat it as having the first claim upon such resources as were available for education. (2) Such Government high schools and colleges as were already in existence were to be maintained with improved staff and equipment as model institutions. (3) But the extension of these superior grades of education was to be left more and more to private enterprise. It was even hoped that selfhelp would develop amongst the people to such an extent that some of the government institutions might themselves come to be handed over to private management, at least in some localities, without any loss to education. (4) Government inspection and advice were to continue, and selfhelp amongst the people in educational matters was to be fostered by more liberal grants-in-aid, on principles reducing government interference and influence to a minimum. It followed that the efficiency of these institutions and the amount of their grant were to be measured by independent standards, and this necessarily led to a system of payment by results. (5) Lastly, the increasing congestion

in colleges was sought to be remedied by a new examination at the end of the High School course in which there were some subjects of practical rather than academical value. It was also felt that university education was too high an aim for the great majority of high school boys, that too many literary academics were not a gain to the country either, and that the high schools should themselves fit the mass of average students for life,⁴ rather than for at least four years more in the pursuit of a degree. It was argued that the colleges and high schools would themselves gain considerably by being relieved in this manner of crowds who were there merely as the helpless victims of a faulty system, which provided no alternative courses either for training the faculties or for bettering one's status and prospects in life. These views and aims were perfectly sound and if a system of agricultural, technical and commercial education had been evolved providing alternatives suited to local requirements for the last two or three years of the high school course, after a period of struggle which every new departure has necessarily to face until people see the results for themselves and appreciate their value, the successful types of such institutions could have been spread wherever wanted and private enterprise would have supplemented state action by creating similar institutions with further local adaptations. Moreover, if such institutions had come into existence in the eighties, the following decades of increasing economic stringency and unrest were just the period during which they could have grown to their full stature and our entire system of education could have been purged of its over-literary and unpractical character, a defect of which the seriousness is to be judged in proportion to the poverty and educational traditions of a country. But the opportunity was missed. Only a new examination was instituted; no proper arrangements were made for a long time even to prepare the students for the new subjects; and the creation of new types of high schools as alternatives to the literary type first in the field, is a problem no easier of solution today than when it should first have been tackled.

During the last two decades of the nineteenth century the students in primary schools increased from nearly twenty two lakhs in 1881 to a little over thirtytwo lakhs in 1901; out of these the students in the upper division or the last two classes of the schools were only four and six lakhs respectively. The number of students in public secondary schools increased

from 222,000 to a little under 623,000; that in Arts, Oriental, and Professional Colleges from a little under 7,600 to over thrice the number or 23,000. The total public expenditure on education rose from a little under Rs. 1.9 crores in 1881 to a little over Rs. 4 crores in the latter year.

The advance in primary education was not at all satisfactory. The rate of increase improved only slightly during the next decade, and it was with the object of bringing public opinion to bear upon government and thus forcing the pace rather than with any hope of immediate success that G. K. Gokhale proposed in 1910 to the recently reformed Imperial Legislative Council, that a Commission be appointed to frame a definite scheme for making a beginning in the direction of making elementary education free and compulsory in British India. And he followed this up the next year by his Elementary Education Bill. Mr. Orange had remarked in his *Fifth Quinquennial Review* (1902-1906) that on the assumption that there were no increase in the population, "even at the rate of increase that had taken place in the last five years, several generations would elapse before all the boys of school age were in school." Gokhale quoted this and the experience of every country that ignorance and illiteracy it was altogether impossible to remove without compulsion, and he also cited the recommendation of the Hunter Commission that "an attempt be made to secure the fullest possible provision for an expansion of primary education by legislation suited to the circumstances of each province." He calculated, on the basis of a four years' course that about one-fourth of the boys of school age were in school already and as the cost was over a crore and one-third, the total cost of bringing every boy into school would be approximately Rs. five crores and a half. Making another calculation at the rate of Rs. five per boy, he showed on the census figures that with every one of the 12½ millions boys of school age at school, the cost could not exceed Rs. six crores and a quarter. But he wanted to spread the advance over a number of years and it was an integral part of his scheme that a third of the burden was to be borne, as in Scotland, by local bodies. To make a beginning at once in selected areas, i.e. areas already having one-third or more of the boys of school age at school—the proportion to be fixed by the Government of India; to leave the initiative to the local bodies, and to arm the local government

with the power of restraining such of them as were over-zealous:—these were the fundamental ideas of Gokhale's scheme.* The discussion thus raised and the definite demand thus made, had the rare merit, like some other demands of Gokhale's, of being in the nick of time. The resolution he proposed was followed by the elevation of Education into a principal charge for a member of the Viceroy's Executive Council; the introduction of his Bill was followed by H. I. M. George V's visit to India, and in the Royal grants announced at the Delhi Darbar, the pride of place was accorded to primary education.

"Humbly and dutifully submissive to His Most Gracious Majesty's will and pleasure, the Government of India have resolved with the approval of His Imperial Majesty's Secretary of State, to acknowledge the predominant claims of educational advancement on the resources of the Indian Empire, and have decided in recognition of a very commendable demand to set themselves to making education in India as accessible and wide as possible. With this purpose they propose to devote at once fifty lakhs to the promotion of truly popular education, and it is the firm intention of Government to add to the grant now announced further grants in future years on a generous scale."†

The improvement in teachers, their pay and training in schools, and in the number of institutions and of students advanced at a brisker pace with the steady expansion of the budget provision for primary education. Gokhale had taken the rate of increase in the number of boys and girls at school at 92,000 per year for the first ten years of the period.‡ The at 120,000 boys per year for the latter half of the period. The accelerated increase during the seven years before the Great War was at the rate of 192,000 per year.‡ and the acceleration has been fairly maintained since though not uniformly in all provinces. Moreover, one province after another has been making primary education for boys compulsory by legislation, mainly on the lines chalked out in such a masterly manner by Gokhale's forethought. An argument in favour of compulsion that no one thought of during the discussions sketched above is now receiving its due weight. The bulk of the pupils

* Speeches, pp. 699-804. † Speeches, pp. 764 & 808.
‡ Indian Education in 1915-16. (Bureau of Education Annual publication), p. 15.

never advance beyond the lower primary stage, and naturally relapse into illiteracy soon after leaving school. The only way to make their literacy permanent is to keep them at school by legislation for at least four years, otherwise all the effort expended upon them is as good as lost to the country. The Primary Education Acts in Bombay, Panjab, Bengal, U. P. and Bihar and Orissa came into effect between February 1918 and February 1919; the C. P. and Madras Acts are more recent. The Bombay and U. P. Acts apply to municipalities only, while the others apply to district boards also.* The main difficulties in a rapid advance appear to be three. *I.* The financial difficulty. It is not necessary to add anything on this point to what has been said already. *II.* Really competent teachers for boys' schools, girls' schools, and for whatever devices might be employed for adult education. What emoluments they should be given so that men and women of the right stamp would be attracted in sufficient numbers and make the occupation a labour of love for life, is a part of the first or the financial difficulty. But what large numbers are needed and how serious the deficit is at present, may be seen from the following brief statement about U. P. :—

"Vernacular Boys' Schools: Demand—The teachers numbered (1917) 24,000—11,000 trained. Wastage due to death, retirement etc. annually 1,400. To provide for expansion 1,000 new teachers would be annually required. The annual demand thus 2,400.

Supply—At present 300 from Normal Schools and 1,630 from Training Classes (where the course is shorter and far from satisfactory).

Vernacular Girls' Schools: Demand—The teachers numbered (1917) 1,896—240 trained. Wastage higher than in the case of men. To replace wastage 190 would be annually required.

Supply—Present total enrolment in training classes, 150; the number who passed the final (second year's) examination, 35 only.†

* Indian Education in 1919-20, pp. 11-13; India in 1920, pp. 164-170. The Panjab, Bihar and Orissa, and Bengal Acts apply only to boys.
† Dyarchy, p. 313 condensed.

III. The remaining difficulty is the creation of a really suitable type of school and curriculum for village populations. It almost looks as if we might not succeed if we make educating the boy and the girl of school age the main line of advance. Adult education, night schools, festivals and *mela* schools and demonstrations and lectures, periodical schools with concentrated teaching for six to nine weeks during the season of slack work, vocational schools with the three R's thrown in, wherever tried with proper equipment and by competent energetic and zealous agents, have not only scored an immediate success, but have also shown capabilities far in excess of the concrete results actually attained. And they yield this further gain also—every adult man and woman thus educated would be with us and not against us in our efforts to educate his and her children. The best of them might moreover help the local primary schools as volunteers, in selected cases after a course of intensive training; and the variations we want to introduce into the city type of primary school in order to adapt it better to village conditions, can only be gradually worked out in this manner, by united and co-operative national efforts. As long as we persist instead in trying to impose them from above by the fiat of an all-wise department, education cannot enter into and transform the life of the masses, even though the proportion of literacy might go on improving.

To pass on to secondary and collegiate education. The increase in government expenditure on these heads during the last two decades of the last century was mostly on the staff, especially the English staff.‡ The number and emoluments of the Indian staff were also improved to some extent from 1896 onwards, and a large sum was spent on stone and mortar i.e. buildings. I may here insert an anecdote. When Lord Harris was retiring (1895) his friends and admirers had a meeting in Bombay, where laudatory speeches were made, Sir Ramkrishna Bhandarkar was one of the orators, and he showed statistically that the Bombay Government had done more for education under Lord Harris than under his immediate predecessor, Lord Reay. I asked a prominent educationist, an Englishman, to rede me the riddle. He said at once "Don't you know? Stone and Mortar! Sites and playgrounds and buildings!" And he recited in chronological order Lord Harris's principal grants to various institutions, with the money value of each.

With the policy of encouraging private enterprise recommended by the Hunter Commission, the increase in the numbers of the students meant growing congestion in the government institutions, and a multiplication of private institutions, amongst which proprietary high schools and colleges without any independent endowments, seeking only to make a profit out of fee-receipts, steadily increased, especially in the larger cities. The youths attending these institutions, flocking into the central cities from the mofussil, lived anyhow in surroundings highly injurious to health and habits.* The Government or the education department had nothing to do with institutions which did not want grants; the University senates had no powers or machinery for inspection; and moreover, they too grew more and more unwieldy, unbusinesslike, unacademical. The evils grew fastest and manifested their worst aspects in Bengal,† but there is no doubt whatever that the quality of the education suffered and the product turned out was distinctly inferior, intellectually and morally, in Madras and Bombay also. Crude ideas, shallowness of mind, ill-regulated characters and 'failed B. A.s' who could get no employment simply because they really were "unemployable"‡ were not the monopoly of Calcutta alone, though of course the evil there was of longer growth and far larger proportions. By 1902 there were nearly 1,400 private institutions in Bengal, high school and middle schools struggling to reach the coveted status of high schools, more than a third of the number receiving no grant from government. The salaries of the teachers ranged from Rs. 5 to Rs. 78 nor could their regular payment be always depended on. The number of college students in Bengal rose from 3,827 in 1882 to 8,150 in 1902, and government institutions contributed less than a fourth of the latter total, while unaided institutions were responsible for over 4,500. Any improvement of the system necessarily required a certain amount of pulling down, and this Indian opinion resented. Nor did Lord Curzon realise,—his very nature made it impossible for him to see—that to strive for a minimum of friction, heat and opposition was in itself one of the highest aims of statesmanship. The Indian Universities Commission, 1902, inspired to some

* See, for instance, Dr. Garfield Williams' account cited in Sir V. Chitral Indian Unrest, pp. 217-219.

† Sir M. Sadler, Calcutta University Commission Report, Ch. 3, paras. 38, 61, etc.

‡ Indian Unrest, p. 325.

extent by the reconstruction of the University of London in 1898, advised that Indian Universities be made teaching bodies, their senates and syndicates be improved and strengthened, principals and professors be given greater weight in their councils, that better equipment, staff, buildings, hostels, libraries, laboratories, playgrounds, and funds be insisted upon before any new institution was affiliated and that affiliated institutions be inspected from time to time, and the level of efficiency throughout the jurisdiction of the university be raised in that manner, as also by the government strengthening its own model colleges, and the university improving its courses and examinations. The Indian Universities Act (Act VIII of 1904, March 24th) followed, the rules and regulations of the universities were recast during the next two years, and government granted Rs. five lakhs per year for five years, for the improvement of colleges and universities. Larger grants followed. Private munificence nobly seconded public efforts, and the fears widely entertained during the heat of the discussions from 1901 to 1905 that the sacrifice in quantity was certain the gain in quality very doubtful, were soon dissipated. The number of students in Arts and professional colleges increased from over twenty-five thousand (including less than three hundred women) in 1906, to nearly sixty-six thousand (including over twelve hundred women) in 1919. New Universities were incorporated at Mysore (1916), Patna (1917), and Dacca (1920); the Hindu University, Benares (1915), and the Muslim University Aligarh (1920), have been already mentioned; and universities at Rangoon, Nagpur, Lucknow, Agra, and Delhi have already come into being or will do so in the near future. The Osmania University started by H. E. H. the Nizam aims at the highest education through the medium of Urdu; the Andhra University as so far projected is also likely to attach similar importance to the use of a vernacular as the medium for all branches and grades of study.* Looking at the subject as a whole, Indian education today needs rapid advances in the following directions.

I. The education of girls and women. Indian womanhood is not only uneducated, it is still living so to say in the Middle Ages. The higher death-rate of women within the childbearing

* The Vigna Bharati University has grown out of the Santi Niketan School, Bolpur.

age limits is itself an evil the gravity of which cannot be exaggerated. Indian culture is dying, Indian family life is disintegrating, in and through the untimely death of mothers in cities and villages all over the land. Whatever other remedies are necessary and practicable, education is the one panacea, since the effectiveness of all the other remedies will depend upon the intelligent cooperation of the women themselves.

II. The education of Muslims. The backwardness of Muslim education upto about 1870 has been noticed and to some extent accounted for already. "Pride of race, a memory of bygone superiority, religious fears, and a not unnatural attachment to the learning of Islam,"⁶ are the causes mentioned by Syed Mahmud. To these should be added the Mutiny and its after-math. In 1871 the percentage of Muslims to the total numbers at school and college was 14.5. It did not come up to 23.5—the percentage of Muslims in the total population of British India—upto 1917. Their backwardness in higher education has had very serious consequences indeed, not only to themselves, but to Indian progress as a whole. Rammohan Roy, Keshav Chandra Sen, Swami Vivekanand, Rabindranath Tagore, Sir Jagadish Chandra Bose, Sir P. C. Roy, Dr. Brijendra Nath Seal, Sarat Chandra Das, Aurobind Ghosh the mystic, Pandit Bhagwanlal Indraji, Sir Ramkrishna Bhattacharya, Prof. Jadunath Sarkar, M. K. Gandhi, these are all Hindu names; where are the corresponding names of Muslims who have won a European reputation? Or, confining ourselves to Indian reputations, have the Muslims borne one fifth of the burden of advance in politics and journalism, religious purification and social reform, literature, education and science, industry and trade, which it is their right to claim and their privilege to undertake? What is their position in the learned professions, or even in government and semi-government employment, in spite of every effort on the part of those in authority to give them preferential treatment? What is their position even in Muslim Native States? Syed Mahmud calculated that from 1858 to 1893 the Hindu and Muhammadan graduates numbered in Arts 9,715 and 399, in law 3,337 and 110, in medicine 1,239 and 34, and in Engineering 590 and 3—total 15,081 and 545 respectively.* The Muhammadans have

* P. 185. The author studies the subject exhaustively, giving elaborate tables and diagrams.

considerably improved their relative position in higher education since, but they still have a long distance to make up. Of the total number of nearly 66,000 students in Arts and professional colleges in 1919 only 7,345 were Muslims* or only one-ninth, whereas they ought to have come up to one-fifth.

III. Far more provision is necessary than is as yet available for higher education in Medicine, Engineering, Agriculture and applied branches of science which yield experts for industry and mining, forestry, agriculture and cattlefarming.

IV. Such facilities for higher education as have so far been created fall short of the highest stages. For every further advance we have to import "experts" from outside India. One assumption underlying all our institutions and endeavours appears to be that "Indian" necessarily means "second-rate." A selfsufficing system of education right upto the highest stages ought to be our aim. Foreigners would now and then have to be imported, no doubt; but we too should learn to stand upon our legs and import them, as France or America might import them, for very exceptional purposes and limited periods, and such men only as have won a more than local reputation.⁷

V. Our whole system of education is too English, too imitatively too slavishly English. English degrees are prized far higher than they are really worth; English traditions, English conventions, have here an exchange value higher even than in England or the Colonies. India will never rise to her proper place in the scale of nations and in world-thought until we pass on from English to European civilization, until leaving Oxford and Cambridge behind, we get into living touch with other great centres of European thought also. France and Germany seem as though designed, "whether by nature or by the unconscious hand of political history, to be half-willing, half-reluctant complements to each other and to England. English common sense, French lucidity, German idealism; English liberty, French equality, German organisation; English breadth, French exactitude, German detail."⁸—now that we have Indian Ministers of Education, one hopes

* *Indian Education in 1919-20.*

that in Indian education and Indian university life these various rays will be blended together by Indian selection.

VI. Perhaps the most urgent educational problem today is the reform of the High School. The literary type of high school has proved incapable of sustaining its own burden. The average boy it sends on to the University is found below the mark in knowledge of English, in general knowledge, and for the freer undergraduate life to which he is introduced at college; and the efficiency of the college and the university suffers. And, as has been already remarked, high schools dealing with agricultural, technical, industrial and practical subjects have to be created, exceeding in numbers the literary high schools already in existence, and taking away from them more than half their students. It is only as we succeed in solving the problem at this stage, that we shall be able to take arts and crafts lower down to the primary stage at one end, and higher up, to the university stage at the other end.

VII. The place of the vernacular and of Indian culture subjects in our system of education is exciting more and more comment and heated partisanship. It is the inevitable consequence of the growth of nationalism. Tell the Maratha that his *modi* script is an example of cumulative degradation or devolution; he will not listen. You might as well try to explain the matter to a tree. Tell him that the neighbouring Gujarati script is an example of cumulative improvement or evolution, and he will be interested. But ask him to exchange the degraded *modi* and the petrified Devanagri for the living and beautiful Gujarati script, and he will take you for a lunatic. That is nationalism. One of the great difficulties in the upward march of India is that the language, literature and script claiming by birth the largest number of adherents in North India are so hopelessly inferior to the languages, literatures and scripts surrounding them.⁹ Neither Bengali nor Marathi nor Gujarati will yield to Hindi. Nor will the Dravidian languages of the south to any language, literature, and script of the North. Nor will the Muslim yield his Urdu or hotchpotch script, language and literature to one of Hindu origin and associations. The lesson Indian nationalists have to learn is that nationalism logically and intransigently followed can only break up India. Nationalism, moreover, has no solution for

key areas like the premier cities of Bombay, Calcutta, Madras, Rangoon, Karachi, Dehli, Ajmer, Benares, Lahore and Peshawar; places where the populations in their lakhs are and always will be inextricably mixed up. Nationalism as such has no solution either for the frontier. Indian patriotism has to transcend nationalism or it cannot build up or sustain a United India. Uniform education, through the medium of the English language in its higher stages is more important than a nationalist education, at least during the period of transition.* It is to be hoped that Indian nationalisms will prove themselves sane enough to realise the inestimable value of the moral bond that a uniform modern education all over India can furnish making for unity and harmonious growth.

SYED MAHMUD, History of English Education in India.

H. R. JAMES, Education and Statesmanship in India.

SIR V. CHITROL, Indian Unrest, Chs. 17-21.

Quinquennial Reviews of the PROGRESS OF EDUCATION IN INDIA (Sir A Croft, 1881-6, A. M. Nash, 87-91; J. S. Cotton, 92-96, R. Nathan, 1897-1901; H. W. Orange 1902-06; Sir H. Sharp, 1907-11, 1912-16.

INDIAN EDUCATION a brief annual narrative from 1913; there was no issue for 1916-17.

INDIA IN 1923-24, pp. 226-241.

Section 67. *Nationalists, Irreconcilables, Anarchists.* While railways reduced distances lessened the time and trouble of travelling and making it quite an ordinary thing for the average man to go by himself frequently from one part of India to another, broke down geographical barriers, and unified the country in a physical sense, the uniform education in high and higher institutions gave an intellectual and spiritual unity to the higher classes throughout the country in a few decades. A common medium of intercourse, common ideas and tastes and mental habits, a widening outlook, an emancipation of the mind, a release of the will, an elevation of aspirations were produced, and hundreds of fresh young minds scattered all

* Quoted by the Vice Chancellor, Bombay University Convocation Address 1922.

over a vast area began nevertheless to respond to the novel influence in ways the essential uniformity of which was wonderful to behold. The first effect of the shock almost everywhere was denationalisation. The child of cast iron custom threw off his fetters and revelled in his new found liberty, overstepping the bounds which separate true beneficial liberty from pernicious license. But this was soon followed by a more reflective stage. Chandra Shekhar Deb asked Rammohan Roy "one Sunday evening as they were returning home from prayers: 'Diwanji, we now go to a house of worship where a foreigner officiates. Should we not have a place where we might meet and worship God in our own way'?"* Thus was the Brahmo Samaj born. Michael Madhusudan Datta wrote his first poems in English; but deeper instincts prevailed, and the prodigal son returned to the Mother-Tongue: a history that has repeated itself since in quite a number of cases. It should also be remembered that the world as a whole was shrinking up as well as India, that events in any part of the world and thought currents starting anywhere produced their effects more quickly and more fully in many countries and in more than one continent than in any previous century. The educated classes in India participated in this world-wide awakening. It was not our government alone which borrowed currency ideas from one European country or press laws from another. Our younger irreconcilables, too, got into touch with the literature of Italian secret societies, Russian anarchists, Hungarian obstructionists, Egyptian Kemalists, Turkish Pan-Islamists and Irish Sinn Feinists. That however was much later. To understand the beginnings of nationalism in India we have to grasp first of all two leading features of the time. The nineteenth century in European history is the century of nationalism. It is also the century in which European scholars studied Sanskrit, created the studies of comparative philology, comparative mythology, and comparative religion, and elevated the Indo-Aryan race and their sacred prehistoric tongue to the same high pedestal as the ancient Greek and Latin. Perhaps the leading dates to remember in this movement of world-thought are:—Sir William Jones settled the date of Chandragupta in 1793; Max Muller published the first volume of the Rig Veda in 1849 and the first volumes of the Sacred Books of the East in 1879; and at the first world-parliament of religions at Chicago in 1895

Sir E. Lethbridge, *Life of Ramtanu Lahire*, p. 81.

Swami Vivekananda asserted the claim of the Indian sage to be the religious guru of humanity. What had long been a household saying in Hindusthan* that of the many incarnations of the Deity all but one were partial manifestations, one alone was Perfection, he applied there to all historical religions, claiming that the Indian Vedanta was the only perfect manifestation of the spirit of man in its quest of the Holy Grail, the only perfect reconciliation between the rational and the mystical in man. It was a claim no Indian had advanced outside India for fourteen hundred years or more; yet the spiritual elevation of the individual who thus put it forth won intuitive conviction in a few, making them his disciples in faith. The birth of the Arya Samaj (1875)¹ and of Theosophy (1878) should also be noted as events falling in the same class.

Nationalism as an active principle in the communal consciousness implies a background in religious faith and a sense of dignity and self-respect. How these arose we have just seen. But nationalism manifests itself principally in political activity such as constitutional agitation, nonviolent but irreconcilable opposition, immoral murder and conspiracy, and open rebellion and war. Dadabhai Naoroji was, by common consent, the father of political agitation in India. To appeal from the facts of the administration to the principles embodied in parliamentary legislation, from officialdom in India to the English public and its sense of justice, from the autocracy here to the spirit of liberty and progress in English history, to define the grievances, to petition, to found political associations and train them up in creating a public opinion here and in carrying its moderate and reasoned demands through the regular channels to the highest court of appeal, to start a discussion on public grounds and to keep it up as a public activity, that was the sphere of public service to which he gave with his whole heart animated by perfect faith, more years of continuous persevering labour than any one else of his generation. The accident of his being the first Indian to be elected to parliament (July 1892) made him the unquestioned leader of Indian progressives for the rest of his long life. He was a pioneer, and no pioneer can be judged in history merely by results. Or, rather, the following he wins, the disciples he makes, the spirit he breathes into the movement, are the most valuable of a pioneer's achievements. And Dadabhai's own character, the purity

* Hindusthan = Hindu India; Hindustan = North India.

and simplicity of his life, his moderation and chivalry in controversy, his transparent faith, and his sweet reasonableness gained a serious hearing for him even from inveterate opponents.

By 1875 political progress began to be perceptible even outside the three capitals and places like Poona. The Indian Association, Calcutta, was established in 1876 and this body sent Mr. Surendranath Bannerji on a political lecturing tour, one year to the north upto Rawalpindi, another year to Madras and Bombay.* The imperial assemblage at Delhi in 1877 was probably the first occasion when prominent politically-minded Indians from all provinces met one another in such numbers. But India is a vast country and was far less homogeneous then, and matters would have ripened rather slowly but for the Ilbert Bill, the determined and most violent opposition to it by the Anglo-Indian community, and the humiliation they succeeded in inflicting upon Indians by that means. Even such an object lesson was not indeed sufficient to open the eyes of the older men in the legislative council itself. Raja Shiva Prasad, Kristo Das Pal and Sir Syed Ahmed agreed on the other hand in professing their confidence that their own communities, with the good breeding and sense of propriety innate in the Oriental, would never so demean themselves. But the younger leaders of the Indian Association judged differently. The terms of the concordat between the Government and the Anglo-Indians were known by Saturday the 22nd December 1883. The Indian Association immediately called a National Conference to which a number of Bengal towns sent up delegates. This precursor of our 'provincial' conferences met for three days before the end of the month, and Mr. Ananda Mohan Bose the secretary called it the first step towards a national parliament.† Bombay and Madras were also roused by the agitation, the Madras Mahajan Sabha was established in 1884, the Bombay Presidency Association in January 1885, and a desire for an all India gathering was felt simultaneously in all the three presidencies. A public All India gathering of leading representatives at regular intervals had also presented itself to A. O. Hume as desirable for directing and stimulating the progress of the country as a whole. He had retired in 1882 from the high post of Secretary to Government, but had set-

* Sir Surendranath Bannerji, *Nation in Making*, Ch. 5. † *Ibid*, Ch. 9.

tled at Simla the better to pursue his favourite hobbies, and he wished to devote himself as much as possible to foster public life in India and especially to improve the condition of the ryot. Thirtythree years' experience as a Civilian had convinced him that "the Pax Britannica had failed to solve the economic problem and that to leaven the administration more and more with Indians and to 'dig an overt and constitutional channel for the discharge of the increasing ferment' were the only remedies."* He was a true humanitarian and his catholic religious nature sympathised with positivism at one pole and theosophy at the other extremity of thought. His reputation, experience, shrewdness and driving power were of inestimable value to Indian nationalism at this stage, and the instinct of contemporaries did not err in naming him the Father of the Congress. He established the 'Indian National Union in March 1885, "to enable the most earnest labourers in the cause of national progress to become personally known to each other, and to discuss and decide upon the political operations to be undertaken during the coming year." In pursuance of these objects it was arranged to hold the first All-India conference in the Christmas holidays, another circular was issued affirming "unswerving loyalty to the British Crown,"² as the keynote of the Union, and then he informally sounded Lord Dufferin about the forward move that had been decided upon, and later went to England also on a brief visit to explain matters and bespeak sympathy in parliamentary, India Office, and journalistic circles. Hume himself and his friends like Cotton, Wedderburn, and Raghunath Ray of Madras were as keenly alive to the need for social as for political progress, but after the interview with Lord Dufferin, who emphasized the want of a "responsible organisation through which government might be kept informed regarding the best Indian public opinion", something like the parliamentary opposition under the English constitution, it was finally determined to limit the gathering as such to political questions. The first Indian National Congress met at Bombay on the 28th December in the hall of the Gokuldas Tejpal institution, it met annually thereafter, going the round of the provinces in succession, soon established itself as the central body giving responsible expression to the deliberate views of Indian nationalists on questions relating to the political interests of the people, and maintained its authority until Indian nationalism itself split into two.

* Sir V. Lovett: *Indian National Movement*, p. 34.

the autocracy, or in the subject masses, or in that *tertium quid*, our own impatient reforming selves ? No one need answer such a question except for himself, for no one is going to act upon another's answer about it on any account. Looking at the matter in a slightly different way, each party charged the other with trusting the ruler too much and the people too little, or *vice versa* trusting the people too much and the ruler too little. Each party charged the other with overlooking the natural primary effects of its own actions and the equally natural further effects flowing out of the primary consequences. Nor, again, could either party quite see the other's patriotism, courage, statesmanship, sacrifices and sufferings. As said above, the differences between the two were temperamental and it was not at all in the power of argumentation, or mutual sympathisers, or round table conferences to remove them.

The irreconcilables came later on the scene than the constitutionalists, but when once established in the country as a living type, they grew faster. There were several reasons for this. The parliamentary machine proved unbearably dilatory. What a statesman of Lord Dufferin's standing had earnestly recommended in 1886 and 1885 could not be granted until 1893 and 1896, and the disallowance of direct representation though making little difference in effect, deprived the gift of all its grace. Secondly, the number of Indians going to England for higher studies had been increasing fast, these England-returned young men naturally had an influence in moulding Indian political thought out of all proportion to their numbers, and their discontent was as keen as their impatience was great for higher posts for themselves and freer institutions for the country. A third and much larger body of irreconcilables, with feelings rising to bitter lifelong hostility was regularly manufactured by British colonies like South Africa. The root of the malice is their All-White policy.⁶ And the virulence of the hatred is heightened by the methods they employ in carrying out that policy. For long decades Indian coolies, pedlars and traders were mere coolies, pedlars and traders, devoid of a political sense. Sufferance was the badge of their tribe. Their inherited attitude towards constituted authority was meekness and resignation until soul and body could not stand more and parted company. Their heart and imagination were caught hold of even while they were mere children, and the entire wealth of their nature was gradually,

Under what circumstances, however, is simple trustfulness, or its opposite—a blind distrust, quite justifiable either in

gently, but persistently and most effectively directed through all the senses and by means of every faculty towards—God! That is Hindu religion; that has been the main strand of Indian culture through the ages. Then the nineteenth century dawned. The modern school, the hospital, the railway station, cities like Bombay, sprang up. The outer world rushed in upon India. The ocean breeze blew, saline and stimulating, and new life stirred the primeval forest. The building up of a secular civilization began. Nationalism was born. The cooly, the pedlar, the trader were no longer the same individuals as their fathers or even as their elder brothers. Constitutionalism was tried for a space. A South African Indian Congress met at Durban and other places. There were deputations to England and monster petitions. Did it do any good? None whatever. On the contrary, the situation grew steadily worse. For the same spirit of nationalism that was transforming the Indian had in the meanwhile developed in those lands the All-White policy as the only possible ideal to claim the whole-hearted allegiance of the white settlers there, who monopolised all political and military power, and had no scruples at all about using it to give progressive substantiation to their ideal. That all power is a trust and worthy of respect as an emanation of the Divine, only in so far as it is honestly and equitably used as a trust, is a doctrine these colonists, still in their wild and arrogant youth, do not seem even to have heard of. Thus it is that flint has struck steel, and the red spark of racial hate has been ignited.

B. G. Tilak and others became irreconcilables through the native process of their own minds. Their acts and newspapers, their successes and misfortunes spread their politics and won them adherents to a certain extent. But it should not be forgotten as it often is that the whole body of irreconcilables in India did not spring up from this single root. As we have just seen, the England-returned and especially the Indians returning from the colonies with their bitter experiences, supplied large numbers of independent recruits to the party. And, to complete our analysis, it must be added that the party gained still another contingent through the repressive measures of the state. To suffer worldly ruin, severe punishment, indignity still more difficult to bear, to be told on the top of it all that it was done for the good of the state, and yet to bear no ill-will in return, is not given to ordinary mortals. Most of these

men, and many others influenced by them, necessarily swelled the ranks of the irreconcilables. This should not be taken to mean that all repression is wrong. Repression when necessary is right. To shrink from repression even when necessary is wrong. Murderers must be punished according to the law. Conspiracies and treasonable associations must not only be broken up but also prevented from springing up as far as possible. Bold *budmashes* seeking to terrorise policemen and judges and establish a reign of fear in villages and districts must be hunted down almost like beasts of prey. The spread of topey-turvy sentiment and doctrine must be restrained just like the dissemination of obscenity. These and similar powers of the state, however, rest principally upon the willing and hearty consensus of the vast majority of intelligent subjects. And such a consensus behind it is what a foreign autocracy generally lacks, especially after nationalism has become widespread among its subjects. 'Force rules the world', said a great French thinker, 'only until Right is ready to undertake the duty'. Autocracy is tolerated only until a community develops political consciousness. An autocracy should take the spread amongst its subjects of an active spirit of nationalism as a notice to submit to a radical transformation of its nature. A foreign autocracy should do so not less but all the more promptly, since it has fewer bonds of sympathy and understanding with the population. To do otherwise is not statesmanship. But in such situations what statesmanship demands often proves more than what human nature can readily surrender.

To pass on to the genesis of the third variety of nationalists. Lord Elgin's viceroyalty was a period of war, widespread famine, and plague—indescribably terrible then in its first outburst. Economic unrest spread far and wide. The continuous fall in silver had placed the state finances in danger, and among the remedies applied was an excise duty upon cotton goods woven in Indian mills,⁸ at the dictation and in the interests of the English cotton industry. Lord Curzon's viceroyalty succeeded, a period during which anti-government feeling attained a volume a breadth and a height unheard of in Indian experience.* In Bengal in particular all classes combined together in a passionate opposition to the Curzonian partition. The mother country—the

* Sir S. Bannerman, *Nation in Making*, Ch. 15.

geographical surface—became for the first time in Bengali thought the material sheath of Kali the Mother, Bankim Chandra's rugged song in the novel *Ananda Math* was discovered to have mystical charms and transcendent beauties and *Bande Mataram*, the refrain,⁹ was soon on Bengali lips young and old, in every tone and key at all hours of the day and night. As ill-luck would have it, it so happened that there was a small number of Indians—only a few men and also one or two women—who had long been planning and plotting to tempt Indians away from honour and manliness and all that we generally hold most dear and sacred. So far they had been beating the air. But now they saw their opportunity and seized it. The Curzonian partition was promulgated on the 19th July 1905, that most unpopular measure on the top of a long succession of unpopular measures and galling utterances. The India Home Rule Society was started in London, January 1905, the *Indian Sociologist* (S. Krishnavarma's weekly) began to appear, lectureships and travelling scholarships were founded to draw promising youths from India to England, and the India House in London was in full working order by 1906. The wily spiders spread the net, enticed the flies inside, injected the necessary poison into them, and confidently left the rest to the workings of adolescent human nature. If any one wants an example of true blue diabolicality in Indian history, here is one. From the point of view of the objects aimed at, examine the choice of time, the choice of place, the means, the methods, how little was the trouble after all to the arch-plotters themselves, and yet how thundering the results! The *Jugantar* (Calcutta) began to appear soon after the *Indian Sociologist*, and the Maniktola home was started about a year after the India House. The Muzaffarpur outrage was committed on the 30th April 1908 and the first capture of a band of anarchists took place on the 2nd May. Other bands came into existence in various places and committed other crimes. The story need not be given here even in outline. But it ought to be known far more widely and far better than it is. Its significance need not be exaggerated; but it should not be underestimated either. The tabular statements and charts in the *Sedition Committee Report*, 1918, show the main facts at a glance.

W. S. BLUNT, India under Ripon.
SIR W. WEDDERBURN: A. O. Hume.

A. C. MUZUMDAR, Indian National Evolution,

TILAK v. CHIROL and another, 2 vols.

SEDITION COMMITTEE REPORT, 1918.

SIR S. BANNERJI, Nation in Making.

Section 68. Demands, Administrative to Radical. The political rights demanded and the changes on the constitution desired went on increasing as the spirit of nationality inspired larger numbers and grew in intensity and earnestness. It must be noted at once that in this respect the anarchists contributed nothing to the development of political thought in India. They were purely negative and destructive. Drawing their inspiration so largely from the extreme offshoots of European socialism and from some of the master-minds (like Mazzini and Kossuth) of the oppressed nationalities of Europe, they yet failed to adumbrate for India, even in the sketchiest manner, anything corresponding to those visions of the future, in which the literature of socialism and nationalism abounds. All they had to say to English rule and Englishmen in India was limited to the single word—Begone! Their sole precept to the Indian was—Kill! All they sought to bring about was the violent death of the present by assassination, butchery and terrorism. What the Future would be after such ending of the Present these outlaws never cared.¹ That, however, was not the case with the other nationalists. They knew the backwardness and heterogeneity of the Indian population, they were fully aware of the might and resources of the Empire and of their own government, they were sincerely convinced that it was doing good work in India which no other agency could undertake, they were scrupulously careful not to suggest anything that might be interpreted as dangerous or as a leap into the dark. They were, if anything, obsessed with a sense of the enormous responsibilities facing them. They proceeded most cautiously and deliberately, suggesting administrative, fiscal, legal and constitutional reforms, not in vague generalities but in the shape of detailed and concrete proposals, and if they erred at all, it was an error on the safe side, expecting too much from inquiries and commissions and sweet reasonableness, trusting with a faith touching to behold,

to the manifest justice of their cause. It was only after years of pegging away in this manner at their self-imposed task, that they were convinced of the futility of this method of piecemeal reforms and advanced to bolder strategy. Should they not have done so from the first? It seems to me that the better informed view would justify the course they actually adopted, holding that they could at the time and with their resources have adopted no other. A demand for reform rather than reforms, for radical change instead of administrative improvements, would almost certainly have started repression by the executive at an earlier date, and the capacity to face repression like men and yet keep the flag flying is a plant of slow growth. What the condition of India really was when the Indian National Congress was launched should always be borne in mind. To mention only one or two characteristic little facts. In those days every one who passed the Collector's bungalow, stopped a minute, doffed his shoes, made a salaam to the spirit of the place!—and only then resumed his shoes and proceeded on his way. In those days, a Memsahib had still merely to order her khansama to take a man along with him to the magistrate, the man might be a servant or a pedlar or a beggar or a passerby and the magistrate would instantly have administered to the poor Adam a few cuts of the whip—to maintain the Raj and its prestige! In those days²—but enough. One of the greatest difficulties a historian of modern India has to face is the rapidity with which "those days" have been changing decade by decade ever since 1813.

Those days passed. The Congress itself contributed not a little to a wide diffusion of political consciousness, and to the creation of hundreds of men, year by year, who began looking into political matters much more closely, until it became a habit, convictions were formed and circulated, and a public opinion arose resting upon a wider and more solid consensus than before. The men who launched the Congress gave place to their successors. And the disappointing Indian Councils Act, 1892, the refusal of the executive to give effect to H. Paul's resolution in favour of simultaneous examinations passed by the Commons in 1893, and the imposition of the excise on cotton goods manufactured by Indian mills in 1896 created a change of attitude in India towards British rule, a change further accentuated by the repression that followed. The influence of three extraneous thought currents has also

to be taken into consideration. The Jingoism of middle class English thought starting from about 1875 continued, as has been mentioned in an earlier chapter, upto the outbreak of the war against the Boers in South Africa. The increasing determination of the colonists to reduce the Indians settled in their midst to the position of the depressed classes by hook or by crook, to prevent further immigration, and to denaturalise, so to say, and even to expatriate those who had already won a secure position as property owners and as citizens, by drastic legislation administered still more drastically, has also been commented upon. M. K. Gandhi's non-violent but adamant opposition to one of the most iniquitous manifestations of this policy, naturally attracted the attention of the whole civilised world, as a phenomenon quite as remarkable in its way as the wonderfully rapid modernisation of Japan, especially with respect to the efficiency of her army and navy, and still more naturally excited high and bitter feelings in India itself. And, lastly, there were the world effects on the mentality of all non-European countries from China to Morocco, countries subjugated and exploited more or less by European powers and threatened with still further progressive degradation, effects necessarily produced by the resounding victories of Japan on sea and land in her war of selfdefence against the unscrupulous and unlimited aggression of Russia. It is perfectly true that the war was like a contest between an elephant and a leopard. The elephant could not put forth all his force and weight into a blow until he had first receded a few steps and start again and develop the necessary momentum. The retreat, too, was effected methodically and without serious loss. And he was at length ready for his start, with the long railway line behind him in proper trim, and an army of over nine lakhs ready at the front, with all the stores and reinforcements necessary to feed it also ready to reach the front in a regular flow. It is no less true that Japan was already at her last gasp at least financially. But in the meanwhile she had reduced Port Arthur by prodigies of valour, her armies had gone on advancing mile by mile, and when the Russian fleet reached the scene of operations it was sent to the bottom of the Yellow Sea in a twinkling. Hence although Russia gave no indemnity and lost no territory, the peace was quite naturally looked upon all over the world as an unequivocal victory for Japan, and especially by all non-European countries.

Lord Curzon left India in November. The partition was given effect to in October 1905, the liberals came into power with John Morley as Secretary of State for India in December, and at the Congress held at Benares at the end of the month, G. K. Gokhale as president observed—

"The goal of the Congress is that India should be governed in the interests of the Indians themselves, and that, in course of time, a form of government should be attained in this country similar to what exists in the selfgoverning colonies of the British Empire."³ To appreciate the nature of the advance, we have only to contrast the above with the objects of the Congress as we find them in the Rules of the Congress Constitution adopted at the fifteenth sessions (1899):—

"The object of the Indian National Congress shall be to promote by constitutional means the interests and the well-being of the people of the Indian Empire."⁴

And to do full justice to the Congress leaders their motives and their calculations, in deciding upon this bold step at this juncture, we might look at a historical analogy. "Shivaji and his ministers" says the historian—"had long felt the practical disadvantages of his not being a crowned king. . . . Theoretically, Shivaji's position was that of a subject; to the Mughal Emperor he was a mere Zamindar; to Adilshah he was the rebel son of a jagirdar. . . . He could sign no treaty, grant no land with legal validity, his conquests could not become his lawful property. . . . The people under his sway could not be free from their allegiance to the former sovereign, nor could he claim their loyalty and devotion. . . . His rise had created much jealousy among the other Maratha sardars who refused to adhere to him as his servants. . . . There was also, in the higher minds, the desire to see the Hindu race elevated to the full stature of political growth by the formal assertion of his position as an independent king. They longed for the Hindu Swarajya and that implied a Hindu Chhatrapati."^{*}

Lastly, Shivaji and his ministers also chose the moment of coronation with the greatest circumspection. With all this

* J. Sarkar: Shivaji, Ch. 9, a. 1 condensed.

in mind, turn now to the present day. Indians were being defrauded of their rights in the colonies; and the determination was avowed and was being given effect to of reducing them to the status of helots and pariahs. The argument put forward was—how could Indians claim to be citizens in those lands when they were merely subjects of an autocracy in their own? Secondly, public opinion in India, however strong and unanimous, could not get the Government of India to move in the matter as the champion of Indians. The Government of India took no mandates from the people, its sole duty was obedience to the British ministry and parliament. Thirdly, the Civil Service here, who under any rational and civilised form of government ought to be mere servants, lorded it over the people with a high hand and Lord Curzon's government asserted their continued adherence to the principles the Strachays and the Stephens had proclaimed a generation earlier, the only difference being that they were now even more vehement and exclusive about it than their predecessors. "To me," said his rhetorical lordship, "the message is carved in granite, it is hewn out of the rock of doom."^{*} To have allowed these vainglorious and unjust claims of the colonist and the civilian to become permanent facts, would have meant the strangulation of India. They had to be fought tooth and nail. And just then hope dawned on the horizon. The Curzonian regime came to an end; the Jingo regime, too, came to an end in England; the liberals came into power with an overwhelming majority, and John Morley became the Secretary of State for India. Now or never, thought the Congress leaders. They proclaimed their goal, and sent Gokhale to England as their delegate. The following congress at Calcutta clenched the matter. Dadabhai Naoroji as president spoke principally of "self-government or Swarajya for India, like that of the United Kingdom or the Colonies," and the congress resolved that,—

"The system of government obtaining in the selfgoverning British colonies should be extended to India, and urged that as steps leading to it, (a) simultaneous examinations for all higher appointments in India as well as in England, (b) the adequate representation of Indians in the India council and in the executive council of the Viceroy and Governors.

* 20-7-1904, at the Guild Hall, when presented with the freedom of the city of London.

(c) an expansion of the legislatures with the addition of a large number of truly effective representatives of the people and a larger control over the financial and executive administration, and (d) the freedom of local and municipal bodies from official control with an increase of their powers should be introduced immediately."

Dadabhai Naoroji also appealed for union between Hindus and Muslims. Education had been advancing amongst the latter and the younger men were becoming nationalists in increasing numbers. At some of the Congresses held in the U. P. the Muslim delegates were more than a third of the total. And Muslim journalism as it grew up leaned more and more to the policy and methods of the Hindu nationalist organs. This tendency was already causing some disquiet to the older generation who still clung to the policy initiated by Sir Syed Ahmed of keeping the community a distinct and organised force as between the rulers and the Hindus. They wanted to do something that might recast the above policy in such a way as to bring it up to date and enable it to continue its hold upon their brethren as in the past. English liberalism, moreover, had never been able to cast its spell over Muslim thought to any extent. To them its philosophy was anti-religious and socially anarchical, and its world-politics anti-Turk *i. e.* anti-Muslim. Hence, although its humanitarian democratic and progressive character appealed to the best minds among them, the community as a whole entertained towards it a feeling of distrust amounting to fear. Thus, when the Indian National Congress set before itself the goal of acquiring for India a form of selfgovernment within the empire analogous to that of the British colonies, they thought that this would mean a predominantly Hindu government, unless they acted at once to safeguard their own special rights and position. And as they realised how strong the new Liberal ministry was, and how powerful and influential were the radical and labour contingents in the new house of commons, they foresaw that the next Viceroy would in all probability be a doctrinaire Liberal, a modernised edition of Lord Ripon without his piety and with greater driving power, and they decided to act at once so as to win over the Government of India at least to their side, while Lord Minto was still at the helm. Thus arose the historical Muslim deputation with H. H. the Aga Khan at its head, which waited upon the Viceroy on the 1st Octo-

ber 1906, showed how the legislatures, municipalities and local boards had not till then afforded to their community a representation, either by election or by nomination, in proportion to its numbers or political and historical importance, and urged that no system of representation, however devised, would do so, unless a certain number of seats were specially assigned to them on each elected body, and communal electorates formed to return that number.⁵ The Government of India admitted the facts, accepted their claims, and assured them of their support. Such was the origin of communal representation for Muslims in the regulations under the Indian Councils Act 1909, and under the Government of India Act, 1919, the application of the principle had to be extended to some other communities also, in spite of the very strong objections to it noted in the Montagu-Chelmsford Report.*

The Muslims also created an all-India political organisation of their community, which began to meet annually from 1906 under the name of the Muslim League.† And just, like the Indian National Congress it soon had a branch of it or committee in England. For some years their energies were mainly directed towards educational advancement, and during this first phase of its history the movement received considerable support and encouragement from officials and the government. But one of the first demands thus developed was for the elevation of the Aligarh College into a Muslim University, and by 1912 the differences between the Government and Muslims in the views each held on the subject of the proper constitution of such a University became acute. The project had to be dropped for the moment, with the consequence that the members of the League found themselves really forming three distinct sections, a right, a centre, and a left of which the central group, by far the most numerous and influential in the beginning, began to lean more and more towards the Indian National Congress. That body had welcomed Lord Morley's proposals with "deep and general satisfaction"‡ in 1908 as a "large and liberal instalment of reform,"§ but discovered reason to change its opinion as soon as the regulations

* Paras. 227-32. † For a brief account of earlier Muhammadan gatherings and associations, see Ramsay MacDonald, p. 176.
‡ II Resolution of the Madras Congress 1908, IV-VII Resn. of the Lahore Congress and the speech of the President, Pandit Madan Mohan Malaviya, 1909. See also a brief discussion of the matter—Report I. C. R. paras. 90-101.

under the Act were published. Sir William Wedderburn came out from England to preside over the next Congress at Allahabad, and brought about, immediately after, a "conciliation conference" between Hindu and Muslim leaders where the initial steps were taken to induce a gradual rapprochement between the two communities all over India. In order that such a conference could be held at all, H. H. the Aga Khan had abridged the sessions of the Muslim league at Nagpur and brought over about forty leading men with himself to Allahabad.* The conversion of the League to Congress ideals was quickened by Asian and European events such as the misfortunes of Persia and Turkey. From 1915† onwards the League began to assemble at the same place as the Congress and to fraternise with it, and at the Congress and League sessions of 1916 at Lucknow, the question of the proportional representation of Hindus and Muslims on elected bodies in every province and in the central government was settled once for all by mutual agreement.‡

MRS. ANNIE BESANT. How India wrought for Freedom.

SIR V. LOVETT, History of the Indian Nationalist movement.

Section 89. *The Great War* had in the meanwhile broken out and England despite all possible effort could discover no honourable course other than to join it on August 4th, 1914. India saw at once that it was no ordinary war, but a struggle for life and death against a determined foe of colossal strength, where honour and freedom were at stake. Lord Hardinge consulted leaders all over India, and convinced that raja and ryot, Hindu and Muslim were alike heirs to an ancient culture that scorned the very idea of seizing the moment of England's peril for India's advantage, and that the one regret of every educated young man was that he had no military training,¹ sent away immediately to the various fronts as many English and Indian soldiers, with as much of the artillery, arms and ammunition, and military stores of all kinds, as could possibly be spared. This

* For the captions originally proposed for discussion and amicable settlement, see the newspaper *India*, February 3, 1911.
† The League did not meet at all in 1914.

help of inestimable value was rendered doubly valuable by being rendered in the nick of time, and it was followed up throughout the war by coolies, non-combatants of all grades, grain and various supplies, as well as soldiers being steadily forwarded wherever wanted in generous quantities at a considerable sacrifice direct and indirect to India herself. The full tale of all that India did and suffered for the Empire during and because of the War can never be told. When in the next generation some painstaking German historian writes the story of the War in detail, it is not at all unlikely that he might attribute his country's defeat in part at least to the fact that England and her allies had the unlimited man-power and resources of India to draw upon. Even if we confine ourselves to the single item of the number of Indians who enlisted and went to the front to do their bit, we find that the total goes up to nearly seventeen lakhs out of whom over sixty thousand were killed, eleven thousand became prisoners, seventy thousand were wounded and eleven won the Victoria Cross. For the first few weeks England paused with bated breath to see how India would act at this crisis of her fate; knowing that the foe must have left no subterranean tricks untried to create complications, confusion and revolt amongst these ignorant, suffering and alien masses. When, however, all doubt on the subject vanished, her joy and gratitude found expression in a unanimous shout "well done, worthy comrade!" How long this mood lasted it is impossible to say. Whether it ever affected the men who ruled the British army from Lord Kitchener downwards, it is impossible to say for certain. What is certain is that even if the heads of the army in India itself gave way to the generous impulse at all, it was only for a moment. They reverted pretty quickly to their settled policy of keeping India, the real India, as unarmed, untrained, and unfit in a military sense as ever. As Colonel Wedgewood says,

"Military bosses saw to it that those who could have come, voluntarily and knowing the issue, were not allowed to bear arms. Most of those who came were pressed, and the less said about it the better. They knew how to die, but they did not die for India or for a free Commonwealth. With them it was Fate and they met Fate with serene eyes. As Indians have for five thousand years. What could not

India have done as a race of freemen! We pulled through without the real India."*

Distrust like this at such a juncture who could fail to read? Who could fail to feel it as a stigma altogether undeserved? And two other factors have also to be noted. The struggle proved to be of such a character that the Allied Powers were obliged to represent it as a struggle for the preservation of freedom and civilisation all over the world; they spoke as the disinterested and dedicated champions of Right, Freedom and Civilization, promised in the most solemn manner that they would at the peace respect the sacred right of selfdetermination inherent in every nation, at least every progressive nation, even the weakest and the smallest, and went so far as to proclaim that even the most backward and uncivilised people, when handed over to any one of them in the redistribution of the world, would be ruled scrupulously, in their own genuine interests, as a trust from humanity, and periodical accounts would be rendered to some impartial international authority like a League of Nations. The resources of modern organisation were strained to the uttermost to spread this propaganda throughout the world. The founder of a new faith has invariably said, "Come to me, all and each, that might be in distress, bodily, or mental. Come to me, I bring nectar from the skies: partake of it and be healed." These Allied Powers similarly assumed the prophetic role, and said to the nations, "come to us, help us only to chain this 'drunken demon' who is out to smash up the world; can't you see we have undertaken the job for the good of the world? As soon as we have accomplished it, every one of you will have the freedom your heart desires; come to us." And the exceptional distinction of the years of storm and stress through which the world passed is just this, that the young middle class citizen of the civilised world before whom this vision of a new order was spread, honestly believed in it, flocked to the flag of humanity and freedom in hundreds of thousands, and the war was won. It was for this that the young voter of modern democracies rushed to arms; it was for this that one out of every ten who did so laid down his life. There is no parallel in recorded history to a human sacrifice on such a scale. There must spring up from it more political freedom, equality and

* *Future of Indo-British Commonwealth*, p. 18.

fraternity in the world than ever before, or else all human life and history is vanity of vanities. But political freedom, of course, is only for those who can rear it and nourish it and guard it for themselves. And we must also always remember the other great qualification, viz. the distressingly slow pace of progress in the recorded history of the race. As Thomas Edison puts it, "The Lord appears to be in no hurry."

The other factor was the new claim advanced by the British Colonies to share the direction and control of the foreign policy of the Empire along with England as equal partners. Like the rest of the world they had seen as soon as the war broke out that it was a life and death struggle, and like every other part of the Empire they rushed to arms and strove to throw all their weight into the contest. But they pointed out at the same time that the foreign policy of a state and such decisions of peace and war and alliances as it involved were without exception the most momentous decisions a state could be called upon to face, and their political freedom and status were seriously in defect until England took them into her counsels and deliberations on these matters as sister nations. The sovereign executive and legislature of the Empire which took these decisions were to be responsible to them no less than to the people of the United Kingdom, otherwise their political freedom, however complete in their own internal affairs, was an organism of a lower order altogether, standing to the absolute self-existent freedom of the full-grown state as does a woman to a man. English opinion had to a slight extent been prepared for such a demand for a more closely knit organisation of the Empire from the time of Queen Victoria's Jubilee onwards, through periodical conferences between English and colonial statesmen.² Vague ideas which had thus been in a process of haphazard growth, the emotional shock of the Great War nourished into a sudden vigour, the colonial demand was warmly welcomed on all hands, a reorganisation of the constitution of the Empire leapt into prominence as an urgent problem to be handled as soon as the war was won, and English statesmen of the first rank, including Bonar Law, the Colonial Secretary, advised the colonies in a public speech "to strike the iron while it was red-hot." The only definite scheme in the field for such reorganisation was the one, published in 1916 by Mr. Lionel Curtis, one of the originators and leaders of the Round Table students, a small but active body of men

assembled in groups in university centres and other places in all the colonies and in England, who had for several years, been examining this very problem in all its complexities.³ Mr. Curtis' scheme was that imperial affairs should be separated from domestic, and while the latter were to continue to be dealt with as hitherto, for the former a new Imperial executive and legislature were to be created, responsible to the five sister nations, the United Kingdom and the four self-governing colonies. This meant, however, that all the other parts of the Empire which had hitherto been subject to the United Kingdom alone would, on the formation of this new supreme government for the empire, be subject to it instead. And it is not at all surprising that India, with the treatment it had received from the colonists, and the opinion it had formed about them, should protest against such a change in unmeasured terms.⁴ It is due to Mr. Curtis to add that he himself was fully conscious of the unique position of India in the Empire; soon after the publication of his book he came over here in person to study the problem of the commonwealth in its Indian aspect in all its complexities, and he lost little time in recasting his supreme Imperial organ of government so as to include India also within it as a responsible partner. The imperial legislature he now advocated was to be bi-cameral, representatives of the Indian Native States were to be members of the Upper House, those of British India were to be members of the lower, and the imperial executive was to be drawn from both the houses indifferently.* But the fat was already in the fire, and not a few of our influential public men and journals lost their balance to such an extent as to imagine they had nothing more patriotic to do than to fan it into flame. Even the best informed Indians wavered for a time and were full of anxiety. It was natural at such a crisis to forget how extremely deliberate England has invariably been in adopting fundamental changes in her constitution. Hardly any one knew till long after that whatever influence the Round Table organisation possessed would be exhausted with the initiation of a bill at the next Imperial Convention at the end of the War, or that that body itself was not at all unanimous about Mr. Curtis' scheme.† Nor could it then be foreseen that the whole influence of General Smuts and South Africa would, as the event has proved, be

* Dyarchy, p. 87. † Dyarchy, p. 45.

steadily and decisively cast into the opposite scale.* Public excitement rose higher and was participated in by larger numbers during 1916-17 than ever before, and all parties and sections of political opinion joined together to demand real and full selfgovernment for India at the earliest possible moment, particularly in order that we might not become subject to a government in which the Colonies had a share. All the three factors thus briefly indicated have to be borne in mind to understand the policy pursued by the Indian National Congress and the Muslim League on the one hand, and the pressure thus brought to bear upon the policy of the Government of India on the other, during the fateful years ushered in by the German violation of Belgian neutrality at the beginning of August 1914.

The Muslim League and the Indian National Congress began to fraternise, as has been noted above, from their Bombay Sessions, 1915. The President of the latter Sir S. P. (later Lord) Sinha laid stress in his address on two cardinal demands. He quoted J. Chailley's observation that the motto of Elphinstone, Malcolm and others was "India for the Indians," or the gradual preparation of India by suitable institutions and the increasing substitution of Indian for English agency for the gift of entire autonomy to the Indians, "but that is not the aim of England now. She ruled India and intends to go on ruling it. . . . She will keep the command and direction of the vessel, and her government will remain as despotic as circumstances will permit."† And he urged that there ought to be an authentic and definite proclamation on the subject that could not possibly be evaded or misunderstood. And in the second place he specified the question of commissions for Indians in the army and of military training for the people as having become increasingly urgent, denying that there could be any true sense of citizenship under a system that did not place the responsibility of defending the country upon the people themselves. The only other event of 1915 that needed mention here was the Hon. Mr. Shafi's resolution in the imperial legislature on September 8th, asking for direct representation of India at the next Imperial Conference. The demand received support from many quarters, English public opinion being still influenced by the warm feelings of gratitude naturally excited

* General Smuts, War Time Speeches.

† Administrative problems of British India, pp. 117-8.

by the magnificent response of India and the invaluable service of her army.⁵ Thus it was that S. P. Sinha and that rare product of the dreamy East and the pushful West, H. H. the Maharaja Bahadur of Bikaner, represented India at the Imperial Conference and War Cabinets, and were the Indian signatories to a treaty of peace more historic than any since the momentous pacification that, packing Napoleon off to St. Helena, had rung the curtain down upon one act of the drama of humanity, to raise it very gradually upon the next.

1916 witnessed (1) the foundation of Home Rule Leagues, (2) the Memorandum of nineteen Indian Members of the supreme legislature including five Muslims, which consisted of thirteen recommendations calculated to strengthen the legislatures and liberalise the administration and, (3) the adoption by the Indian National Congress and the Muslim League of a fuller and more detailed scheme of reforms on the same principles.* These schemes, if adopted, might have given us legislatures and executives as coordinate powers in theory, but in practice the executives would have become seriously weakened in a short time, and now and again "embittered and dangerous deadlock"† between the two would have arisen. It so happened, however, that the problem of meeting Indian aspirations half-way had in the meanwhile been taken up for serious consideration by Lord Hardinge's government, probably soon after the death of Gokhale,⁶ and Lord Chelmsford when he succeeded, continued the inquiries as energetically as the urgency of War preoccupations allowed. A competent body of Round Table students was also investigating the same problem independently in England.‡ Sir William Duke, a member of the India Council was one of the number, and a novel idea suggested during the discussions that the functions of government might be arranged in groups, one or more of which might be handed over to administrators responsible to legislatures, which would themselves be responsible to the voters, while the other functions continued to be dealt with by members of the executive council, and that these and the new administrators together might form the new governing body under a head unchanged in character, was early in

* For (3) see *Dyarchy*, pp. 90-95, and S. Sastri's pamphlet *Self Govt. for India under the British Flag*.

† Report. I. G. R., para. 67; see the whole of Ch. 7, an elaborate criticism of the Congress League Scheme.

‡ *Dyarchy*, pp. XX-XXVII.

1916 by him embodied in a concrete and detailed form applicable to the presidency of Bengal. Lord Chelmsford obtained a copy of this in May 1916, and the subsequent visit of Mr. L. Curtis to India was doubtless availed of for a full discussion of the whole subject between him and members of Lord Chelmsford's government. Further delay in making a start towards the legislative introduction of this "dyarchy" as the only possible transitional form of constitution in the advance from autocracy to full responsible government, was due, perhaps, to the many calls, requiring immediate attention, of a world wide war. But Sir James (later Lord) Meston's speech as Lieutenant Governor to the U. P. legislature on July 17, and Lord Islington's address at Oxford on the problems of Indian government three weeks later, heralded the actual announcement in the house of commons on Monday the 20th of August. "The Government of India," read out the Secretary of State in answer to a question on the eve of the usual adjournment of parliament, "have for some time been urging that a statement should be made in regard to Indian policy.... The policy of H. M.'s government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of selfgoverning institutions, with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible.... I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India,⁷ on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance and they must be guided by the cooperation received from those upon whom new opportunities of service will thus be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for public discussion of the proposals, which will be submitted in due course to Parliament." Mr. Montagu added that the Governor General had invited the Secretary of State to India in order that these proposals could be drawn up by both together in consultation with local governments, and the suggestions of representative bodies and others might also be fully examined on the spot, and that His Majesty's Govern-

ment had accordingly decided with H. M.'s approval that he was to proceed to India without delay. He announced at the same time the decision of government that "the bar which had hitherto precluded the admission of Indians to commissioned rank in H. M.'s army should be removed," and that nine Indians belonging to the Native Indian Land Forces who had been recommended for the honour by the Government of India in recognition of their services in the field, were accordingly to receive commissions.

The next stage in the story was the Montagu Chelmsford Report submitted to Government in June 1918. It covered the entire field from the manners of the individual Englishman in India to the selfrestraint that parliament and public opinion in England itself would have to exercise more and more on Indian questions, as Indian electorates became more and more conscious of their own rights and made their legislators and administrators more responsible to themselves. Even the definite proposals it put forward were arranged under fourteen heads and summarised in sixty-nine paragraphs. Some of these recommended committees to examine special sections of the subject and formulate in concrete detail the changes, new arrangements, or new relations required. A number of the other proposals were modified in the course of the Joint Committee examination of the Bill based upon them. The outstanding merit of the Report is its clear, close and statesmanlike interpretation of the announcement of policy of the twentieth August. It adhered scrupulously both to the spirit of that pledge and to the precise limitations attached to it. To begin at the bottom—

"The individual," says the report, "understands best the matters which concern him and of which he has experience; and he is likely to handle best the things which he understands. Our predecessors perceived this before us and placed such matters to some extent under popular control. Our aim should be to bring them entirely under such control. This brings us to our first formula:—There should be as far as possible complete popular control in local bodies and the largest possible independence for them of outside control."

At the apex, on the other hand, no transfer of power could be made at the start. For one thing, India must be defended, and while this primary duty was entrusted to a British army of occupation and an Indian Army of mercenaries—to use the word in a purely scientific way for the sake of accuracy, without detracting from the many merits of the brave troops or without meaning any offence—officered by Englishmen, and otherwise also deliberately kept seriously defective in training and equipment and influence in the country, and as deliberately diluted with wild and frontier tribes and clans who were only half Indian in sentiment and could only furnish mere fighting machines and food for powder,—the British soldier and officer was necessarily the keystone of the arch. It is one of the fundamentals of modern political thought that the civil power must be supreme in a well-governed state. But while such an army continues in India the Government of India cannot be other than an agent of the British power, and that a fully selfgoverning India cannot be created faster than a fully Indianised army and navy. Any one who holds different convictions lives in dreamland.

"The responsibility for India's defence," says the Report, "is the ultimate burden which rests on the Government of India; and it is the last duty of all which can be committed to inexperienced or unskilful hands. So long as India depends for her internal and external security upon the army and navy of the United Kingdom, the measure of selfdetermination which she enjoys must be inevitably limited. We cannot think that Parliament would consent to the employment of British arms in support of a policy over which it had no control and of which it might disapprove. The defence of India is an Imperial question; and for this reason the Government of India must retain both the power and the means of discharging its responsibilities for the defence of the country and to the Empire as a whole."

Hence the only constitutional changes proposed in the Government of India were: (1) more Indians in the Executive Council, and (2) a bi-cameral legislature with a larger elected proportion in the more numerous and popular house, in order that even while the legislature had little increase of power, it might as the organ of Indian public opinion exert a growing influence upon government in their deliberations. A detailed

study of these proposals was unnecessary as the clauses of the Bill embodying them were radically improved by the Joint Select Committee.*

The most fundamental of the changes proposed related to the provinces. Hitherto these governments were strictly speaking, merely administrations or agencies, and the majority moreover one-man agencies of the Simla-Dehli autocracy. Amongst the functions they discharged there were a number "which afforded most opportunity for local knowledge and social service, which stood most in need of development, in which Indians had shown themselves keenly interested, and in which mistakes, though serious, would not be irremediable." The Report proposed to initiate the experiment of responsible government with reference to these functions. It was impossible to introduce responsibility to the people into a one-man system, hence all provinces in which the experiment was to be tried, were to have the council form of government. And the members of council placed in charge of the subjects just indicated, which were to be known as "transferred" subjects, were to be responsible—not to parliament and the Secretary of State and their agent the Government of India, but—to provincial legislatures mainly composed of representatives elected by constituencies to be formed on a wide or low franchise. With reference to these functions, the elected legislatures were to be the legally "sovereign" bodies, properly to be regarded as "parliaments," the members of council concerned were to be their responsible "executive," and the head of the province himself was to be, with reference to these functions, a strictly "constitutional" functionary, taking action or abstaining, according to the deliberate (and mostly recorded) decisions of his accredited councillors, who were therefore, fully entitled to be called his "ministers." And the Report insisted further that the transfer from autocracy or dependence upon England to popular responsibility or selfgovernment, must not only be introduced from the first on a substantial scale, but also that it should be steadily carried out as a continuous operation, more and more functions of the provincial government being so transferred at short intervals, until within a measurable period of time, the same operation could also be undertaken with regard to the Government of

* Cf. Part II of the Bill as originally drafted and as amended by the Committee.

India itself. Thus was the English autocracy to evolve by stages, and within a generation or so, into a fully selfgoverning Indian democracy within the Empire, an equal partner of the worldwide Indo-British Commonwealth.

"Our conception of the eventual future of India" the Report concluded, "was a sisterhood of States, selfgoverning in all matters of purely local or provincial interest, in some cases corresponding to existing provinces, in others perhaps modified in area according to the character and economic interests of their people. Over this congeries of States would preside a Central Government increasingly representative of and responsible to the people of all of them; dealing with matters both internal and external of common interest to the whole of India; acting as arbiter in inter-state relations, and representing the interests of all India on equal terms with the self-governing units of the British Empire."⁸

The Franchise and Functions Committees were appointed in October 1918 and reported in the following February; the Government of India submitted their own views along with such important documents as the Minute of five heads of provinces and the dissenting Minute of Sir Sankaran Nair, in April; Lord Crewe's committee examined another section of the field—the changes indicated as advisable by the Montagu-Chelmsford Report in the powers and position of the Secretary of State, the composition and powers of the India Council, the working and organisation of the India Office, and allied matters; and the first sketch of a new constitution to embody the departure of principle solemnly promised by the announcement of 1917 being thus prepared for all the parts of a complex structure, the Bill "to make further provision with respect to the Government of India" was introduced in the commons at the end of May, read a second time on June 5th, referred with the consent of the lords to a joint select committee of both houses of parliament and this committee started work on July 10th electing Lord Selborne as their chairman. They worked through the recess, completed the examination of witnesses—68 in number, including heads of provinces, members of council (the India Council, G. G.'s council, provincial councils,) members of deputations who had gone over to England to represent the views of the Congress, the League, the moderate party, the Home Rulers, the Anglo Indians, the Christians, the

non-Brahmans, the Indian suffragettes, and other organised interests and sections, and independent observers of eminence like H. H. the Aga Khan, Sir Michael Sadler, and Mr. Lionel Curtis—on the 15th October, spent another month over the Bill, threshing it out thoroughly clause by clause, and reported on November 17th, 1919. The result was commensurate with the labour. Lord Selborne claimed, a little later, with perfect justice, that in altering and adding to the original draft, the aim of his committee was “to remove all possible causes of friction, to remove all shams, to fix responsibility everywhere, and to leave the executive with real weapons to fulfil its responsibilities.”* Lord Sinha advanced with equal justice another claim for the Bill as it was finally fashioned by the Committee: “we expect mistakes,” by the responsible provincial executives, legislatures, and their new political masters, the electorates; “but we claim that we have in this Bill every reasonable safeguard and every device possible to minimise the seriousness of their results.” The bill as thus recast by the Committee passed the commons on December 5th, the Lords read it a second time the following week, passed it on December 18th, and this Government of India (Amendment) Act 1919, received the royal assent five days later. Thus were the fetters of the Government of India Act, 1858, broken at length and flung over the shoulder into the gulf behind, out of which the pilgrim path winds forward and upward to the radiant shrine of Freedom. For the key word, unlocking the heart of the new Act, is not dyarchy or step-by-step, but selfgovernment. The dynasty of the I. C. S. members of council is over; the new line of Ministers dawns on the Indian horizon.

The birth of the new era was attended, however, by circumstances which unfortunately veiled its real nature more and more from the vast majority in this country. From the middle of 1918 onwards the Great War suddenly took a new turn. The enemy showed signs of exhaustion which multiplied rapidly. A month or two more and he collapsed. And with that a wave of extreme distrust passed through India. Fear usurped the throne in all minds, that under the altered circumstances parliament might listen much more to the services and the AngloIndians and their representatives and friends in England, Lord Sydenham and the Indo-British

* Mukharji, Indian Constitution, pp. 565-601. (Lord Sinha's and Lord Selborne's speeches).

Association and the Chambers of Commerce, and very much less to their own pleas and representations. Other events also occurred, great and small, which were widely interpreted as signs justifying the initial distrust, and so increased it. The opinions of the provincial governments on the Reforms, the Minute of the five heads of provinces, the despatches of the Government of India itself, were followed by the far graver incidents of the introduction of the Rowlatt Bills into the Indian, and of the Asiatic Trading and Land Bill into the South African legislatures. In April occurred that horrible chapter of events in the Panjab which defied description in measured terms; events which made it impossible for Sir Sankaran Nair to remain as a member of the Government of India and compelled Rabindranath Tagore to renounce his knighthood; events about which, later, even the Duke of Connaught could only say—“No one can deplore them more intensely than I do myself.” Long continued and acute economic distress followed by actual famine in extensive areas, an influenza epidemic killing off over five millions in under five months, strikes in industrial areas, and the Afghan War must be added to the tale; and the deeprooted feeling for the Khilafat and for Turkey and the sacred places of Islam, simmering in dumb and blind masses, until it shot up by the thousand to the bewildered gaze of the twentieth century, in the form of the *muhajrin* emigrant, that mediæval figure of pure tragedy. When eighteen thousand actually went across the border in this manner, “following the example of the Prophet himself, who had fled from faithless Mecca to the faithful of Medina,”* it is easy to imagine how many more must also have been in the throes of a distressing mental storm for months, until finally in their cases the worldly anchors held. Take these influences together and in their interactions and it is not too much to say that the stars in their courses appeared to have conspired for a time to convert all India to extremism with a vengeance. Large masses altogether innocent of politics had been lifted up to the level of interested spectators by the Great War, and movements like the Satyagraha campaign and the efforts of social and political workers to organise the millhands, postal peons and other labourers, swelled the volume the din and the violence of agitation, and the wonder really is, not that extremist ideologues should have acquired unprecedented influence in

* Rensdeshay, p. 223.

Indian politics or that milder natures like Pandit Madanmohan Malaviya should have been brushed aside for the moment, but that a small but resolute battalion of elderly Moderates succeeded, nevertheless, in keeping their own flag flying in Indian politics and journalism. They saw the possibility of the scheme being wrecked by its determined foes, in the course of the deliberations of the Joint Select Committee and during its passage through Parliament, unless the average M. P. could have before his eyes a body of influential and responsible Indians, actively supporting it and ready to work it fairly for all it was worth when finally adopted. And they acted accordingly. Thus was the new constitution of Indian self-government by progressive responsibility conceived during the throes of the Great War, the pledges and appeals of Woodrow Wilson and Lloyd George, the ambitions of the Dominions, and the scientific inquiries and moral convictions of students like Sir William Duke, Lionel Curtis, and Professor Keith chalked out the line of advance, the magnificent services of the Indian soldier and the no less inestimable offerings of the Indian people from Raja to ryot tied the hands of autocrats like Lord Curzon and Lord Sydenham, parliamentary leaders like Chamberlain, Lord Selborne and Lord Crewe cooperated with an enthusiast like Montagu to give his ideas definite shape and form, and while the Indian extremist convinced the average Englishman that delay or curtailment would lead straight to anarchy, the Indian moderate convinced him no less that the scheme actually proposed would be welcomed, loyally worked, and actively pushed forward to its inevitable goal,—the wellbeing freedom and elevation of one-fifth of the human race through autonomous evolution.

MONTAGU CHELMSFORD Report.

JOINT SELECT COMMITTEE Report with minutes of evidence.

Indian National Congress, Moderate and other Conferences, Reports 1914-19.

L. CURTIS, Dyarchy.

H. H. THE AGA KHAN, India in Transition.

INDIA IN 1919; INDIA IN 1920.

CHAPTER XI: NOTES.

SECTION 84.

1. In North India. In the South there was a period of revival under the Vijayanagar Dynasty.

2. The Calcutta Madrasa founded in October 1780 and maintained for the first few months by Warren Hastings at his own expense, was a Persian and Arabic institution specialising in Muhammadan law. It had a chequered career for over forty years, before an English class was added to it. The Benares Sanskrit College, founded by Jonathan Duncan in 1792, was similarly an institution for Sanskrit learning. Here, too, English was not taught before 1827. The Hindu Sanskrit College at Calcutta founded in 1824 had a wider aim: the cultivation of Hindu (Sanskrit) literature and the gradual diffusion of European knowledge through the medium of Sanskrit. This latter attempt, however, did not succeed. Colleges were also established in the twenties at Agra and Dehli, in which Persian, Arabic Sanskrit and Hindi were taught. The Royal Asiatic Society was founded at Calcutta by Colebrooke in 1822.

3. In the discussion leading up to the Charter Act of 1793 they succeeded in persuading the house of commons to adopt a resolution emphasizing the duty of the state, "to promote by all just and prudent means the interests and happiness of the inhabitants of the British Dominions in India; and that for these ends, such measures ought to be adopted as may gradually tend to their advancement in useful knowledge and to their religious and moral improvement." But the Company through their spokesmen in the house and in their own Courts opposed the contemplated departure persistently, and the idea had to be dropped on that occasion. (Mahmud, p. 229).

4. When the first medical college in India was founded (1836), it was feared that no Hindu would learn anatomy, as they thought it a defilement to touch a corpse or even a bone. When the first Hindu student plunged his dissecting knife into a body Fort William fired a salute in honour of the event, and the G. G. himself shook the brave young student by the hand.

—*Modern Review*, September 1921, p. 318.

Per contra, as late as the nineties, the curator, Jaipur museum, showing the Egyptian mummy there, used to tell people of consequence:—"Do you know, Sir, the Maharaja——was here the other day; I naturally brought H.H. over here the first thing and explained what it was. As soon as H.H. understood, he asked—"what! only a *lash*!" and without another word H.H. turned back and wasted the rest of the day in baths and other purifications. How superstitious the uneducated are!"

5. "The Musalman subjects of the Government are much more jealous of innovation....When it was first proposed to teach them English they consulted their oracle of the day, Azizuddin of Dehli, as to whether it was sinful to yield to the innovation. He gave them a most sensible answer...." H. T. Prinsep's Note on Macaulay's Minute (Sir H. Sharp, p. 129).

6. See D. J. Fleming: *Schools with a Message*; also *Village Education in India*. (Report of a missionary commission composed of the Rev. A. G. Fraser, K. T. Paul, and others); accounts of the Salvation Army attempts to reclaim criminal tribes; and similar literature:—to get some idea of the varied and valuable work, in the highest sense educational, which missionaries are doing in India today.

7. Sir Syed Ahmed started collecting subscriptions 1872; he won the enthusiastic support of Sir Salar Jung and the Strachays almost from the first; the institution began with 20 students in 1875: the Viceroy laid the foundation stone on the 8th January 1877. After fortythree years of a career of expansion Sir Syed Ahmed's Anglo-Oriental College was transformed in 1920 into the Muhammadan University Aligarh.

8. For the Arya Samaj Institutions see Lala Lajpatrai: *The A. S.* pp. 179-210 I have coupled these and the D.E.S. institutions together merely for brevity. Of course there are profound differences also between the two. Perhaps the most important is that the Arya Samaj educationists insist far more on the formation by their students "of sound and energetic habits by a regulated mode of living". (*Op. cit.* p. 182); in other words the entire life of the student in these institutions is meant to be a deliberately regulated discipline. The Dayanand AngloVedic College, Lahore, began with the revered Lala Hansraj as its first Principal in 1888.

SECTION 65.

1. Missionary schools had an earlier start in Madras. The Tanjore Resident "seconded by the zealous exertions" of the Rev. Mr. Swartz started some schools, to which the Court of Directors made annual grants from 1787. (Sir H. Sharp, pp. 3, 45, 194).

2. One of the most influential personalities in the early history of Indian Education: see for instance Sir V. Chirol, *Indian Unrest*, p. 209.

3. See his memorial to Lord Amherst, 11-12-1823. Macaulay in his wellknown minute, 2-2-1835, has taken one of his illustrations from this memorial. It is unfortunate that this particular minute of Macaulay's should have obtained a celebrity out of all proportion to its intrinsic merits or historical importance. But Macaulay really did valuable work as Chairman of the Committee, see Trevelyan: *Life and Letters*, Ch. 6.

4. See (in Sharp) Prinsep's Note on Macaulay's Minute and a later Minute by P. on the same subject; also Meredith Townsend, *Asia and Europe*, pp. 323-329 etc. Bishop Heber describes in his *Journal* what he saw at the Benares Sanskrit College in 1824, where the Pandit illustrating an astronomy lesson by the terrestrial globe said the North Pole was Mount Meru, the tortoise was under the South Pole etc. This was "engrafting" in actual practice, and the bishop of course wondered why such "rubbish" should be taught at a government institution. How twenty years earlier at the same College the Pandits of that age deceived Captain Wilford a zealous but rather credulous Sanskritist, might be still read at p. 172 of Hegel's *Philosophy of History*.

5. In his petition to parliament (30-11-1852) Mr. Cameron also asked for a covenanted Education Service and "that one or more establishments may be created at which the native youth of India may receive in England without prejudice to their caste or religious feelings, such a secular education as may qualify them for admission into the civil and medical services of the East India Company" (*Mahmud*, p. 82). If this suggestion had been adopted and if the Indian College or Colleges in England had succeeded in regularly supplying a number of Indians to the civil and other services from the beginning, this single factor might have completely altered the whole history of British India during the last seventy years.

6. Lord Dalhousie stated in 1856 that these N.W.P. schools then numbered 3,669—A Mills: *India in 1858*, p. 169. The idea of a land cess to finance primary education originated with Thomason. For a brief account of these schools see A Howell *Ed. in Br. India prior to 1854 and in 1870-1* pp. 48-9.

SECTION 66.

1. Seventh Quinquennial Review of the Progress of education in India (1912-17) p. 122; "a large percentage of parents value the school mainly as a creche...." *Dyarchy* p. 289; etc.

2. The average of age in the various high school classes was high in the beginning and fell only slowly. Even upto 1880-5 there were men of over thirty joining the Entrance Class of High Schools; men who had left off school and worked in some department until they could get a year's leave to try and pass the Entrance Examination so that they could rejoin with improved prospects.

3. The problem was not confined to the education department. The civil service had the same difficulty with all the other departments also. A small aristocracy an exclusive caste must have perfect equality amongst

its own members; but on the other hand an administrative system must have a hierarchy of departments and gradations of status and emoluments within each department. It is on this rock that aristocracies, however strong and wellknit, have always split. They have always fought hard, inch by inch, and delayed the day of their extinction by every conceivable device. Exchange compensation allowance and a rearrangement of the departments into three grades instead of two—imperial, provincial and subordinate, in stead of superior and inferior—were the devices adopted, though it must be admitted to their credit with great reluctance. But this did not solve the problem of placating the Englishman outside the charmed circle of the civil service, and it created the worse problem of placing the Indian, however deserving, lower than every Englishman. Indians in the superior posts went on increasing, their qualifications went on improving. Indians with English University qualifications went on multiplying. These last the Englishmen would not have as their equals in the imperial services, they themselves did not care to be in the provincial services and be the inferiors of many Englishmen who were not their equals in qualifications, and thus the system broke down at length. The Islington Commission and the Montagu Chelmsford Report registered this breakdown and made suggestions for the future, more or less liberal, which Sir Sankaran Nair and Mr. Montagu carried out. For the education department in particular see the discussion in *Sir V. Chitral*, p. 233, and *M. R. James*, pp. 115-7. It is curious to note how both authors see the impossibility of equalising the status and emoluments of professors and civilians and yet seek some undiscoverable method by which they could nevertheless be equalised. The professor worth his salt had his own status in literature, in learning, in the estimate of his students, and in the joyful absorption of congenial pursuits. The professor, on the other hand, who falls between the two stools of the professorial 'chair' and 'society' has simply missed his vocation, and whatever his pay has no status whatsoever.

4. The discussion as to the moral value of the school, how it was to be improved and intensified etc. thus began in all its ramifications at the Commission, they reported upon it at length, and it has gone on and on and on ever since; no reason, too, why it ever should come to an end.

5. *Wheat*, p. 468. Gokhale had argued that his proposals only meant a continuous annual addition of 40 lakhs (*Speeches*, p. 774). The Government had to do better than that since they had argued—better teachers, better schools, better type of education first, then compulsion; Rs. 5 per head, moreover, a serious underestimate; it would be nearer Rs. 10 than Rs. 5, etc.

6. P. 148. What the attitude of at least a section of the lead in Muslims was towards the British Government even upto 1883-4 might

be gathered from *W. S. Blunt*: India under Ripon, although the warm sympathies of the writer compels one to infer a certain amount of unconscious exaggeration.

7. Cf. the following extract from the Vice-Chancellor's Address to the Bombay University Convocation 18-8-1925:—..... "every living University supplied itself with the staff it needs by training them up itself. And it is my humble opinion that no University can be said to be leading a vigorous life, unless it provides itself and its colleges with nearly all the staff it needs, in all grades from the highest to the lowest. The distinguished foreign professor it also invites and employs but only for short terms; and it derives the fullest benefit from him, but only for subjects of learning in which it is either backward or wants to advance at a quicker pace. But as a young University like ours grows to its full stature, the foreign professors in it must become fewer until they become quite exceptional and incidental....."

8. *Unity of Western Civilisation* (ed. F. S. Marvin) p. 170. The course of lectures, be it noted, was delivered in August 1915, i.e. after the Great War had broken out.

9. It is quite legitimate to seek to extend the use of Hindi-Urdu merely as a *bell* for ordinary purposes of commercial and other intercourse. But to teach it to boys and girls in the non-Hindi provinces in schools where every hour of the time-table is so important is to deprive the vernacular or English of so much valuable time. Hindi and Urdu again differ from each other in more than the script. The U.P. after a long controversy have had to give up the use of common Readers in schools printed in Devanagiri script for the Hindu children and Urdu script for the Muslims; since 1914 such common Readers are used only upto the vernacular standard III. See the whole question fully discussed in *Dyarchy*, pp. 308-311, 323-5.

SECTION 67.

1. Swami Dayanand Saraswati established the first samaj in Bombay. though it was a little later that his movement spread quickly in Panjab and Rajputana.

2. The loyalty of all India in 1885 was warm and demonstrative, In the last days of March had occurred the Panjdeh incident while Amir Abdur Rahman and Lord Dufferin had been interchanging views at Rawal-pindi. "The danger" said Sir Alfred Lyell, "made the Indian people very loyal. They are in great dread" of what might happen "if we got an upset, and they are all afraid of each other.....". *Sir V. Lovett*, p. 34. Lord Dufferin wrote to Lord Northbrook in the same sense (*Sir A. Lyell Life of Dufferin*, Ch. 11).

3. On the occasion of the 23rd. I. N. Congress which could not meet at all that year, being thus broken up in humiliating disorder within a few minutes of the election of the president. The shoe was heavy and nailed.

4. The words in inverted commas fairly render what Tilak himself told H. W. Nevins. even when his object was to convince N. that there was little difference except in methods between his party and the moderates (*New Spirit*, pp. 71-77.)

5. *Lyell Life*, Ch. 13. The first minute recorded his own views, the second those of the Governor General in Council. Representation at least for the provincial legislatures was recommended. As to throwing more of the higher appointments open to Indians, the concessions drawn up by the Aitchison Commission were thought too liberal by the S. of S. or the S. of S. in council, and were whittled down, nor were they acted upon till 1896.

6. The Union of South Africa has a population of nearly 8 millions. only a million and a quarter being Whites. In Rhodesia out of 1.7 million inhabitants less than 40,000 are not native Africans. In Kenya the Indians and Arabs are to the Europeans as 7:2; and all three together are to the aborigines as 1:72.

7. Whether this is really the case at a particular time in any community is a question of fact, to be carefully and impartially gone into by competent men strictly as a question of fact, and by the application of tests capable of yielding measurable results. Assertions on the subject, partisan, demagogic and journalistic, ought not to count at all. And it is a complex question about which even amongst competent judges with all the evidence before them, there would be plenty of room for an honest difference of opinion.

8. R. C. Dutt called the Cotton duties Act 1896 "an instance of fiscal injustice unexampled in any civilised country in modern times"—*Victorian Age*, pp. 538-44. Has any one ever told Lancashire, I wonder, that the policy it has pursued has contributed its bit towards breeding irreconcilables and potential anarchists in India?

9. The most musical rendering of the song I ever heard was from two Bengalis singing it together on a memorable day a little before sunrise at the French Garden, Surat, in the pandal of the Congress, that only a few hours later was given the sack—or the shoe rather!—by the delegates from the Bombay Deccan and C. P. and Berar. I suppose it was the hour and the place which blended the liquid cadence for my ear into notes of a never-to-be-forgotten harmony.

SECTION 68.

1. Perhaps this one trait is sufficient by itself to show how raw and irresponsible Indian anarchism was even when some of its crimes revealed such baffling capacity for subterranean plotting.

2. For an example of how a pensioner retiring from a high position incurring the displeasure of local officials was ruined by them in those days, see W. S. Blunt: *India under Ripon*, p. 43.

3. *Speeches*, p. 829. Gokhale had been in England earlier during the year and the announcement of this as the 'goal' was deliberately decided upon in consultation with the elder congress leaders in England and also, probably, in India, See Dadabhai Naoroji's message to the Benares Congress, especially the following passages:—"We are now on the eve of our arriving of age, and we have to make a new start forward.....The work of the Congress in India and England has developed a clear and most urgent aim, viz. selfgovernment like that of the Colonies in the way most suitable to the peculiar circumstances of India.....The tide is with us. All Asia is waking up. The Isles of the East (Japan) have made the start."

4. Of course, in the rapidly growing volume of Congress oratory there were passages here and there of earlier dates pointing to this goal, e.g. Surendranath Bannerji's speech as president at Poona, 1895. But these were at those earlier dates, little more than flowers of rhetoric. With Gokhale began from 1905 the claim that this was the substance and the sum, that this was indubitably due to India in her own right.

5. See the Address, H. H. the Aga Khan's speech, Lord Minto's speech in reply, the Govt. of India's despatch to the S.S. No. 21, 1-10-1908 paras. 18-21 (Mukharji 1 pp. 283-7) &c. Morley strongly disapproved, but had to accept it as an integral part of the reform scheme. (*Recollections* II 315, 325 etc.)

Mr. Mahammad Ali said at the Coconada Congress session in his presidential address (1923) that the Muslim deputation to Lord Minto of which he had been a member, had been inspired by leading members of the I.C.S. Granted. The Muslim community accepted the advice or yielded to the pressure, and so the responsibility is theirs as much as if it had been their own independent act. And the Muslim community have throughout accepted the consequences and fruits of that initial step from that day to this, as beneficial to themselves. It is only the younger generation of Muslims now on the threshold of public life who are beginning to realise that communal privilege means disunion with and opposition to Hindus,

and so instead of a blessing it is a curse; that for harmonious and rapid progress Indians have to transcend communal differences—See reports of the debate at the Muslim University Union, Aligarh, Christmas 1925.

6. The proportion of elected Muslims to elected Indian members was to be—the Panjab one half; Bengal 40%; Bombay one-third; U. P. 30%; Bihar 25%; Madras and C. P. 15%; and it was also agreed that Muslim voters were to vote only through their special electorates.

SECTION 69.

1. See Sir Bhupendranath Basu's address as Congress president, 1914; his pamphlet "*Why India is heart and soul with England ?*"; the verses (good evidence even when indifferent as verses) of many writers from William Watson and Nawab Jung Bahadur downwards some of which will be found in the numbers of the newspaper *India* from September 1914 to the end of the War; the relevant resolutions of the legislatures and of the Congress and the League from 1914 onwards; the proceedings of the meetings and conferences convened for special war efforts etc.

2. Seelay's *Expansion of England* appeared and the Imperial Federation League was formed, 1883. The first Colonial Conference was held, 1887; the second 1894; the third 1902; the next was the first "Imperial", Conference, 1907. The second, 1911, had the diplomatic and foreign situation (the Agadir incident) fully expounded by the Foreign Secretary of State in a secret session. These have been followed by the Imperial War Conferences and Cabinet meetings during the Great War, the Imperial Peace Conference, and the Imperial Conference, 1921. For a very brief account, see in the *Edinburgh Review* for April 1921, J. A. R. Marriott: 'Organisation of the Empire.'

Mukharji I part VIII gives the Hon. Mr. Shafi's Resolution, Sir R. Borden and Mr. Massey's Resolution at the Imperial War Conference (April 1917) admitting India to the conferences, the Premier's speech, 18-5-1917, re the Indian representative attending the Imperial War Cabinet meetings etc. It followed as a matter of course that India took part in the Peace Conference at the end of the Great War, and that she joined the League of Nations as an original member of that body.

3. On the grant of responsible government to the Transvaal and Orange River Colony, Closer Union societies were formed in South Africa 1906-7. On the accomplishment of the Union of South Africa these were converted into Round Table societies, similar societies were formed in Canada, New Zealand, England, Australia, and Newfoundland, 1909-10; the problem of the reorganisation of the Empire was the subject they set before

themselves to study co-operatively, and the quarterly organ, the *Round Table* was started. Mr. Curtis published the *Problem of the Commonwealth* and the *Commonwealth of Nations*, 1916. He came to India in October (*Dyarchy*, pp. 39-90).

4. For instance here are a few sentences from the pen of a leader noted for the mildness of his nature and the habit he has cultivated of weighing every word. "The responsibility of ruling India will be accepted, Mr. Curtis assures us, as a high spiritual task; viz. that of 'preparing for freedom the races which cannot as yet govern themselves',.... This is the new humiliation that stares us in the face, if we do not make it clear betimes that we will not tolerate the pretensions of the Dominions.... Patience is a difficult virtue to exercise when a certain set of people brand you as an inferior race, exclude you ruthlessly from their territory, and then coolly offer to administer your affairs and exploit your resources, adding at the same time that it is all for the purpose of teaching you how to govern yourselves." (Srinivas Sastri, *Self Government for India under the British Flag*, 1916, p. 7.)

5. It is not too much to say that the very first service rendered by the Indian army in the Great War was comparatively and historically speaking of the most inestimable value. The Indian army first took up its position on October 24th, 1914, between Generals Pulteney and Smith Dorrien (Sir A. C. Doyle; *British Campaign, 1914*, Chs. 7-10). Over three weeks followed of a terrific contest, including the first battle of Ypres. A German force over six lakhs strong had started to drive the British into the sea, reach Calais and make it impossible for England to cooperate further with the French on land in France and Belgium. The English never had even half the number to oppose this advance; the disparity in equipment was greater still. And yet the Germans could advance only five miles in a whole month, they lost over 25% of the troops employed, and they fell back beaten. As Sir F. Younghusband said in a paper at the Royal Colonial Institute (May 11, 1915) "the seventy thousand troops from India were sent to the front while the Germans were making their tremendous lunge to reach Calais and just at the moment when the British line there had become thinned to breaking point; but for this Indian reinforcement, our brave little army would have been swept off the Continent."

6. *Ibid.*, para. 28; and H. H. the Aga Khan's letter to the *Times* (London) August 14, 1917, publishing Gokhale's Scheme. H. H. says he gave copies soon after Gokhale's death (February 19, 1915) to Lord Hardinge, Lord Willingdon, and the Secretary of State. For Gokhale's scheme see *Speeches*, 3rd pp. 1025-9. (All the other references to *Speeches* throughout this book are to 3rd).

7. In the preamble to the Government of India Act 1919 instead of "the British Government and the Government of India", we read "Parliament upon whom the responsibility lies for the welfare....." The change was deliberate—see *Joint Committee Report*, para. 7. Mr. Vithalbai J. Patel as delegate of the Indian National Congress had told the Joint Committee, that the I. N. Congress and the people of India "repudiated the claim of others to decide for India the time and measure" etc., quoting in support resolutions of the I. N. Congress 1917, the special I. N. Congress August 1918, the I. N. Congress, 1918 etc. See in the above Report his evidence Vol. 2 pp. 101-119 and Appendix C.

8. The best brief summary of the proposals of the report is to be found in Mr. Montagu's and Mr. Chamberlain's Indian Budget Debate speeches, 6-8-1918; see also Lord Islington's speech in the lords on the same date. For an independent summary with criticism, helpful because fully accepting the underlying principles, see *Round Table* viii, pp. 778-802

CHAPTER XII.

THE DAWN OF DYARCHY: THE FIRST PHASE.

Section 70. A Revolution. The changes introduced by the Government of India (Amendment) Act, 1919,¹ are so far-reaching in character as to amount to a revolution. In inaugurating the new central legislature on February 9, 1921, Lord Chelmsford said,—

"History is a continuous process. In human affairs, as in nature, there are no absolute beginnings. But there are changes of degree so great as to be changes of kind, and this is one of them."

It is true, of course, that the growing number influence and pressure of the Indian nationalists and the tendency to freedom and representative government inherent in British history are the general causes, and the particular ideals and impatiences generated by, and the unprecedented services and sacrifices of India during the Great War are the immediate compelling causes for the new departure. It is also a fact that what Lord Chelmsford's government had proposed even a conservative temperament like Austin Chamberlain's rejected as not fundamental enough, and that the pronouncement of August 20, 1917, read out in the commons by E. S. Montagu, was a formula or *mantra* that had been agreed to after full consideration by Crown and Cabinet and Government of India alike. Nevertheless, in the Act as finally fashioned under the contact cooperation and conflict of many minds, none can overlook the personal and exceptional contribution of that devoted indomitable potter at the wheel, E. S. Montagu, the Secretary of State for India at this crisis in our history, a noble and resolute idealist, who permitted nothing whatever in the three Worlds ("Lokas"),* nothing however familiar or unusual, neither the Armistice, nor the Panjab frightfulness, nor the inherent bias of the services and their die-hard representatives in England, nor the inevitable dilatoriness of the parliamentary machine, nor finally the ideologist vapourings of Indian extremism, to slacken the motion of the wheel, his deft fingers

* A Hindu phrase meaning the heavenly, terrestrial, and nether regions.

incessantly moulding the wet earth brought up in lumps by his experts, his committees, and their witnesses, until the precious vase was ready in its finished contour and articulate individuality for the furnace of actual experience. Montagu is beyond all question the father of the new era in India, as A. O. Hume was the father of the congress thirty five years earlier.* And, moreover, it cannot be too emphatically asserted that the changes are not merely the natural development of a long antecedent process, but, in their depth and scope, they constitute a new era altogether, indeed, they initiate a political revolution as radical and noble as—and (of course) on a scale far greater than—that in 1869, which in a few decades created Modern Japan, or as that other revolution, with a longer period of gestation punctuated by wars, which gave Modern Italy to the world, a unified national constitutional monarchy.

Section 71. Provincial Legislatures : Structure. In popular government of the parliamentary, as distinguished from the presidential, type, the centre of authority, the pivot of power, or the working sovereign, in all matters political, executive, and legislative, is the cabinet or ministry. Popular self-government in this type of constitution works through the *de facto* sovereignty of ministers responsible to the electors through the legislature. This institution of cabinet rule grew up in England as the result of a long historical process. It has been imitated in many countries from France to New Zealand, with more or less success, developing some novel features in most of them but at the same time demonstrating its surprising adaptability to varying surroundings and circumstances. And it is this form of internal selfgovernment which the Act of 1919 introduces here, as “the one” remaining blessing, “without which the progress of a country cannot be consummated.”† The changes in the provincial executives and legislatures are thus fundamental features of the new constitution, necessarily involving correlated changes introduced simultaneously into the other parts of the structure, in order that the whole might be transformed into a consistent workable machine.

* See the Right Honourable S. Sastri's fine and just tribute to Montagu at the unveiling of his statue, 14-5-1925. *Per Contra*, see Sir M. O'Dwyer: *India as I Knew it*.

† Royal Proclamation, 23-12-1919.

Nine of the provinces—Madras, Bombay, Bengal, U. P., Panjab, Bihar and Orissa, Assam, C.P. and Berar, and Barma*—now become Governments. Instead of depending upon the Government of India, they now have their own loans, taxes and budgets, and their money proposals, arising out of their annual budget statements, are submitted to the vote of their respective legislatures in the form of demands for grants, and any of these or any of its component items these legislatures might refuse or reduce in amount. There are, of course, limitations to the exercise of these powers and checks upon it. And the spirit of impatience distrust and opposition has been so rampant in recent years that a great deal too much is made of this. The far more important fact undoubtedly is that these limitations and checks are, in letter as well as in spirit, exceptional and provisional in character, to be only maintained until the transition from the status of a conquered dependency to the higher one of a selfgoverning and equal partner in the British Commonwealth or League of Sister Nations is fully accomplished. The provincial legislatures set up under the Act are autonomous bodies *in posse*, and it is only for a time that they are to behave like an heir who is under age, the Governor in Council being placed in the position of sole administrator of part of the estate, and the Governor himself in the higher position of a guardian and mentor to the heir. This period of transition, moreover, cannot be indefinitely prolonged. Nor is the executive to behave during the transition as before, as an autocracy or the agent of an autocracy, but as a guardian holding himself ready to be relieved of his vicarious burden as soon as possible, and pledged in the meanwhile to discharge his duties strictly according to the provisions of the Act, and so as to “further the purposes of the Act to the end that the institutions and methods of government therein provided shall be laid upon the best and surest foundations, that the people of the presidency (or province) shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-government.”¹ *Fronti nulla fides*, once bit twice shy, are undoubtedly good rules of prudence; and politics, diplomacy and all strategy are of course the most important spheres for the application of such maxims; but it is sometimes the duty of the historical student

* The last from 1923. Coorg has a Legislative Council with very few powers from 1924.

to warn the young patriots of to-day that the younger patriots of the next decade might regret and condemn the distrust of today as having gone to unreasonable lengths.

The Montagu-Chelmsford Report had pointed out as cardinal defects of the Morley legislatures "the very restricted nature of the franchise" and "the lack of connection between the primary voter and the member who sits in the councils." "The vote of the supposed primary voter," it noted, "had no effect upon the proceedings of the legislative council." And it commented, "in such circumstances there could be no responsibility upon, and no political education for," the voter. The radical change to be made, the new foundation to be laid down, was "to call an electorate into existence capable of bearing the weight of responsible government."* The Morley-Minto structure had to be scrapped as incapable of developing into an organism embodying responsibility.

The new legislatures created under the Act enfranchised over five million persons as voters for the provincial councils, and over nine lakhs and a quarter for the central legislature. At the second elections, 1923, the numbers had risen to over seven millions and a half and nearly a million respectively, the increase in the first number being due mainly to the inclusion of Barma.† The numbers will be larger for the third elections, mainly by the inclusion of more women voters in the existing constituencies, and by the addition of some special constituencies of factory labourers. The number of votes actually cast was also, all things considered,‡ very fair at the first elections and jumped up at the second. It is one of the greatest achievements in recorded history, and its scope, magnitude and decisive character will come to be recognised more and more as political organisation grows up throughout the land and the voter learns what power he has acquired and how to wield it intelligently. Whatever people to whom the whole thing is so novel might feel about it today, the reform cannot fail to be seen in its proper perspective in less than twenty years.

* Para. 83.

† See the Tables—India in 1920, App. II; and Report. Reforms Enquiry Committee (Muddiman) App. No. 3.

‡ See India in 1920, pp. 65-6.

PROVINCIAL LEGISLATURES.

Category of Member	Madras	Bombay	Bengal	U. P.	Panjab	B. and O.	C. P. and B.	Assam	Barma
ELECTO-RATES									
General { T	9	11	11	8	7	6	9	1a	b
R	56	35	35	52	13	42	31	20	58
Total	65	46	46	60	20	48	40	21	
Communal { MT	2	5	6	4	5	3	1	..	8c
MR	11	22	33	25	27	15	6	12	5d
E	1	2	5	1	..	1	..	..	1
A	1	..	2	..	..	..	..	..	..
X	5	..	..	..	..	..	..	..	..
S	..	..	..	..	12	..	..	..	..
Total	20	29	46	30	44	19	7	12	15
Special { C	6	7	15	3	2	3	3	6	5
L	6	3	5	6	4	5	3	..	..
U	1	1	2e	1	1	1	1e	..	1
Total	13	11	22	10	7	9	7	6	6
TOTAL	98	86	114	100	71	76	54f	39	79
NOMINEES									
Official	23	20	20	18	16	18	10	9	16
Non-Official	6g	5h	6i	5j	6k	9l	6m	5n	8o
Total	29	25	26	23	22	27	16	14	24
GRAND TOTAL	127	111	140	123	93	103	70	53	103
VOTERS in 000	1248	548	1020	1348	506	328	145	203	p
1923	1274	623	1034	1554	622	337	150	233	1763

To face

An Indian adult of sound mind is entitled to a vote or votes, (a) if not convicted of certain offences (general² or electoral) at any time within the preceding five years, and (b) if possessed of the qualifications—residence, membership of a community (e.g. Muslim, Christian, etc.) or a class (e.g. factory labourer, university graduate, etc.), property, payment of taxes to a specified amount, education, certain kinds of service (e.g. military),—laid down under the electoral rules for the particular legislative chamber in respect of its various constituencies. The property qualifications vary from province to province, and in the same province are not the same for rural as for urban areas, or even for all the rural or all the urban areas. The constituencies are general, communal, or special; and one enrolled in a general or communal electorate may also be enrolled in a special, if he has the special qualification required for it.

The provincial legislatures formed of the numbers directly elected by these thousands of voters grouped in constituencies, are large enough to be representative in the full sense of the term. They are also predominantly popular assemblies, since the elected members must be not less than seven-tenths of the total in each. Their representative character is still further strengthened by earmarking for representatives of particular classes or interests a number of the seats, one-tenth of the total or less, which are to be filled by nominated non-officials. In the nine provincial legislatures taken together there are fifty-six such seats, out of which forty-two are earmarked, each of which is to be filled by the nomination of a non-official member of the special class or interest for which it is earmarked. Nominated officials are to number no more than two-tenths of the chamber, and in every province the administration nominates only as many officials as are absolutely indispensable to furnish the necessary guidance and information to the house, and to place before it the experience the difficulties and the views of the administration. The governor in council can also nominate in addition a person or persons as experts, not more than one in Assam, not more than two elsewhere.

The general constituencies are urban (marked T* in the Table opposite) or rural (R). The communal constituencies

* T has been taken to designate the urban or town constituencies, as U is required for the special University constituencies.

are the Muslim (M) constituencies in all provinces except Barma, the European (E) constituencies in six of the provinces, the Anglo-Indian (A) constituencies in three, the Indian Christian (X) constituencies in Madras, and the Sikh (S) constituencies in Panjab. The Non-Brahman castes in Madras and the Marathas in Bombay³ are provided for by a reservation, out of the seats for the general electorates, of twenty-eight and seven seats respectively. In Barma instead of the M. T. (Muslim town) and M. R. (Muslim rural) electorates we have Indian constituencies returning eight and Karen constituencies returning five members. The Europeans have no electorates in three provinces. But in Assam they get full representation through the special Commerce and Industry, Planters and Miners (C) electorates, and may also have one or more nominated representatives. In Panjab one of the seats to be filled by unofficial nominees is earmarked for Europeans. And in C. P. and Berar one of the unofficial nominations is reserved for Europeans and Anglo-Indians together. Representatives of this last community have seats earmarked in Panjab and U.P., one each. And the Indian Christians, who have five elected representatives in Madras, have two nominated representatives in Bengal, and one each in four other provinces.

The special constituencies are the Landholders (L), the University graduates (U), and Commerce and Industry, Planters and Miners (C)*. They have been assigned only ninety-one seats out of the total number of seven hundred and seventeen seats filled by election, and some more representatives of these classes might get into the legislatures by nomination. The University constituencies in particular have only nine seats in all. Property, capital and brains, however, might be well able to look after themselves by getting into the legislatures through the general and communal electorates also. But the framers of the present legislative structures have certainly overlooked (1) factory labour.⁴ It has not only no elected representative of its own, even of nominees to voice its views and grievances, it has only five for the whole of British India. Other glaring defects are :—(2) in U.P. urban areas are under represented,⁵ (3) the Panjab and Bengal legislatures are too communal, and, *per contra*, (4) the C.P.

* Urban factory labour constituencies are likely to be added at the next elections.

and Berar chamber does not appear to be sufficiently so. The figures also show that (5) more people can and should be enfranchised in Bombay and in C.P. and Berar.

Section 72. Provincial Executives. The head of the province is not to be a member of his legislature; he has only the royal right of the constitutional pivot to command its attendance and to address it on suitable occasions. He convenes it, he prorogues it, and he dissolves it. But after a dissolution he must order fresh elections within six months. or with the sanction of the Secretary of State, nine months. And the president of the legislature, after the first four years, is to be one of its members elected to the position by itself, and assigned a salary by its own vote. This provision has already come into operation in every province except Barma.

The creation of a popular and representative chamber with the object of making it an organ to convey the sovereign popular will to the executive government and win compliance from it by political and constitutional means, necessarily involves material alterations in the structure of the executive government itself, and, moreover, a fundamental change in its psychology. Of the provinces, the frontier provinces of Baluchistan and N.W.F.P., and Barma also at first, were left outside the scheme. Ajmer-Merwara, Coorg, Dehli, and the Andamans were either not large enough or not fitted for the Andamans were either not large enough or not fitted for the representative government. C.P. and Berar, Panjab, and U.P., out of the remaining eight, were one man administrations. This was one structural defect. All eight were mere sub-agencies of the Government of India, and this in turn was merely an agent of the British sovereign, *i.e.* Parliament, Cabinet, and Secretary of State. This was another structural defect. Both could be and were remedied by the same Act that created the representative legislatures of these eight provinces. On the decision in 1922 to extend the reforms to Barma, both defects were remedied there also. But the change in psychology was a problem that had to be left to solve itself as we went along; only, proper steps had to be immediately initiated to secure in the services a personnel increasingly sympathetic towards this radical revolution. And this was done. The new men as they joined in the premier and provincial civil services would naturally pick up a mentality suited to the new order just as they picked up all their work. For the

men already here, brought up in different traditions, liberal conditions were provided to enable them to retire from their posts and from India without serious loss, if they chose to do so; the implication being that if they elected to remain, they were expected to adapt themselves to the new aims, the altered methods, and the changed conditions; that, at any rate, it would not be sporting in them to view this change itself as an intolerable grievance. Moreover, all the services were to be manned in all grades more and more by Indians.* The Indianisation of the higher grades in the Railway and other services has also been taken in hand, as noted in an earlier chapter. Whether these and similar measures so far taken were sufficient to secure the objects aimed at, is a matter about which there is ample room for differences of opinion. The best informed view would appear to be that a great deal more must be also done without delay, some of it rather hard for England to agree to. But at the same time it should never be forgotten that some of the worst legacies of the past no merely structural or administrative remedies or merely political developments could touch. We can overcome them only very very gradually and long after selfgovernment in its main essentials becomes fully established from end to end of our vast country. But that parliament and our rulers and those who have the greatest influence with them are not only wide awake in the matter but also honest and serious, that they realize the nature of what they have here started and will see it through, is not at all open to doubt. The attitude of mind that still persists in looking upon the Reforms as a pretence and a sham is not only unfair to England, it is also highly injurious in many ways to the best interests of our own country. And this is being recognised more and more: numbers are leaving the Swarajist party, to give a trial to what they call the new principle of "Responsive Cooperation."

The phrase "superintend, direct and control" was first used, we have seen, in Pitt's India Act. It has been repeated in every subsequent Act on the subject. Even the Act of 1919 repeats it. The Secretary of State for India is to "superintend, direct and control" most things relating to India. The Governor-General in Council (paying due obedience to the Secretary of State's orders) is to "superintend, direct and

* The Public Service Commission for the All-India and all higher services has been appointed, and will begin work from October 1926.

control" the civil and military government of India. But at both places the Act of 1919 inserts a preliminary phrase—"subject to the provisions of this Act and rules made thereunder." And this short and unpretending phrase makes all the difference. These "provisions and rules made thereunder" are the new law. And we may grasp its sum and scope best by at once putting aside such of these provisions as are negative, which merely enjoin that the old order, the old executives and the old legislatures, the old distribution of power and the old fetters of the 1858 and 1861 Acts, should cease to be. Our concern is with the positive provisions which enable the creation of the new order.

But prior to these provisions negative and positive, there is one preliminary or analytical provision. "Subjects in relation to the functions of government"* are to be "classified" into "central", "provincial," and "transferred" subjects; and of these the second group, or such provincial subjects as are not transferred, are also called "reserved" subjects. With this single new conception or distinction, the whole of the new structure is built up so as to provide organs suited to the birth and growth of responsible selfgovernment.

"Subjects in relation to the functions of government" cannot be transferred from one authority to another without the "allocation of revenues or moneys" for their "administration," without some method of making good to the first the revenues or moneys it loses by the transfer, either by "contributions" from the second to the first, or in some other way; nor could the administration of such subject or subjects be carried on by the new authority to the best advantage, without the power or freedom to legislate about it, or to raise loans on the security of the allocated revenues, or to impose fresh taxation, if and when necessary. And if the new authority is to be given to a body, which—a mere agent—never has had such independent responsibility in the past, it is all the more desirable to confer upon it this higher status so as to leave no ambiguity about it. Selfgovernment means not merely the power to administer, but administration, finance and legislation all three in one, each used as required to win the best results out of the other two. Moreover it was not enough merely

* The words and phrases in inverted commas in these paragraphs are all from the Act.

to make the junior provinces which were one-man administrations, like their seniors and merely to give them executive councils. All the nine provinces required a new organ quite different from executive councils. The executive councils would merely deal with the "subjects in relation to the functions of government" which were not "transferred." The announcement of parliament was that there was to be a grant of selfgovernment "by stages." And although parliament had also declared that the very first stage was to be a "substantial" advance, it never meant to transfer all the subjects at once; at the first stage, at any rate, some important subjects were "reserved"; and the function of the executive councils was to attend to these as in the past. Again, the provincial authority had still to continue to function as the agent of the Government of India in the administration of some of the "central" subjects, and the executive councils would have to attend to these also as in the past, "with due obedience to orders." But some important subjects were to be "transferred." They were to be transferred by the old sovereign, viz. the British Parliament, Cabinet, and Secretary of State, to a new sovereign, viz. the people of the province. The executive councillors of the province could not be made responsible to this new sovereign, since they were and would continue to remain responsible, in the last analysis, to their own sovereign, the British people and parliament and their supreme executive. Hence the creation, under the "provisions of this Act and rules made thereunder," of extensive electorates, representative chambers, and as their executive agents, naturally arising out of them and as naturally responsible to them, of *ministers*. The head of the province and his ministers are to be the executive of the new sovereign, the people of the province, just as the head and councillors are the executive of the old sovereign, the British people, who still continues as the senior sovereign. This new system of government is a *Dyarchy*, which means rule by two rulers or sovereigns; in the present case they are the British people and the people of the province. And this is the fundamental meaning of the term. But as by the word 'ruler' is also meant the person or body actually wielding the executive power on behalf of the ultimate political sovereign, *Dyarchy* also means (1) the Governor in Council and (2) the Governor and Ministers. both bodies ruling together, the first being in authority in relation to the "reserved" subjects and functions, and the

second, in relation to the "transferred" subjects and functions, and, finally, the first to continue the senior of the two, until the second, rooted in the soil, grows up and overshadows it.

We have just said that the executive council can be responsible to their own sovereign only. How, then, can the Governor be responsible both to him and to the people of his province? The constitutional answer to that is very simple. Because he has express instructions from his own sovereign to that effect;* because the role he is thus commanded to fill is that of a "constitutional" head, which from the point of view of any well-ordered mind is far higher than that of either an autocrat or of his subordinate agent; and finally because it is only in so far as he does carry out this command that he becomes in reality the provincial "viceroy," a genuine replica (though only for five years) of his own constitutional King whom he reveres. In actual practice, of course, one has to remember that there will be the same variations in the interpretation and performance of their duties by Governors, as by other persons, high and low.

How are these central, reserved and transferred subjects and functions defined? Not philosophically, but in the characteristic British manner, practically. "The expressions," says the Act, "mean subjects so classified under the Rules;" that is to say, the distribution into the three groups is to be accepted as the Devolution Rules, made by "the Governor-General in Council with the sanction of the Secretary of State in Council, and with the approval of both houses of parliament," lay it down by legislative fiat, operating strictly according to the procedure provided by the Act itself. Not that a deal of precise and expert deliberation was not devoted to the matter before deciding it. This is an essential feature of the British tradition in politics and administration, the value and importance of which, the Indian mind, immersed for centuries in abstractions and logomachies, appreciates very imperfectly. We have seen in Ch. X. how the exigencies of the administration had induced the Government of India to hand over more and more of the work to the provinces, to be attended to by each of them, as its trusted agent. The phraseology employed had been framed with revenue and expenditure as

* See preamble to "Instructions to Governors."

the matters principally to be attended to, and so the devolution of administrative functions had been disguised by being spoken of merely as a classification of the revenue and expenditure into Imperial Heads, Provincial Heads, and Shared or Divided Heads. In this scheme substitute the word 'subject' or 'function' for 'head,' and we have the starting point for our further deliberations. Of the various functions of government, the Imperial government was specially and directly concerned with some: this group, in our new classification, would be called central subjects. The provinces, under the arrangement as it had historically developed, were specially in charge of some others. And out of these provincial subjects, land revenue, stamps, excise, income tax, and irrigation were, in the system as it had grown up, "divided heads": some, in some of the provinces only, the rest in all. What was to be done with these? Secondly, what would be the best changes to make in the old distribution, since the question now was wider than that of revenue and expenditure only? And, thirdly, what subjects out of the provincial group were to be "transferred"? These were the questions from which we had to advance to a solution of the new problem set to us by our new aims.

The Montagu-Chelmsford Report indicated the solution in outline. It recommended that—

- (1) Income tax should remain a central subject.
- (2) Stamps should be subdivided into general and judicial, and the first should remain a central subject.
- (3) The other divided heads should become provincial subjects; and since land revenue, the largest individual item in income, would thus become "provincial," the responsibility for famine relief and for major irrigation works, protective as well as productive, should also devolve on the provinces.
- (4) Applying this scheme to the budget figures for 1917-18, it was found to give the provinces as a whole a gross surplus of Rs. 15.6 crores, and,

conversely, to leave the central government with a deficit of Rs. 13.6 crores. Hence the Report also recommended that each province should make a "contribution" to the central government out of its surplus, and so calculated that the provincial contributions added together should be sufficient to wipe out the deficit of the central government.

- (5) The Report anticipated that the Reforms would mean a rising scale of provincial expenditure especially on education and other nation-building services; and it therefore laid down as a cardinal principle that any scheme of handing over resources to the provinces must give them greater resources than in the past, so that it would necessarily leave the central government less than what it required for its needs. In a few years no doubt the central government would be again able to balance its budgets; but, in the meanwhile, the provinces will have to hand over to it part of their surplus. And it recommended that such annual contributions must be the first charge on the provincial revenues.
- (6) And finally, since independent administration was unthinkable without legislative and financial independence also, it recommended that these powers should also be conferred upon the provinces as far as necessary.*

This, however, was but a sketch in broad outline. The central and provincial governments set to work collecting and arranging the relevant material along these lines, probing the difficulties and formulating suggestions, and the question was thoroughly examined by the Functions Committee. They prepared a detailed classification of "subjects," and advised that the power of the central government to interfere even in transferred subjects was to continue for two objects only; viz. (1) to safeguard central subjects, and (2) to decide interprovincial questions, when the provinces concerned were

* Report I. G. R., Ch. 8.

themselves unable to come to an agreement. And on reserved subjects they decided that, though the executive primarily responsible for them was the Governor in Council, the provincial legislatures were concerned with them as directly as with transferred subjects, and therefore they advised the higher authorities that in their control of these reserved subjects due regard was to be paid to the new aim of developing and progressively realising responsible selfgovernment in the provinces leading on to provincial autonomy.

Finally, the Joint Select Committee in reviewing the question as a whole observed that "India is not yet ripe for a true federal system, and the central government cannot be relegated to functions of mere inspection and advice. The Committee trust, "nevertheless," that there should be "an extensive delegation statutory and otherwise" to provincial governments. Again, distinguishing between reserved and transferred subjects, they advised that in so far as a reserved subject was purely provincial, the Secretary of State should ordinarily allow the provincial view to prevail "when the executive and the legislature of the province were in agreement and that in the transferred subjects" he and his agents (the Governor-General in Council) should restrict their control "within the narrowest possible limits." The Devolution Rules finally approved transferred

- (a) Forests to Bombay only.
- (b) Public works, Fisheries and Excise to all the nine provinces except Assam,¹ and
- (c) Sixteen other subjects to all the nine, in which the principal are Local Selfgovernment, Agriculture, Public Health and Sanitation, Medical Administration, Education other than that of Europeans and Anglo-Indians and exclusive of institutions like Chiefs' Colleges, the Benares Hindu University, and (for five years only) the Calcutta University and Secondary Education in Bengal, Development of Industries, and Co-operative Societies.²

Section 73. Ministers and Members of Council. It has been noted in section 22 *ante* that Mr. S. P. (later Lord) Sinha was the first Indian to be appointed a member of the Governor-General's executive council. Lord Morley added an Indian at the same time to the executive councils of Bombay and Madras, raising the number of councillors in each presidency from two to three. The Indian Councils Act, 1909, gave a similar executive council to Bengal, and Behar and Orissa obtained one by the Government of India Act, 1912. The other provinces were one-man administrations upto 1919. On the introduction of the Montagu Reforms, the executive in the three presidencies was strengthened to four members of council (two I.C.S. men and two Indians) and three ministers each, and in the other provinces to two members of council² (a member of the I.C.S. and an Indian) and two ministers each.* But at the second elections the Swarajya party obtained a majority in the C.P. and B. legislature³ and a working majority in Bengal; and as these two legislatures would not vote ministers' salaries, the Reforms there broke down, and the transferred subjects have had to be taken over by the Governor for administration, as an emergency measure.

A minister is to get his appointment on the selection of the Governor and to hold it during his pleasure. He will usually be one of the elected members of the provincial legislatures, but one who has not been elected may also be appointed, and the Act provides that such a minister cannot continue in office "for a longer period than six months, unless he becomes an elected member of the legislature."

All orders and other proceedings of government concerning the central and reserved subjects are to proceed from and are to be expressed as the acts of the Governor in Council, and those concerning transferred subjects are likewise to proceed from and to be expressed as the acts of the Governor and Ministers. And the Governor has to make rules for the more convenient transaction of business both in his council and with his Ministers, and for regulating the relations between these two halves of his government.

The Joint Select Committee advised and the Instructions to Governors enjoin that it is for the Governor "so to regulate

* See Muddiman, *Minority Report*, Ch. 4.

the business of the government," that the responsibility of each half of the dyarchy for its own share of the work "be kept clear and distinct." But the Committee advised at the same time and the Instructions also enjoin that the Governor should "nevertheless encourage joint deliberation between himself, his councillors and his ministers, in order that" government might have the benefit of the experience of the first as well as the knowledge of the second as to the wishes of the people.

Lastly, on the relations between a governor and his ministers in connection with transferred subjects, the Act says that "the Governor shall be guided by the advice of his ministers unless he see sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." Here the phrase "sufficient cause" is not really vague if we remember that the Governor has duties in connection with the central and reserved subjects, some of them bound up with such high matters as safety and order, religious toleration, and solvency; and that, even with regard to the transferred subjects by themselves, the view of the minister might not always be the view of the legislature or of the people. To quote again from the Instructions: "in considering a Minister's advice and deciding whether or not there is sufficient cause (note the use of the same phrase as in the Act) in any case to dissent from his opinion, you shall have due regard to his relations with the legislative council and to the wishes of the people of the presidency as expressed by their representatives therein" (Clause VI).

The Joint Select Committee's observations on some of these important matters deserve to be quoted at length.

I.C.S. men and Indians in the Executive Council. "The second matter which has been brought to the Committee's notice is the desire that they should reconsider the recommendation made (in their first Report) that if a provincial Executive Council contains two members with service qualifications, neither of whom is by birth an Indian, it should also contain two non-official Indian members. The Committee have given their best consideration to the arguments upon which the request was based, but they see no reason to change their opi-

nion." This is a good illustration in miniature of the determination of the Services to contest the ground, even in a losing battle, inch by inch; it is likewise a good illustration of the justification there is for the liberal faith that an appeal to the broadminded statesmanship of England if pressed home as it should be, has a fair chance of success.

Ministers. "The Committee are of opinion that the ministers selected by the Governor to advise him on the transferred subjects should be elected members of the legislative council, enjoying its confidence and capable of leading it. A Minister will have the option of resigning if his advice is not accepted by the Governor, and the Governor will have the ordinary constitutional right of dismissing a minister whose policy he believes to be either seriously at fault or out of accord with the views of the legislative council. In the last resort the Governor can always dissolve his legislative council and choose new ministers after a fresh election; but if this course is adopted the Committee hope that the Governor will find himself able to accept such views as his new ministers may press upon him regarding the issue which forced the dissolution. The Committee are of opinion that in no province will there be need for less than two ministers, while in some provinces more will be required. In these circumstances they think that it should be recognised from the commencement that ministers may be expected to act in concert together. They probably would do so; and in the opinion of the Committee it is better that they should, and therefore that the fact should be recognised on the face of the Bill. They advise that the status of ministers should be similar to that of the members of the executive council, but that their salaries shall be fixed by the legislative council."

"The Committee desire at this point to give a picture of the manner in which they think that, under this Bill, the government of a province should be worked." Apart from the innumerable matters dealt with departmentally, "there will remain a large category of business which would naturally be the subject of Cabinet consultation. In regard to this, the habit should be carefully fostered of joint deliberation between the members of the executive council and the ministers, sitting under the chairmanship of the Governor. There cannot be too much mutual advice and consultation on such

subjects." At the same time, "the Committee attach the highest importance to the principle that.....when it is clear" where the decision lies, it should be recorded separately either as the decision of the Governor in Council or as that of the Governor and Ministers.....

"The Governor may have to hold the balance between divergent policies and different ideals, and to prevent discord and friction....He should never hesitate to point out to ministers what he thinks is the right course, or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, ministers should decide not to accept his advice, the Governor should ordinarily allow ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. In India, as in all other countries, mistakes will be made by ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realisation of responsibility."

"In the debates of the legislative council members of the executive council should act together and ministers should act together." When disagreeing, neither half of the dyarchy "should be required to support" the other "by speech or vote;" but neither "should oppose" the other.

Is this dyarchy, which has now been in force for over five years, succeeding? The more general question—Is dyarchy a success or a failure?—is to my mind unmeaning. Dyarchy has been introduced with the sole object of a gradual advance to responsible selfgovernment or *Swarajya* of the parliamentary pattern, and until we definitely attain the goal or decisively turn away from it, there can be no answer to the general question; on the other hand, when we do either, that itself would be a complete answer, and the only question of interest then would be the further one, What next? That dyarchy is not easy to work is self-evident: no halfway house can ever be comfortable to dwell in as a permanent abode. The many inconveniences we are able to put up with in the strength of our belief that they are but temporary, and in the strength of our hope and our firm resolve to attain our destination without loitering on the march. However, one

fact of cardinal importance is perfectly clear. That section of the Indian *intelligentsia* who are animated by the belief, the hope and the resolve just referred to, have been found wanting at a crucial moment in enterprising leadership. Liberals, independents, nationalists, evolutionists, Anglo-phils, call them what you will, at the end of the first elections they had a golden chance before them. The party of sentiment and Anglo-phobia, the haters of all that is western, the *shuddha* (pure) *swadeshi-ists*, the mediaevalists led by M. K. Gandhi and Mahammad Ali, the non-cooperators, the irreconcilables, the ideologists, call them what you will, had committed the colossal silliness of boycotting the Councils, and had left the game entirely to those who prided themselves on their sobriety, statesmanship, administrative experience, and constitutionalism. But the elected M.L.C.'s were quite unable to seize their chance and turn it to advantage. Any similar body of Anglo-Saxons, no matter how numerous the differences dividing them and how deep, would have in less than a fortnight created a majority party, and their ministers with these solid votes behind them, would have hit upon a policy of advance, simple enough to appeal to the masses, and at the same time securing substantial benefits so as to win over the thoughtful minority, a fighting policy that the bureaucracy would have found difficult to acquiesce in without a contest. The unspeakable horrors of the Panjab had been so recent, the Indian Muslim was in such a state, Lord Reading and the bureaucracy had no choice but to play a waiting game. They had to soothe, to mollify, and to gain time anyhow. And the M.L.C.'s all over the country merely played into their hands. The bureaucracy wanted the first legislatures to last their full term and their proceedings to be models of barren verbiage and empty encounters. And there were no statesmen on the popular side to perceive that that was just the reason why, from their point of view, the game to play was a fighting game on live issues, forcing the pace, compelling the Governor to dismiss the ministers, dissolve the legislature, and appeal to the constituencies within the triennium. Our first ministers and M.L.C.'s, however, were themselves not a little afraid at that time of facing their own constituencies or any public meetings whatever. How can such carpet knights be good for anything but mock tournaments and kaleidoscopic pastimes? The legislatures were merely a scene of shifting groups and dissolving unions, where whether a grant was voted or thrown out

or reduced, or a bill became law or was dropped or was altered beyond recognition, no decisive political advance was possible. A party with a stable majority was not formed,* a forward policy on live issues was not framed, and nothing else could have served the turn. An opportunity such as occurs but rarely in any country was missed; there were few in the country even to perceive that such an opportunity was ready to hand, if leadership was forthcoming bold enough to seize it and turn it to decisive account. With the advent of the second legislatures the opportunity had passed: the problem had become more difficult in proportion to the strength of the irreconcilable element inside each legislature; the problem had become more difficult in proportion to the confidence the bureaucracy had recovered in their own strength; the problem had become more difficult in proportion to the incapacity the liberals had betrayed for political organisation.

Thus the only answer we can at present give to the question—How far is this dyarchy succeeding, is it succeeding at all?—might be put somewhat as follows. At the time of the first elections a large number of the voters was irreconcilable and non-co-operated. At the second elections many of these non-cooperators so far cooperated as to send irreconcilables into the legislatures as their representatives. And during the triennium that is coming to a close an increasing number of these M.L.C.'s who began as irreconcilables are gradually learning that not root and branch non-cooperation but responsive cooperation is the right policy to pursue about the Reforms. This educative process is bound to continue both with the constituencies and their representatives, and as soon as the irreconcilable element finding its way inside the legislatures dwindles to a mere group, the moment will approach for forming a national, swarajya, or progressive party with a stable majority, trying to carry through a fighting policy on live issues against the determined and resourceful opposition of the bureaucracy. To repeat the constitutional formula of the Joint Select Committee, it is only when we can give to the Governor "ministers enjoying the confidence of the legislature and leading it," in other words, it is only when our ministers have a stable majority behind them in the legislature, that the advance to *Swarajya* by political

* The case of Madras is exceptional where both the elections sent to power a stable majority of Non-Brahmins.

and constitutional steps can begin in right earnest. Since we failed to throw up leaders who could supply this essential of political victory at the inception of the Reforms, we have to wait until experience and the growth of political organisation gradually educate legislatures and constituencies alike. Under the parliamentary system, politics are a game requiring team work and fair play under rules and conventions so well established as to be axiomatic. Our voters and representatives have to learn to play the game with all their intelligence vigour and spiritual idealism before we can win *Swarajya*.

The report of the (Muddiman) Reforms Inquiry Committee (1924) and the evidence the Committee collected, sifted and considered, are full of concrete instances of the manner in which this dyarchical system has been actually working in the various provinces. One minister is shown to have been ignorant about the limits of his own authority over the services, another is seen to have resigned as an act of personal fidelity to his colleague, and a number of witnesses with ministerial and administrative experience appear to hold that a few words more or less in the Act or in the Rules under it would be sufficient to introduce reforms vitally modifying the present system for the better. The growth of political institutions habits and conventions is not so simple an affair. The joint responsibility of ministers is impossible unless the legislatures contain a solid political party supporting the ministers jointly in all divisions and debates of importance. A rule that the Governor shall select as ministers only such persons as are acceptable to the majority of the legislature would be either futile or unnecessary. If any one in the legislature has such support the Governor will be obliged sooner or later to "send for him," in which case the rule is unnecessary. And if there is no one commanding such political influence in the legislature, the Governor must still select his ministers how he can, and will keep them as long as they work with him and are severally able to secure support for Government measures in the legislature. Political organisation or fishing for votes,—no third method exists by which legislature and executive can work together.

The formal power of appointing ministers must always remain with the Governor; his power and discretion will con-

tinne real and unfettered until the constituencies and legislatures are better organised. Personal and communal groups in the legislatures and momentary coalitions on particular questions only must give way to stable political parties, like the Non-Brahmin party in Madras, capable of preserving their continuous individuality in spite of a few members always leaving at one end and a few joining at the other. Nor can the stability cohesion and moral influence of political parties in the legislatures be independent of and unconnected with the condition of the constituencies; political organisation in both must go on more or less together, although at one period the parties in the legislature would appear as active forces trying to establish and spread themselves in the constituencies, and at another the parties in the constituencies would appear more dynamic, with the parties in the legislature as merely their reflected or selected agents. To quote once more the pregnant words of the Joint Select Committee, under a parliamentary system the ministerial half of the dyarchical executive cannot win real power and influence except in so far as the ministers are "the leaders of their legislature enjoying its confidence," and able to utilise the voting strength at their disposal on behalf of a policy of material benefit and justice to the people.

The Muddiman Committee Majority Report advises that "joint deliberation between the two sides of the Government on important questions should be definitely enjoined" (para. 96);* that the Instructions to Governors, Clause VI, should be amended "so as to provide that the Governor should not in transferred subjects dissent from the opinion of his Ministers unless to prevent unfair discrimination between classes and interests and to protect minorities," and that a Minister who has resigned should have the same right as in England to make in the Council "a personal explanation on the causes of his resignation" (para. 101); that both a Member of Council and a Minister should be able to bring any matter in his own department "before the joint Cabinet"; and that the secretary inform the minister of all important cases which the first proposes to "refer to the Governor" and especially "of every case in which he differs from the minister" (para. 102). These

* See Minority Report, Ch. 6 also, on all these matters.

changes would certainly serve to reduce the variations in practice between the different provinces and even in the same province at different times, and remove anomalies in the position of ministers, which have been shown to exist as a matter of fact. But under dyarchy the junior half of the executive cannot become the equal partner of the senior half and the *de facto* ruler of the transferred subjects, unless and until the legislatures become politically organised.⁴

Section 74. *Provincial Finance.* Administration, finance and legislation hang together. The provincial executives could not be raised from the position of agencies to that of governments, the people of the province could not become the sovereign with respect to any of the functions of government, unless a beginning was simultaneously made in ending their dependence upon and subjection to the former sovereign in finance and legislation. In considering the transfer of functions we have seen that the Montagu-Chelmsford Report also sketched the changes by means of which the provinces could be made financially independent of the central government. The Financial Relations Committee presided over by Lord Meston examined the matter in detail. And, to resume our summary of this complicated subject from the point where we left it in Section 72 *ante*, instead of the figures for 1917-18 which the Montagu-Chelmsford Report had taken by way of illustration, they took as their bases the estimates for 1921-22, and concurring with the Montagu-Chelmsford recommendations, they advised that Stamps in addition should remain undivided and the subject as well as the revenue from it should go to the provinces. This meant that the deficit to the central government for 1921-22 would be Rs. 983 lakhs and that the increase of income to the provinces collectively from the introduction of the reforms would be Rs. 1,850 lakhs. And recognising the great disparities in financial strength which were patent on the most superficial comparison of the provinces one with another, they decided to fix the contribution of the richer and more developed provinces at about sixty per cent of the additional income or spending power which each obtained in consequence of the reforms, to fix it at about forty per cent for C.P. and Berar and Assam, and to treat Barma and Behar and Orissa exceptionally, since in these two even the prime needs for bringing up the administration to the same level of efficiency as in the other provinces were far in excess of their

undeveloped resources. The actual figures are shown in the following Table, column 3:—

The Meston Award for 1921-22.

In lakhs.

1 PROVINCE.	2 Increased Spending Power	3 Contribution to Central Government.	4 Balance (2-3) left with the Province.	5 Column 3 as % of Column 2.	6 Col. 3 as % of Central Deficit- or 983 Lakhs.	7 Standard % of Contribution to Deficit.
Madras	576	348	228	60.4	35.5	17
Bombay	93	56	37	60.2	5.5	13
Bengal	104	63	41	60.6	6.5	19
U.P.	397	240	157	60.4	24.5	18
Panjab	289	175	114	60.5	18	9
Barma	246	64	182	26	6.5	6.5
B. and O.	51	..	51	..	..	10
C.P. and B.	52	22	30	42.3	2.0	5
Assam	42	15	27	35.7	1.5	2.5
	1850	983	867	53	100	100

It was obvious that the deficit in the central government would recur for several years, and an adjustment as precise as for 1921-22 was required for the next few years also. Something more equitable than the contributions for 1921-22 was necessary for these later annual deficits: some basis of calculation correlated not to the increase in the provincial spending power but to the deficit itself, and with the amount to be contributed by each province bearing some equitable ratio to its capacity relatively to the other provinces. By means of various calculations and considerations, including the allowance to be made for what each province was indirectly paying to the central coffers in the shape of customs, incometax, salt tax, etc., the Committee hit upon what they called the "standard percentage of contribution" to be paid by each province towards the deficit of the central government. And they advised that this standard rate, which has been shown in the last column of the above Table, should be payable in the seventh

year or 1927-28, and that the annual contributions from 1922-23 to 1927-28 should rise to or fall to this standard by six equal stages.*

Most of the provinces raised serious objections to this scheme, and the three presidencies expressed the greatest dissatisfaction with it. But the Joint Select Committee in view of the manifest "impossibility (in such a matter) of arriving at any solution acceptable to all" and "of removing by a stroke of the pen inequalities which are the result of long standing and historical causes," modified the Meston award in minor particulars only. The provinces were to pay the 1921-22 contributions set down by the Meston Committee. The standard rate the Meston Committee had worked out appeared to them as satisfactory an approximation to the equities of the case as was attainable under the present state of our knowledge about the capacities of the provinces relatively to one another. They also agreed that the provinces upon which an excessive burden had to be laid for the year 1921-22 should be asked to pay a progressively smaller contribution. But the so-called standard rate was after all an abstraction. They accepted it only as a basis for the above reductions. But for the provinces which had been let off lightly for 1921-22, they refused to agree to corresponding enhancements in order that in their case also the standard could be reached. Instead, they turned the contributions for 1921-22 of these provinces into the maximum contributions they would ever be called upon to hand over to the central government. And since Bihar and Orissa had no contribution to pay for that year, it thus acquired the enviable distinction of never having to make any contribution at all. These changes in the Meston award were embodied by the Joint Select Committee in the eighteenth of the Devolution Rules¹—which, however, the Government of India have not found it possible to give effect to. There has been a series of lean years requiring fresh taxation; but the scheme, even as pruned by the Joint Select Committee, is too elaborate to commend itself to any practical financier. Another particular emphasized by the Committee was that "special consideration" was due to Bengal on account of its "peculiar financial difficulties." And, thirdly, they advised a very small share to be given to the provinces out

* See Meston Report table—para. 28.

of the income tax proceeds collected by each from its own subjects.²

The net result can be stated very briefly. From 1922-23 the provinces taken together have received as their share of the income tax about Rs. twenty five lakhs per year out of a total annual income to the central government from this source of nearly Rs. 1,800 lakhs; this means one and a half *per cent.* or less than three pies in the rupee. Turning to the provincial contributions, Bengal has so far paid the first contribution only (1921-22). In 1922-23 it persuaded the central government to let it off for three years, so that from 1922-23 onwards the latter has only obtained from the provinces Rs. 920 lakhs per year. And in 1925-26, finding itself in a position to present a surplus budget without additional taxation, the government of India remembered its repeated promise to reduce provincial contributions and eventually to extinguish them at the earliest possible moment. It extended the exemption to Bengal for three years more, and reduced its total levy from the provinces by an additional sum of Rs. 250 lakhs, conferring the benefit, however, upon four provinces only—Madras, to the extent of Rs. 126 lakhs (50.4%); Panjab, 61 lakhs (24.4%); U.P., 56 lakhs (22.4%); and Barma, 7 lakhs (2.8%).*

Other essential parts of the Montagu-Chelmsford scheme are secured by other Devolution Rules. Rule 24 makes the financial responsibility for productive and protective irrigation works in each of the provinces wholly provincial. Even the Government of India debt for such works constructed prior to the introduction of the Reforms and not wiped off till then, is transferred to the province concerned. Rule 29 requires each province to establish and maintain out of its revenues a Famine Insurance Fund for itself, and forbids its use except on famine relief, or for works undertaken for the prevention of famine, or for protective irrigation works. The total amount to be thus annually set aside by the provinces collectively is fixed at Rs. one crore and seventy-five lakhs, and the amount each province has thus to reserve is also prescribed, in view of its recent famine history.³ The unexpended

* See Finance Department annual volume—Budget, for each year from 1921-22 onwards.

balance in any year is to be accumulated with the interest, until the total with the additions year by year grows to six times the amount fixed by the rule to be annually set aside out of revenues. It is only when the provincial Famine Insurance Fund reaches this figure that further annual provision for the purpose might be suspended. *Tagavi* recoveries and interest, as well as recoveries of loans and interest from cultivators helped under the Act of 1884, are to be credited to this fund as they are realised; and the unexpended balances may also be utilised, as in the past, in such indirect forms of relief or prevention. Finally the subject of provincial finance may be wound up by quoting Rules 19, 20 and 31, which explain themselves.

"19. In cases of emergency the local government of any province may be required by the Governor General in Council, with the sanction of and subject to the conditions approved by the Secretary of State, to pay to the Governor General in Council a contribution for any financial year in excess of the amount required by the preceding rules in the case of that year."

"20. The contributions and assignments fixed under the preceding rules shall be a first charge on the allocated revenues and moneys of the local governments concerned, and shall be paid in such instalments, in such manner, and on such dates, as the Governor General in Council may prescribe."

"31. Expenditure for the purpose of the administration of both reserved and transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the government which is responsible for the administration of reserved subjects."⁴

Section 75. Provincial Legislatures: Procedure. The English parliamentary system is distinguished, we have seen, by a fusion of the executive and the legislature. The bodies in charge of each of these functions of sovereignty are mixed up and influence each other continuously. The legislature

creates and sustains the cabinet; this, on the other hand, rules the legislature and on occasion has the power to appeal from it to the electors at large. The actual working of so complex an organisation "involves three problems: first, the regular forms of procedure; second, the action of the executive and of private members, operating subject to these forms; and third, the methods by which the executive maintains a control over its own supporters, and through them over the house itself."* Of these three, the third problem emerges only when the "ministers" are collectively the leaders of an organised majority in the legislature: i.e. it would materialise only as political organisation develops in constituencies and legislatures alike. Until then Governors will be constrained to select as ministers such prominent members of the legislature as have a more or less stable following amongst the other members, and ministers and members of council alike will be constrained to fish for votes to secure the passage of government measures through the legislature. It is only as leaders come to the front steadily supported on political grounds by groups composed of an increasing number of members, so that the number of members unattached to any group falls to an insignificant fraction of the total, and the number of groups in the legislature as a whole also falls to five or less, that open and stable combinations between two or more groups on political grounds will come into existence, and the demoralising and underhand practices inseparable from fishing for votes will cease to be necessary. A system of parliamentary responsibility works at its best only when the whole country is politically organised into two parties, neither of them "irreconcilable," i.e. both loyally accepting the constitution; but it seems that in our vast and much divided country we shall not reach a two party organisation except only very gradually, and only through an organisation into political groups, four or five for each presidency. Nor will such groups easily develop the power to coalesce into larger political combinations except in provinces like Bombay and Madras, where fissiparous communalism and parochial narrowness are relatively weak.

The second of the three problems mentioned above is dealt with in the Indian legislatures, central and provincial, by an order from the Governor General or the Governor, al-

* A. L. Lowell, *Government of England*, I 252, generalised.

lotting a number of days in the session on which precedence is given to the bills and motions of non-official members, and the Governor General or the Governor has also the power to alter such allotment in the course of a session.¹ The order in which these private members' bills and resolutions are to be taken up is settled by ballot. A bill not disposed of during the session in which it is introduced is taken up again in the next session, and priority amongst such bills depends upon the stage reached by each during the preceding session, and amongst bills at the same stage of progress upon the date of the original introduction of each. At the end of the period for which a legislature is elected, all such bills as have remained unfinished die a natural death. Lastly, if a member is so careless about his bill that though unfinished during the session in which it was introduced, he makes no motion about it during two consecutive sessions thereafter, it lapses, unless in the third session the house permits its revival. Resolutions, on the other hand, which remain undebated during a session for want of time, lapse automatically at the end of the session.

The bulk of the Rules and Standing Orders for the conduct of business in each house deal with the questions arising under the first of the three problems mentioned above. The distinction between Rules and Standing Orders is that the former were made by the Governor General in Council, sanctioned by the Secretary of State in council, laid in draft before parliament and duly approved by them, while the latter were in the first instance made by the Governor General or the Governor in Council but are subject to alteration by the house concerned, with the assent of the Governor General or the Governor; and a Standing Order repugnant to any Rule is *ipso facto* void, but only to the extent of that repugnance. Another distinction is that the Rules lay down general directions while the Standing Orders supply the detailed procedure by which to give effect to them, so that both Rules and Standing Orders have to be taken together in order to grasp the actual procedure regulating the course of business in each house. The principal items of business a legislature is concerned with are:—(a) Questions and supplementary Questions; (b) Motions for Adjournment; (c) Bills and Amendments; (d) Resolutions; and (e) the Budget and Grants. Let us briefly note the procedure on each of these matters in order; and at the end we

shall also have to add some other important rules of procedure which may be grouped together as (f) Disciplinary and miscellaneous.

(a) The business each day begins with Questions, and the first hour is usually spent in answering them. Every question requires notice and must be confined to matter of fact; the President may disallow any question if it does not primarily concern the executive head to whom it is addressed, or if it is not properly worded, or if it is in his opinion an abuse of the right of questioning. Arising out of the answer given, a supplementary question to further elucidate some matter of fact might be asked, but if the minister or member of Council to whom it is addressed requires notice for it, it will be treated as a fresh question. A question to a non-official member must be in connection with some bill, resolution, or other matter for which that member is responsible.²

(b) As soon as questions are over, an adjournment of the business of the house for the day may be moved to afford an opportunity for giving expression to popular feelings and desires and for the purpose of eliciting the attitude and policy of government on some single specific matter of recent occurrence which is of urgent public importance; provided that the matter has not been already discussed earlier in the session, or is not coming up later in connection with some other motion, notice of which has been already given. A few hours' notice of such an urgent matter is all that would be possible, and the Standing Orders provide that if the member has handed over the matter in writing to the Secretary or the President before the house meets for the day, his motion would be in order. And the President has to certify in writing that he sees no objection. This corresponds to the right of the Speaker in the house of commons to decline to submit such a motion if he thought that it was not specific enough, or not urgent enough, or not of sufficient public importance. But in addition to the President, the house has also to show that it considered the matter urgent and important enough to spare time for it on that day. And it does this either by no member raising an objection to the adjournment, or in case some member objects, by not less than twentyfive members* rising

* For the Legislative Assembly the minimum required is 25; for the Council of State, 15; for the Bengal Legislative Council, 30; &c.

in their seats in support of the motion. If they do so, the President infers that the desire for an early discussion is not confined to a few members or to one section only of the house; and he fixes some hour in the afternoon for the motion. And the debate begins at that hour or as soon as the business for the day is completed, unless in the meanwhile the head of the government informs the house that such a debate on that day would not be in the public interest, or that the matter was not primarily the concern of his government, or that it concerned affairs on which it was not competent for the house to move any resolution. But if the head of the government raised no such objection, the debate would take place and the Standing Orders prescribed time limits both for the individual speeches of members on such a motion as well as for the discussion as a whole.

(c) The procedure with respect to bills is not the same in any two of our legislatures. But the general principles underlying the variations in detail are the same for all. A bill has to be published with a full statement of Objects and Reasons. When first introduced the debate is to confine itself as far as possible to the principle of the bill. Sufficient time is to be allowed as a rule for eliciting public opinion upon it. A bill that is contentious or in any degree complex is to be referred to a select committee of the house. When the member in charge of the bill presents the report of the select committee, the bill as recast by the committee may be republished and it may thereafter be sent back to the committee either without limitation or with instructions to them to introduce into it some particular change or changes. When the bill comes finally before the house any member may propose amendments; and the bill is considered in detail clause by clause with the amendments relating to each. At the end of the debate on each clause, the President puts the question of the clause (or that the clause as amended) stand part of the bill. And finally, and as a rule after an interval, the bill as a whole is put to the vote in its final form.

(d) A resolution must be on a matter of general public interest; it must be clearly expressed raising a definite issue and in the form of a specific recommendation to government; and only one such resolution on one and the same matter is allowable in the course of a year. The period of notice requir-

ed for it may be curtailed by the President with the consent of the member in charge of the department to which the resolution refers. Amendments of which due notice has been given and are otherwise in order may also be debated upon along with the resolution, and the President has full discretion to put first to the vote either the resolution or any of the amendments, and in doing so to put each either in the form adopted by the mover or to divide it up into parts and put each or any part separately to the vote.

(e) The Budget is to be dealt with in two stages. A statement of the estimated annual revenue and expenses is presented before the end of the current financial year, and on the day or days allotted for the purpose there is a general discussion on the statement as a whole, to which the finance member of council has a right of reply. The budget is then recast in the light of this discussion and with the estimates adjusted to the latest actual figures available, and the estimated expenditure for each department is presented in the form of a demand for a grant to that amount, but the demand must present not only the total amount asked for but detailed statements as well, showing the total divided up into items. The demands for the transferred subjects are to be kept distinct from the demands for reserved subjects; and the finance member is free to include the appropriations for more than one department in one demand, and also to present demands, such as for interest on loans, famine insurance and relief, &c., which do not fall under any one department. Twelve days as a maximum* are allotted for the house to get through these demands and not more than two days for any one of them. No motion for appropriation is allowed unless it proceeds from the executive, nor is any motion by a private member in order except one to omit or reduce any item in the grant, or to reduce the demand or omit it altogether. All motions about items have to be disposed of before the motions about a demand as a whole.

Supplementary estimates and demands for new grants or excess grants or reappropriations may be presented when necessary in the course of the year, and are to be dealt with just as if they were demands for grants. Rule 32† on the subject was to the effect that—

* The maximum time allotted in the central legislature is fifteen days.
† Corresponding to Rule 50 of the central legislature Rules.

“(1) An estimate shall be presented to the house for a supplementary or additional grant when—

- (i) the amount voted in the Budget of a grant is found to be insufficient for the purpose of the current year, or
- (ii) a need arises during the current year for expenditure for which the vote of the legislature is necessary upon some new service not contemplated in the Budget for that year.

(2) Supplementary or additional estimates shall be dealt with in the same way as if they were demands for grants.”

In July 1924, the Bengal Government presented to the Bengal Council as a supplementary demand “a grant for expenditure under the Head 22—General Administration (Transferred) on account of the salaries of the ministers.” At Budget time the legislature had rejected this item on the 24th March by a majority of one. And two members of the Bengal Swarajya party took the matter to the High Court praying for an injunction that the President of the legislature be restrained from putting such a grant to the vote. They relied upon the fact that the above Rule (and Rule 31 as well as Rules 50 and 49 of the Indian Legislature Rules which dealt with the same subject matter in identical terms) did not cover a second demand (for a transferred subject) within the budget year, for a grant which the legislature had definitely negatived at budget time; and they argued that the spirit of the Rules, and in fact of the dyarchical constitution taken as a whole, was incompatible with the course proposed. Mr. Justice C. C. Ghosh of the High Court granted a temporary injunction (7-7-1924), but added at the same time that the Rules would appear to require some amendment in view of the unforeseen situation that had arisen. The Government of India thereupon amended the above Rules (21-7-1924), adding a new subsection between the original subsection (1) and subsection (2),* as under:—

“(2) An estimate may be presented to the legislature for an additional or supplementary grant in respect of any demand to which the legislature has previously refused its assent, or the amount of which the legislature has reduced

* The old sub-section (2) was in consequence re-numbered sub-section (3)

either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed."

In reply to questions on the subject in the central legislature the government spokesmen relied upon an observation of the Joint Select Committee in their Report on clause 11 of the Bill of 1919: that "in cases where the legislature alter the provision for a transferred subject, the Committee consider that the Governor would be justified if so advised by the ministers in resubmitting the provision to the legislature for a review of their former decision, but they do not apprehend that any statutory prescription to that effect is required."³ The answers in the central legislature added that both the Secretary of State and the Government of India agreed in that view, but in consequence of the temporary injunction granted by the Calcutta High Court and because of the opinion expressed by the learned judge, they had thought it "desirable *ex majori cautela* to amend the rule." Dr. H. S. Gaur's supplementary question whether the amendment was not a departure from the established constitutional practice in the house of commons, remained unanswered.* And there is no doubt that the amendment would tend to weaken the position of ministers and of the legislature relatively to that of the senior half of the dyarchy, and would tend moreover to increase the fishing for votes by the executive, so as to upset an adverse decision of the legislature by a favourable vote at a later date.† The amendment, there can be no doubt, is a retrograde step, and is a clear instance in miniature of partisan blindness at one end provoking equal blindness at the other.

At the beginning of the financial year a Committee on Public Accounts is constituted, two-thirds of whose members are elected by the non-official members of the house, by proportionate representation and by means of the single transferable vote. The remaining members are nominated by the head of the Government. The Finance Member of Council is chairman of this committee, and the nature of its duties may be roughly indicated by saying that it enables the legis-

* India's Parliament Vol. IX, pp. 485-7, 489-90.

† See G. N. Banerji for similar criticism in stronger language, pp. 208, 208.

lature to control the expenditure of the administration in some detail.

(f) The house elects one of its members to be deputy President,* and the President nominates besides a panel of not more than four chairmen. The power of the chair in disallowing questions, or motions to adjourn, or resolutions, has been already referred to. Every item of business coming up before the house requires notice, and it rests with the chair to insist upon the full period of notice or to waive it more or less, generally in consultation with the member of government to whose department the matter refers. Then there are what might be termed the disciplinary powers of the chair. These are of various kinds and ample in each kind, in all legislatures framing their procedure upon the English model. The visitors' gallery and the press gallery are open only to those who obtain tickets of admission from the president; and he may order them to be cleared at any moment. Under the English system the legislature is a business-like body which respects itself and keeps the outside public outside. Those of its members who would rather play to the gallery have to get over their failing. The president's disciplinary powers over the members themselves are no less adequate. Only one member addresses the house at any time; as soon as he resumes his seat several may jump up together, but the president picks out one of them only, and the rest have to wait their turn. According to the matter before the house, and according to the stage of the discussion, time limits are prescribed for a speaker, but the president uses his discretion in enforcing them; and he may pull up a speaker at any stage of his speech who is repeating himself or is irrelevant or is otherwise wasting time or obstructing the course of business. The president has to be equally strict about unparliamentary language or personalities or treasonable or otherwise objectionable sentiments. And a member behaving in a grossly disorderly manner may be ordered by him to withdraw for the rest of the day; for a second offence of the kind during the same session, he may punish him with a longer period of rustication. If in the course of a debate or because of some incident in the house itself or outside, feelings are excited and the president sees little chance of orderly debate until the atmosphere returns

* The Deputy President elected must be approved by the Governor (or Governor General) as a person fit for the honour. If such approval is withheld, a fresh election is necessary.

by blood and by surroundings. This distinction does not appear in the laws but it exists all the same." The children of English parents brought up and educated in India are "treated as English of India and esteemed inferior to the English of England" (pp. 534-5). According to the legal definition, a master-piece of jingo classification for which India has to thank Sir J. Stephen, a European British subject is a British subject born, naturalised or domiciled anywhere in the Empire except Asia and Africa,—counter exceptions: Cape Colony and Natal—or any child or grand-child of any such person by legitimate descent. As Chailley has commented, the definition "would include a Zulu!" (p. 460). And we might add that it is quite impossible to say offhand whether General Smuts, for instance, would be included.

4. Simla, for instance, which the army officers discovered, and Sir John Lawrence began regularly to make the seat of the Government of India for several months every year.

5. Sir J. Willoughby, Sir E. Perry and Messrs. Mangles, Macnaughten and Arbuthnot were the Committee: the report is dated January 20, 1860 Ramsay MacDonald, pp. 102-3.

6. S. Tagore was the first successful Indian, for several years after him no one else succeeded.

7. Blunt, *India under Ripon*, p. 96. The passage from his Diary (December 22nd) has been quoted above, section 21, Note 3.

CHAPTER VII.

LAND REVENUE.

Section 40. Village India. From the law courts with their shrewd unreliable witnesses, contentious lawyers and the judge, mild and slow, under the *pankha*, and from the police, ill educated and underpaid, we pass on to the villager and his fields, his children growing up in squalor almost like cattle, his cattle sharing the same room and the same affection as his children, and the dust and the glare over all India is primarily agricultural. Of the population of India over seventy *per cent.* live directly by agricultural occupations, and at least fifteen *per cent.* more by occupations nearly allied to agriculture. The same broad feature reappears when we find that of the total population, eighty-five millions live in four hundred and thirty thousand villages, each sheltering less than five hundred souls, and sixty millions more live in seventy-seven thousand villages, each sheltering from five hundred to one thousand souls only.¹ In the whole of this vast land there are not two thousand places with a population each of five thousands or more. This is all the more surprising when we find how densely the people are crowded together in large parts of the country. Bengal has an average density of 413 to the square mile, with a maximum density of 656; U. P. has an average density of 445, with a maximum of 751; and it would be absurd to put down in figures the density of population in a place like Bombay. The predominantly agricultural character of the country stands revealed once more when we find that the population living by textile and similar industries is not ten millions, by commerce, transport and building occupations, not yet eight millions, and by mines, metals, glassware, earthenware, etc. not yet five millions.

Section 41. Pre-British Land Revenue. In ancient times the village community inhabiting each of the Indian villages was selfgoverning. The small percentage of the non-agriculturists included in the village, such as potters, carpenters, barbers, druggists, priests, etc., rendered important services to the villagers, and were paid in kind for each service rendered, or by periodical shares in the crops or by an assignment of fields in the village. The state and its officials were also paid in kind by shares in the crops. We find in the ancient

books, 1/12th, 1/8th, 1/4th and 1/3rd mentioned as the legitimate share of the state.¹ Irrigated crops and other rich crops were taxed at a higher rate. The cultivable land was also arranged in classes according to quality, and the superior lands bore higher rates. Lastly, the organisation of the primitive Indian State was quasi-feudal, so that some of its officials were paid by the state relinquishing to them its own share of the produce in one or more of the villages. Thus what we now call land revenue and jagirs or zamindari have existed in India from times immemorial. Money payments instead of shares of the harvest, and assessments uniformly levied for a whole cycle of years, were also known in pre-Muhammadan times. In fact, the celebrated land revenue settlements from the earlier settlement of Sher Shah, and his was only a systematic organisation of the indigenous system that had prevailed for ages in the Gangetic plain. And, later, when the Mughal Empire extended this system to the Khandesh Berar and Ahmednagar Subahs, it was varied and improved to suit those districts in accordance with the earlier system of Malik Ambar, which itself was the lineal descendant of the settlements of the old Yadava, Rashtrakuta, Vijayanagar and Chola kingdoms.

When the East India Company succeeded by conquest and treaty right to the position of the sovereign, first in Bengal and later in other parts of India, they found that land revenue, land cesses, customs, and a few monopolies like that of salt, were the only recognised and traditional modes for the state to derive a regular income from the population. This system had many merits when administered by a strong state like the Mughal Empire. But with the decay and downfall of that empire, as also of the kingdoms that had succeeded it in every part of India, all regular administration vanished, and there was corruption and oppression everywhere. All records, all rights, all customs, all checks, all co-ordination had disappeared. The officials of the state and the money lenders who advanced to the state the proceeds of whole districts and then tried to recoup themselves from the villages, squeezed the villagers all they could, while paying as little into the state coffers as possible. The villagers also resisted payment as much as possible. Predatory bands large and small ranged over the country at all seasons, and India (which had

prospered wonderfully for a century from about 1575 to 1675) had already by 1750 sunk back into the depths of poverty. Extensive provinces were becoming overgrown with jungle, famines were frequent, wars were incessant and population and cultivation were shrinking up at an alarming rate. With each province, as the East India Company came into possession, its first duties as ruler were (1) to guard the frontiers, (2) to suppress and prevent internal disorders, and (3) to settle the population on the land as quickly as possible, in order that agriculture, industry, trade, population and wealth, might revive.

Section 42. The Permanent Settlement. The East India Company undertook the revenue administration of the Lower Provinces in 1765. They found that the Nawabs had handed over the collection of the revenue from the villages to the highest bidders at annual auctions. The Company kept up this system of farming, in spite of its grave defects, for seven years; but in 1772, when they had acquired some knowledge and insight into the matter, they made a settlement for a period of five years. This, however, turned out a failure and annual settlements were resumed, until in 1789, they made a settlement for a period of ten years. And this settlement was, by a proclamation of the twenty-second of March 1793,* declared perpetual. This is the well-known Permanent Settlement of Bengal, and as, under it, a zamindar, and not the ryot actually tilling the soil, is responsible to the state for the annual land revenue from his zamindari, it is also known as the zamindari system. In 1795 the system was extended to Benares and in 1802 to parts of the Madras Presidency. Altogether about one-fifth of the assessed area of British India is under the zamindari system.¹

Bengal is a land altogether dominated by its great rivers. On account of their floods, the fields in Bengal have an ever-shifting character; a twenty or thirty years' settlement there is out of the question. On the other hand, for a fresh and equitable settlement every three or five years, a detailed survey would be necessary every time and the Company's establishments in those days were quite unequal to such a vast and technical undertaking. The famine of 1770 had been

* Reissued a little later as a Regulation I of 1793.

an awful calamity, large areas were still jungle, and both agriculture and commerce appeared to the best observers to be in a state of rapid decay. To the Company in those days a regular and certain income practically without any trouble to collect it was of incalculable value. To create such an income it was absolutely necessary to bestow on the zamindars valuable property rights in the land. It was also thought advisable to strike the imagination of the people of India from one end of the continent to the other by conferring on the subjects of the Company in Bengal such rights as no ruler of India had ever granted in the past. Nor is this merely a surmise. The Court of Directors were fully aware that under the Mughal the Zamindars had "a certain species of hereditary occupancy, but the sovereign nowhere appears to have bound himself by any law or compact not to deprive them of it, and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object.... Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism. We are on the contrary for establishing real, permanent, valuable landed rights in our provinces; for conferring that right upon the zamindars; but it is just that the nature of this concession should be known, and that our subjects should see they receive from the enlightened principles of a British Government what they never enjoyed under the happiest of their own." And again, "in giving our opinion on the amount of the settlement we have been not a little influenced by the conviction that true policy requires us to hold this remote dependent dominion under as moderate a taxation as will consist with the ends of our Government."² And it was also intended that the subordinate rights of the tenants under the zamindars were to be safeguarded. The historical outcome of these various influences was the permanent zamindari settlement of Bengal. Under the system the land is the property of the zamindar. He could sell, mortgage, and bequeath it at will. The only defect in his full ownership was that the state had a charge upon it of a certain annual revenue, to be paid on a fixed date; this the state solemnly pledged itself never to increase at all; but if the zamindar failed to pay it punctually, the state was empowered to sell off the estate by auction. The zamindar was to realise rents from his cultivators;

he had to grant them written agreements, and was to respect their customary rights and privileges, nor was he to exact extortionate rents from them or oppress them.

As noted above, Benares and some of the northern districts of the Madras presidency were also placed under the Permanent Settlement. The total rents the zamindars were expected to realise from their cultivators at the time the system was introduced, were set down at about Rs. five and a half crores; and the settlement was, that out of this they were to pay to the state as land revenue ten-elevenths, or Rs. five crores, keeping only half a crore to themselves. But population was expected to increase and cultivation to extend, and the zamindars were to find their gain in stimulating this process energetically, for all the extra rents they thus obtained were to remain in their own pockets. This expectation had been justified by the event. During the decades that have gone by, cultivation has extended, population has increased, and Bengal especially has prospered to such an extent, that the zamindars now receive from the tenants let us say Rs. twenty-five crores.³ And the state is debarred by its solemn pledges from taking from them a pie more than the originally fixed five crores. Thus the zamindars now derive an annual income of Rs. twenty crores, a sum that is forty times the original income. In Hindu and Muslim law brothers are equal sharers in the property of their father, and so the permanent settlement has created in the part of India where it prevails, a strong and well-to-do middle class.

Section 43. Tenant Right. From the first there were layers of intermediaries between the zamindar at the top and the mass of cultivators actually tilling the fields of the estate at the bottom. As it came to be realised that the peace and security established by British rule were of a more durable and thorough-going character than ever before within historical memory, the number and variety of these intermediary tenure-holders under rights acquired from those immediately above them went on increasing. In fact, the extension of cultivation and the settlement of the increasing population on waste areas within the zamindari went on through the legal and contractual medium of the creation of a pyramid of intermediaries. At each stage, the layer of intermediaries immediately above the actual cultivators supplied the active

and energetic managers,—all intermediaries above them were mostly absentees,—and these forceful newcomers to whom was due the increasing production, took out of the cultivators all they could extract from them, in order to have for themselves as large an income as possible, in excess of what they had contracted to pay to the layer of intermediaries immediately above. Secondly, in the old unquiet days of armed bands roaming unchecked and living on the fat of the land and destroying far more than they actually consumed, zamindar and kumbi were tied together for the defence of all they held dear, life and children, cattle and property, homestead and honour; bonds of loyal attachment and camaraderie were forged, strong enough to link the generations together. The piping times of peace followed, these higher bonds rusted and crumbled, and the cash nexus remained the only bond between zamindar and intermediary, intermediary and cultivator. Population increased, all available areas being filled up the pressure of the teeming people on the land began, and rack-renting was the inevitable outcome. This cycle prevails always and everywhere: it has the uniformity of a law of nature: the first stage is the establishment of a strong stable government enforcing a fair system of agricultural economy; the second stage is increasing prosperity; the third stage is widespread irremediable poverty: men multiply and Lakshmi (the goddess of prosperity) departs. A predominantly agricultural land which cannot annex fresh areas, which does not develop mining, industry and more scientific agriculture, and where the people go on multiplying, cannot escape this cycle. It is a simple enough proposition, stated in this abstract fashion; it sounds almost a truism; and yet we have to turn it over and over and grasp it firmly from many stand-points, for it is one of the masterkeys to the economic history of India, to the poverty that has been the portion of our motherland for centuries upon centuries.

The only real remedies are (1) imperialism and colonisation, (2) mining and industry, (3) increasing knowledge of and command over the forces of nature resulting in progressive improvements in the arts, including agriculture, and (4) moral and customary checks on the fecundity of the race, securing a higher rate of increase in health, energy, knowledge, co-operation, and organisation, than in mere numbers. All else are not real radical remedies, but if we take large views looking

at several generations together at one glance, mere palliatives, though even as palliatives they have incalculable value:—they check social discontent and disharmony; they protect the weak against the strong; and the patient, the poor suffering society—gets a little more time, during which to develop if it can, one or more of the real radical remedies.

One of the most indispensable of these palliatives is the protection of the agriculturist from the growing exactions of the higher layers of the community. These higher layers—these intermediaries, the legal system has placed in the position of monopolists of a commodity, the land, of which there is only a limited supply. Hence the state which created and supports the system is bound in equity to frame further legislation, with the object of safeguarding the right of the agriculturist to a living wage; and the moral right of the state to do this and so to limit the monopoly of the intermediaries, is clear as daylight, where the state has itself solemnly limited its own exactions from the topmost layer of zamindars by a permanent settlement. The title to preach and enforce abstinence in the public interest inheres in those only who themselves set the example.

These are the fundamentals of the question. The details of the original and amending Acts* are infinite, and naturally produced immense varieties of opinion and voluminous controversies. These are for the specialist. Here we can only note the main results in broad outline. The cultivators are grouped into classes, tenants at will, tenants at fixed rates of rent, and occupancy tenants. Any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent. Obviously it is a class that goes on increasing and already over eighty *per cent.* of the cultivators are occupancy tenants. No enhancement of rent is allowed at shorter intervals than five years, and even then only by consent or by decree of court on good cause shown. Any tenant can apply and get all the incidents of his tenancy judicially determined. A complete record of rights is aimed at, and once prepared it is kept upto date, the entries in it are taken as correct unless any of them is judicially proved to be

* Bengal Tenancy Act X of 1859, VIII of 1885, III of 1898, I of 1907 are the principal.

erroneous, and the landlord is helped to recover arrears by summary procedure.

Cannot these civil courts imposing justice from above be replaced by arbitration *samitis* composed of the elected elders of the community, the judge who at present constitutes the court merely taking the position of the paid and responsible adviser, convener and recorder of the panchayat? If necessary he might be given the power to recommend that either party be allowed to appeal to a court composed of qualified servants of the state, one such court might be established for each division, and this appellate court might also have full powers of inspection and revision of judgments even without a formal appeal. It is only by institutions of this character that a real democracy can be gradually built up out of our rural communities.

B. H. BADEN POWELL, *Land Revenue in British India*, pp. 33-52, 131, 133-45, 154-68.

RAY, *Land Revenue Administration*, pp. 1-57.

J. SARKAR, *Economics of British India*, pp. 119, 123-130, 221-237.

Section 44. Temporary Settlements. The Bengal settlement took the land in big areas and fixed three features with regard to each; its outer boundaries, its zamindar, the amount of land revenue he was to pay for it. But even while this settlement was being worked out and declared permanent, a school of revenue officers had arisen, with Shore at their head, who were convinced that both the rights of the state and the duties it owed to the people required a more detailed mastery of the subject in its various complexities. The land they saw must be thoroughly surveyed and mapped out, and the various soils classified, field by field. In the second place, there must be a record of the shifting pyramid of rights from that of the landlord at the apex to those of the actual tillers of the soil at the bottom. And in the third place, these masses of ascertained facts should be further viewed from time to time in the light of the history of the locality, the rise and fall of prices, the variations in the rainfall and the seasons, the increase in population communications and commerce,

the slowly changing water-level, the increase or decrease in the number of wells and other means of irrigation, and other factors too numerous to detail. They wanted to leave the cultivator a fair remuneration for his labour, and they also admitted that both cultivator and landlord were entitled to a fair rate of profit for the improvements they made, but the state, they held was justly entitled to a share of the surplus, whatever it was. As the century advanced they began to plan large schemes of bridges and roads, irrigation works, and, later, railways; and it was plain that these projects required large resources, but that they would benefit the people to such an extent, that the state was perfectly justified in asking the people to hand over to it a part of these extra gains as they materialised, since they were the result of the improvements the state itself was bringing into existence at such an enormous outlay, which had to be paid for in the long run out of the additional wealth it had thus helped to produce. On the other hand, to revise the land revenue demand every year or even every few years was out of the question; the gain would be small, the trouble and the cost enormous, and the feeling of insecurity created and the discontent would outweigh the increase in the revenue, whatever it was. Thus arose the conviction that a permanent settlement was a temptation to be resisted at all costs; that short term settlements were also to be avoided as impolitic except in areas which were highly unsettled and contained much untitled waste; that settlements unalterable for about a generation, but subject to a thorough revision then, were the ideal compromise. This, at any rate, is the notion underlying the land revenue systems of the remaining four-fifths of British India. They exhibit local peculiarities some of the most important of which we shall go into presently, but their temporary character is the feature common to them all, and we have tried to sketch the point of view from which it appeared to the authors to be the only reasonable course to adopt.

But the problem which they thus tried to grapple with was far more complex than the one they had attempted in Bengal. To estimate the value of the net agricultural income of an area that is a geographical and economic unit is not an easy task; to strike an average for several years is only a mathematical inference the value or substantial accuracy of which was bound to be far less than that of the original premises,

viz. the estimates year by year; to distribute it amongst the various grades of soil would be another mathematical inference still less accurate; and finally to apportion it estate by estate, village by village, and field by field, was to prolong the chain of abstract deductive reasoning several steps further. No wonder the first efforts were utter failures almost everywhere. No wonder the effort to establish a fair settlement on general principles had to be given up everywhere. No wonder, that settlement officers and government had to fall back everywhere on crude empirical methods easy to apply and intelligible to the people. The claim that it was a really fair and equitable settlement can be granted only in a limited sense. The government had strength enough to enforce it, the people were mild and pliant enough to accept it as part of their fate. Each villager knew how much he would have to pay year by year for a certain period by instalments falling due on fixed dates; and there was far less corruption and oppression of the people by the underlings than ever before. These items should be entered on the credit side of the system. On the debit side has to be entered the underlying assumption that a healthy social structure only needed cultivators, improving landlords and moneylenders, traders and labourers, and such other secondary classes, shepherds, shoemakers, shopkeepers, etc., as could live upon these primary classes by serving them. It was a truncated conception of society altogether; and it is all the more remarkable that this should not have been perceived, since there is no doubt whatever that our rulers wanted not only a peaceful and industrious community, but one that was also prosperous and progressive. The demand for permanent settlements which rose up once more as the century advanced, which was pressed by some of the ablest and most experienced officers of the government, and led to a controversy that continued down to the eighties, had really behind it the feeling that a society mainly agricultural could not possibly be healthy, prosperous and progressive, unless there was left room in it for an agricultural middle class, whose resources, intelligence and leadership could alone create and sustain progressive agriculture. But by that time the government had realised that they too were in the grip of an inexorable fate; that India was a very poor country, that it was subject to colossal recurring calamities, that the number of taxes they could impose were very very few, nor were they really free to increase any of them beyond a certain low limit;

and under these circumstances they were naturally unwilling to forego whatever extra income the land revenue brought to the treasury by its own "natural and normal expansion".

Section 45. Village Settlements. These temporary settlements fall into two broadly distinguishable classes; village or village community settlements and ryotwari* settlements. The first prevail all over Hindustan, the Panjab and the C. P.; the second are the distinguishing feature of the Madras and Bombay system.

Village community settlements were first developed in the Agra province. In that cock-pit of India, communal feeling is still strong and so are hereditary and local loyalties, although a century and more of British rule has gone far to weaken them. The village lands were, the English found, looked upon as a whole and owned and managed by the villagers or some one section of them as a community. This community was the joint landlord, even when there were as in some parts, hereditary over-lords who, without being so powerful as jurisdictional chiefs, had still the right to obtain substantial shares of the produce. When this share of the overlord was larger, he was styled landlord; when smaller, taluqdar. So the lands in the Agra province were to be settled with landlord and village community or taluqdar and village community, or with the village community by itself. And as already hinted, in many villages more than one community were staying together, one of these as the proprietor community, the other or others as tenant communities under the first. The landlord and taluqdar families had also families of dependents settled as tenants on their family estates. Benares district had the same social structure; but Jonathan Duncan, although he was supposed to know Indian ideas and customs so well his English comrades dubbed him a Brahman,† could make nothing of it; a community as a joint landlord was an idea altogether too recondite for our foreign rulers in those days; and the Bengal zamindari system was imposed upon the district, and this the people had to submit to. However, though Duncan was puzzled, he noted some of the main facts, the Anglo-Saxon intellect is honest and persistent even if slow, and by 1833 a start on right lines was made. We shall not trace the history

* Ryot=the individual cultivator. † Kays, p. 558.

Mr. Curzon: "Coming to the concluding question, the mode in which these additional members were to be appointed, he noticed that the Hon. member for North Manchester (Mr. Maclean) had on the paper an amendment declaring that no reform of the Indian Councils which does not embody the elective principle could prove satisfactory. But the Bill, he had to point out, does not exclude some such principle, be the method election, or selection, or delegation, or whatever particular phrase they liked to employ. The fourth sub-section of clause I runs as follows:—

"The Governor General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor General, Governors, and Lieutenant Governors respectively, and prescribe the manner in which such regulations shall be carried into effect."

Lord Kimberley himself had elsewhere in an earlier stage of this Bill, expressed himself with reference to this clause as follows:—"I express my own satisfaction because I regard this as to a certain extent an admission of the elective principle....I myself believe that under this clause it would be possible for the Governor General to make arrangements by which certain persons may be presented to him, having been chosen by election, if the Governor General should find that such a system can be established."

Mr. Maclean: "Does the Government accept that view?"

Mr. Curzon: "Undoubtedly, Sir; the opinions expressed by Lord Kimberley are also shared by the Secretary of State."

Gladstone* in winding up the debate for his party agreed that the wording of the sub-section was so peculiar that it could not but mean an intention, a genuine and sincere intention, to leave room for the adoption of the principle of election, if it was at all found possible to do so. If so, the question arose should parliament prescribe election in so many words, or should it leave the matter to the discretion of the

* See Section 17, ante; Lord Kimberley as former Secretary of State for India when the liberals were in power spoke for his party in the Lords.

Governor-General in Council? This question Gladstone decided against Maclean and his liberal pro-Indian friends and in favour of the Government of India. Hence, although he said he felt "justified in looking forward not merely to a nominal but to a real living representation of the people of India," he deprecated a division, he felt it might convey a wrong impression, and concluded, "I certainly could not take part in any division hostile or apparently hostile to the Bill....We should do well to allow this Bill to receive the unanimous assent of the House."

On the more important issue of powers and functions, the Act only widened the opportunities of non-official members for "criticism, suggestion, remonstrance, and inquiry." So ended the first effort of educated India. Since 1861 a whole generation had passed by; a generation during which Universities and law courts had grown up from their first small beginnings into the most cherished of the modern institutions that England had sympathetically planted in India; a generation during which English had become the common language in India of the upper ten thousand, during which English literature and English history and politics were studied with an utter reverence beyond description and Indian youths were crossing the *Kala Pan*; in ever increasing numbers to drink of the fountain at the source. This spirit, this attitude of India towards England, has gone, never to return. The failure of parliament to seize the psychological moment and make a genuine beginning, however small, of representative institutions in India has changed all that, once for all.

However, the leading Congressmen both in India and in England bowed to the inevitable. The new Act gave—

- (1) Somewhat larger councils, and also, gradually, councils for some provinces hitherto without them.

The maximum number of "additional members" for the central council was raised from 12 to 16. For the provincial councils the maximum was fixed at 20 in the case of Madras, Bombay and Bengal, and 15 for U. P. Councils were established later for the Panjab and Barma (1897) with 9 additional members.²

- (2) The right of interpellation.

Any member might ask a question, if it was a request for information only, if its wording was not argumentative, hypothetical or defamatory, after due notice; the president might disallow any such question; and lastly, there was to be no discussion on the reply.

(3). The right to discuss the annual *financial statement*.

A printed copy was to be supplied to every member some days in advance, and at the meeting any member might discuss and comment upon any part of it, and offer suggestions, and the financial member, heads of departments (if nominated additional members), and the president might reply and wind up the debate. Though no resolution could be formally proposed or the house divided upon it, this was a great step in advance of the practice that had obtained, in the past thirty years; during which the Government had often contented themselves with placing the annual budget before the country merely in the form of a minute published in the *Gazette of India*.

Under the 4th sub-section of clause 1, quoted above, rules were framed under which ten non-officials (and not eight only) were nominated to the Governor General's Council; viz. these recommended, i. e. elected for the purpose, by the Calcutta Chamber of Commerce (1), and by the non-official additional members of the provincial councils (one each from Madras, Bombay, Bengal and U. P. and later from the Panjab, Barma, and Eastern Bengal and Assam also), and those others selected by the Governor General with a view to the legislative business before the council, and the due representation of all classes. To have nominated more than ten non-officials would have exposed the council to the risk of a non-official majority.

In the Bombay Council, under the rules framed, eight of the non-official members were nominated on the recommendation of the Bombay Corporation, the Bombay University, Municipalities, District Boards, and other bodies. The Governor nominated other non-officials also and the total number of the non-officials was to be at least 10 out of 20. The Bombay Government soon ceased to nominate the full complement of additional official members (10), so that for several years before 1909, their legislature was working with a non-official majority. The regulations for the "nomination" of non-off-

cials at Madras and Calcutta were similar; but in the last province, on a revision in 1908, one seat was given to the Zamindars.

MUKHARJI, I 228-245: the text and extracts from the speeches of Mr. Curzon and Mr. Gladstone.

ILBERT, p. 107 and Ch. 3, part VI.

MONTAGU-CHELMSFORD Report, Ss. 66-71.

Section 33. The Indian Councils Act, 1909. In 1813 and 1833 we have seen the influence of the thought currents predominant in England as modifying the policy of England towards India. Lord Ripon, again, during his viceroyalty was but the agent of English liberalism in trying to rear the plant of public life in India by his Local Self-Government Act of 1882. For the twenty years that followed the conservative party was in the ascendant in England, and it was a period of stagnation in India.* We have just seen how the principle of election was not introduced in the Act of 1892, although the Government of India was not against it. During the latter part of this period and especially after 1905 India was, as Gokhale said in the central council, "drifting into chaos."¹ But the liberal party won a sweeping victory in the general election of December 1905, and John Morley became Secretary of State for India in Sir Henry Campbell-Bannerman's ministry. His first measures had to be repressive,² as Lord Curzon's regime and especially his partition of Bengal had given rise to widespread discontent, organising itself both above the ground and under. But he very soon came to the conclusion that a further step in advance was also necessary, such as would render the administration progressively sympathetic and give the people themselves a growing influence and a larger voice in the deliberations by means of which a modern state shaped its public policy. The friction and delays he overcame were immense, in order to be able to overcome them at all he had to reduce his scheme to the indispensable minimum, to claim for its character, tendency and effects very much less than was justly due to it, and to keep his own authorship of it in the background, and his rip-

* *Dist. England and India.*

statesmanship shone at its best in this strategy. Larger employment of Indians in the higher posts upto the highest, and decentralisation on an extensive and effective scale so that local self-government organs would be really self-governing and the provinces would develop from mere agencies and administrations into governments, were as essential parts of his scheme as the enlargement of the legislatures and their elevation from the position of mere advisory adjuncts to that of essential limbs of the government, wielding an influence, certain to grow full soon into real if not directing power. But he retired from the helm before the recommendations of the Decentralisation Commission could be worked out and even before the Islington Public Service Commission was appointed. Even his scheme for the legislatures the Government of India modified in the fundamental particular of communal electorates. And they weakened it as far as possible by means of rules and regulations drawn up under the Act. Still it is not too much to say that the vessel of state was drifting on to disaster when Morley took the helm and it was his foresight, firmness, and liberalism, coupled with the unique respect and confidence he inspired in the minds of all concerned (from the cabinet and the radical and labour M. P's in England, down to the leaders amongst the Civil Service as well as the moderates, and the Muslim and nationalist parties in India), which enabled him to make a fresh start, to make even the Civil Service realise that a central bureaucracy and Curzonian manners were evils of the first magnitude, and that, moreover, repression alone or in excess of a proved specific need, would never be tolerated by parliament or by England as their settled policy towards India. Thus it is not too much to say that to him belongs in an exceptional degree the credit of saving the cause of progressive constitutional reform in India.

The bill was introduced into parliament on February 17 and received the royal assent on May 25, 1909. It took the form of an Act amending previous enactments on the subject, and left a great deal to be provided by regulations and rules, which the executive connected with the particular legislature was to frame and the next higher authority was to sanction. All such proclamations, regulations and rules other than rules made by a Lieutenant Governor for the more convenient transaction of business in his Council, were also to be laid before parliament as soon as made. The Act provided that amongst

the additional members there were to be both nominated and elected members, and fixed their maximum at sixty for the council of the Governor General, fifty for the council of each of the major provinces, and thirty for the rest.³ And the Act further provided that rules shall be made authorising at these councils (a) the discussion of (i) the annual financial statement, and (ii) any matter of general public interest, and (b) the asking of supplementary questions, under prescribed conditions and restrictions.

The Secretary of State in Council had pointed out in his despatch (No. 193, 27-11-1908) that in the provincial legislature an official majority might be dispensed with, but that a substantial official majority must be permanently maintained in the central body. Under the rules and regulations the councils were so constructed from the first as to carry out both these principles.

The elected members of the central council were returned by (a) the non-official members of the provincial councils of Madras, Bombay, Bengal, and U. P., two each, and those of the other five provinces, one each; (b) the landholders of Madras, Bombay, Bengal, U. P., Bihar and Orissa, and C. P., one each; (c) the Muslims of the same five provinces, excepting C. P., one each, and another by Muslims of U. P. or of Bengal at alternate elections; and (d) by the two Chambers of Commerce of Bombay and Bengal: Total 27.

The twenty-eight elected members of the Bengal council were, under the regulations, returned by (a) the municipalities, district and local boards, and Muslims 5 each; (b) the landholders of the four divisions, excepting Chittagong, one each; (c) the municipalities or landholders of the Chittagong division, one member at alternate elections; (d) the Calcutta corporation, the elected commissioners of the same corporation, the Calcutta University, the Calcutta Trades Association, the tea-planters, and the Chittagong Port Commissioners, one each; and (e) two by the Bengal Chamber of Commerce.

Barma was treated exceptionally. The Chamber of Commerce elected one member, but the Government nominated four members to represent the Barmese, two to represent the Indians and Chinese in Barma, and two to represent other sections.

The details about the elected members in the other provinces are tabulated in a note.⁴

None but British subjects were eligible for election. Officials, females, bankrupts and insolvents, persons judicially found to be of unsound mind, and persons under twentyfive years of age were disqualified. And persons dismissed from government service,⁵ legal practitioners deprived of their sanads, persons sentenced to imprisonment exceeding six months, or transportation, or ordered to find security for good behaviour, and finally persons whose election the Governor General in Council, in view of their reputation and antecedents, declared to be contrary to the public interest, were also to be held disqualified, unless and until in any particular case the Governor General in Council waived the disqualification by a written order. Females, minors and persons of unsound mind were also disqualified for voting at the elections. The elected members were to serve for three years, but the members nominated to the councils by the government might be nominated for any shorter term. In constituting the electorates various methods had to be adopted, according to local conditions, and even so, not a few of the electorates were experimental, some of them were avowedly provisional until better ones could be devised and there were also cases, e. g. the Panjab Muslims and landholders, and the various sections of the Barmese population, in which no electorates were formed at all, and selected representatives were nominated to the councils. Most of the electorates were indirect. And in the direct electorates of Muslims and landholders, the qualifications required for a vote varied greatly from province to province.

Critics of the Act of 1892 have observed that although the principle of election was not adapted in words it was adopted as a fact.* Critics of the Act of 1909 have observed that though the principle of election was adopted in words, the legislatures created were such as could not be accepted as representative in any real sense.† Both criticisms rest upon facts obvious to all. Enlightened Indian opinion felt nevertheless that the Act of 1909 was a great step in advance of the Act

* Report I. C. B., S. 60. † Report I. C. B. S. 83; *Dyarchy*, pp. 360-3.

of 1892. Political freedom, as the West understood it, was unthinkable without representative legislatures; without bodies composed of elected representatives of the people. In 1853, 1858 and 1861, it was held impossible to constitute such bodies in India. Indian political effort concentrated more and more upon getting this judgment quashed. Citizens, in the Western sense, were primary voters whose representatives in constituted assemblies controlled the executive government in general policy and daily administration; this and this alone was political freedom; this and this alone was true civilian citizenship. Indian political opinion aspired to that citizenship, at first in British India itself, and then in the British Empire as a whole. It failed in the attempt in 1892, but succeeded in 1909. The acceptance of the principle by parliament was, from the Indian point of view, the main battle. At last was made the longed-for start, and the only destination possible was the status of "the king's equal subjects."*

It is too mechanical a view of political moments to judge them by the new scaffolding. The meaning of an advance is as a rule better indicated in the new functions assigned, the new goal set. No change was made, none was intended,† nor even expected,‡ in the essential subordination of the legislatures to the executive. Lord Morley emphasized this repeatedly. It does not follow, however, that his critics, from Lord Curzon downwards, were incorrect in pointing out, that though he "assured us that he had no ambition to set up any sort of parliamentary system in India, or even to share in the beginning of that operation, it will inevitably be the consequence of his act".‡ Lord Morley certainly desired an association of the representatives of the people with the executive; an increasing association as the representation improved and the representatives acquired experience and outgrew the stage of negative irresponsible criticism; when or how this was to grow into influence and pressure, and that into parliamentary control, he left to the future. Through what events—enlargements of the electorates, deadlocks in the legislatures, conflicts between the provincial and central governments—this future might have been shaped or how soon, it is impossible to tell,

* Lord Morley used the phrase in his speech, 23-2-1903; Gokhale quoted it enthusiastically in his budget speech, 25-3-1909.
† Reform Despatch (No. 193, 27-11-08, para. 22).
‡ Curzon's speech, 2nd reading Debate, 23-2-03.

for in less than five years, the Great War burst upon the world, and altered everything.

The association that was desired was rendered possible by an increase in the criticising and deliberative functions of the legislatures. Members could now follow up their interpellation by a supplementary question though under the same stringent safeguards as formerly. They could move resolutions, in so far as allowed by the president, and on subjects of public interest not excluded from the competence of Indian legislatures by the Act of 1861, nor *subjudice* at the moment, nor affecting the relations of the government with a foreign State or a Native State. In the debates that followed, speakers were subjected to a time limit, amendments were allowed, and a resolution if carried, had according to the letter of the regulations no more effect than a recommendation. But of the 168 resolutions moved in the central legislature from 1910 to 1917, 24 were accepted by the executive and 68 were withdrawn by the members either because the debate showed the inadvisability of pressing them, or because the executive undertook a sympathetic reconsideration of the matter. Seventy-three of the Resolutions might "be described as fruitless. In not a few instances substantial results were obtained". "The view taken at the time that this concession was perhaps the most important of all the changes, was (thus) justified by experience".*

It is impossible to arrange the various parts of a complex scheme in the order of their importance and effectiveness. All the parts were designed to help materially in the desired dilution of irresponsible autocracy with popular influence. Where enumeration or other mechanical tests can be applied, the result can be stated in statistical or other definite forms; but it does not follow that the results were inferior in the case of those other parts of the scheme, the operations of which were not easily amenable to mechanical analysis.

Even under the old constitution of the legislature the debate on the budget had, in the central council, afforded to the diplomatic and resourceful persuasiveness of Gokhale an excellent means to bring popular opinion to bear upon the finan-

* Report I. C. R. S. 94. For resolutions in the provincial legislature see 3. 98.

cial policy of the government. What he was thus able to achieve from 1902 to 1909 is all the more noteworthy when we remember that his greatest triumphs were won while Indian policy and finance were under the guidance of two such dominating personalities as Lord Curzon and Lord Kitchner.⁷ Under the Act of 1909 the opportunities conceded to the representatives of the people to influence the budget were multiplied. The regulations, as finally modified in 1918, provided for a general debate on the preliminary estimates, called the financial statement, followed by a debate on such resolutions as the members might move, and, when all such resolutions were disposed of, by an explanation of the various parts of the statement under convenient heads or groups of heads. At this stage also resolutions were permitted on certain heads of revenue and of expenditure. And, finally, the Budget proper was presented to the council on or before the 24th March, when again the Financial Member, the official members in charge of particular heads, and the President might enlighten the council on the differences between the final and the preliminary figures, on the reasons for the adoption or rejection of the resolutions, and on other topics. In the provincial councils, the preliminary statement was submitted to a committee of the council composed of official and non-official members in equal numbers. The provincial government then drew up a revised statement in the light of the discussions in this committee, submitted it to the Government of India for provisional approval, and then presented it to the council as a whole; the proceedings thereafter were of the same character as in the central legislature.

One more feature of these new councils has to be noted. A representative is a man whom a constituency sends on their behalf to an assembly because of their general confidence in him. He knows their particular views, but in the assembly he is perfectly free to decide for himself how he is to vote.⁸ A delegate, on the other hand, is a mere agent and holds himself bound to vote in accordance with the views of his constituency, even though his own opinion of what the interests of the nation as a whole required might be different. How were the official members to speak and to vote in these assemblies, and the non-official members nominated by Government? From 1861 to 1892 the non-official members were free to speak and to vote according to their own judgment, for although they owed their

nomination to the government, it was understood that they were nominated as the best men who could be found to voice the feelings and opinions of the people in the legislature. The members of the executive council on the other hand, were the government; although any of them might differ strongly from his colleagues, and although he might have exerted himself to the utmost in the privacy of the executive council to influence and alter their views, when a measure came before the legislature as a government measure, he was bound to act and to vote with his colleagues. This was not however always realised, and, as a matter of fact, "when divisions in the councils were recorded, it was by no means unusual that official members were as much divided among themselves as the non-officials."⁹ Hence it was, that the question, how the officials who were not members of the executive government were to act and to vote, did not arise during this period in an acute form.

The reform of 1892 brought not only enlarged councils, but a new class of member: the 'nominated' non-official who was for all practical purposes an elected member. He began to undertake the role of 'His Majesty's Opposition', and his example also acted upon the non-official member who was only nominated. Moreover, the provincial official in the central legislature spoke up for his own province, and in the provincial legislature, often voiced local or departmental views as distinguished from the secretariat or government views. Modern civilised governments even when autocracies in fact are in appearance governments by persuasion, and must, in the long run, command the intellectual ascendancy of better information, larger views and more solid arguments than their critics, and the formal ascendancy over them of a majority of some kind at the back of their decisions. The debates grew in interest, and the voting, when there was any, could not always be left merely to the balance of the argument and the good sense of the members. Government urged that all the officials were bound in honour to support them both in the debates and the voting, but especially the latter. There were protests against this from time to time, but as a rule, the sense of discipline and solidarity prevailed. Thus arose the 'official bloc'. This however was not enough. Government by persuasion necessarily needs honest and independent support, high in quality even if small in quantity. Official support even when absolutely honest and independent is generally discounted as merely official. A change of heart, a policy such as

would beget trust and co-operation, a spontaneous leadership of the people putting forth measures, both administrative and legislative, such as would remedy or remove grievances, elevate the status of the people, and secure their material and moral progress in increasing volume, would be the noblest way of winning such honest and independent support. In other words, a benevolent despot or a philosopher-king such as Plato dreamed of is theoretically the best means to bridge over the period of transition from a despotism to a democracy. But autocracies in power are rarely able to adopt such a policy of gradual and progressive self-effacement, or to pursue it steadily for long. And, in any case, in the concrete world as it is, neither are the issues so plain, nor are the remedies so easy. Is the goal of a democratic government and society the best goal for us? People differ. Best or middling or worst, is it practicable, can it be attained? There are again differences of opinion, thoroughly honest and passionately held. Granted for the sake of argument that we can all agree as to the goal, honest differences of opinion would again emerge at every step as to the rate at which we should or could advance in that direction, and as to the concrete measures to be adopted at any time. And faced with such differences of opinion in a legislative assembly, the members of the executive government whose duty it is to obtain a majority for their measures, and who, besides, are not in a position to accept an adverse majority vote as a decision bringing them a release from responsibility, are inevitably driven by the pressure of the situation, to adopt various arts to secure what they need so badly, viz, a majority clinging more or less uniformly to their own side and containing at least some elements in it (occasionally, if not always) of really honest and independent support. Thus we discover, as the situation develops, the non-official European members, nominated or elected, usually casting their votes with the official bloc; the executive government exercising their power of nomination so as to obtain representatives of the people or of some section who are also 'safe' and pliant; and executive officials manipulating elections and constituencies in various ways, more or less indirect. Soon precedents create practices, these again win recognition as rules, and express orders follow, general or occasional, published for all to read or confidential. "In plain words, moderates" and non-party men both amongst officials and non-officials, Indians and Europeans, "are forced into the camp of extremists.... Wherever this system has been long continued, Government by 'influence'

has set in, degenerating into government by intrigue and ending in government by corruption."* The only remedy is Government by executives really responsible to representative legislatures.

To avoid misunderstanding, we have to add in conclusion, that the above is a description of evil tendencies necessarily inherent in every system of elected legislatures not armed with control over the executive. The more representative the legislature, the more certain is the degradation of politics, unless and until the executive—through deadlocks, conflicts, dictatorships, and other incidents—drops its autocratic character and becomes responsible, until the political sovereignty is transferred as a matter of fact to the active minded amongst the people, whatever the changes adopted in the form of the constitution. The course of political development in India could not entirely escape this tendency to degradation. That it was escaped, however, to a great extent, was due to several circumstances. The Indian legislatures from 1892 to 1909 though containing representatives who were really elected, were in numbers mere toy assemblies, nor could they claim a representative character. And when larger and more representative legislatures were introduced by the reforms of 1909, they had, luckily for India, but a short span of life. In less than five years the Great War was upon us, and brought about a radical change of constitution. The system of 1858 was cast aside, India ceased to be a dependency ruled from above, the principle of partnership was accepted for her relations with the other members of the Empire, the principle of responsible government was accepted for her internal constitution, and the only questions which remained for consideration were, how far these principles were to be applied immediately, and through what stages they were to be further developed to a full logical consummation.

MUKHARJI, I pp. 245-385: the text, extracts from minutes, despatches, speeches, resolutions, and the Central Council Regulations as amended upto 7-2-1918.

ILBERT, pp. 102-125 and Appendices I, II and V.
MORLEY, Indian Speeches (Macmillan, also Natesan); also, *Recollections*, Bk. V.

CURTIS, Dyarchy, pp. 368-380.

MONTAGU-CHELMSFORD Report Ch. 4.

* Dyarchy, p. 372.

CHAPTER V: NOTES.

SECTION 31.

1. The analogy of the Indian Raja's 'court' will be found in Sir Bartle Frere's minute of 1860 on the subject. (Extract in Mukharji, I p. XXIII. Sir Syed Ahmed had also observed in his pamphlet on the Causes of the Mutiny that there was nothing in the Indian Government "to warn us of dangers before they burst," and had asked that there should be Indian members on the legislature (Ramsay MacDonald, p. 8).

2. Non-official Europeans of the mercantile and settler classes were also nominated; these men, too, were then little better than exponents and champions of their own class interests and privileges.

3. I. T. Prichard, *Indian Administration, 1858-62*, 2 Vols, 1 p. 131. See also his introductory chapter. For an earlier witness see Kaye, *Administration E. I. Co.* (1853):—"The physical improvement of the country and the moral improvement of the people are advancing, under our eyes, with a rapidity which would fill the bygone generation of Indian administrators with as much astonishment as the ancient race of soldiers would experience at the sight of the magnificent dimensions of our Indian Empire" (p. 267).

4. For a favourable estimate of the Laws enacted by these subordinate legislatures see Hunter, *Maye*.

SECTION 32.

1. First I. N. Congress, Resolution III; II Congress, Resolutions II-V; III Congress, Resolutions II, N; IV Congress, Resolution I; V. Congress (1889) Resolution II; VI Congress, Resolutions I and VIII; VII Congress Resolutions II, XII, XIII. Bradlaugh died January 30, 1891.

2. When Eastern Bengal and Assam was separated from Bengal (1905) it was given a council with 15 additional members for legislative purposes. Panjab and Barma were treated as 'minor' or 'backward' provinces i.e. the legislatures there established were of the 1861 pattern.

SECTION 33.

1. The Prime Minister (Mr. Asquith) referred to this statement in the debate on the second reading (April 1909) and added: "I do not say

CHAPTER VI.

COURTS AND POLICE.

Section 34. Under the Company. From lawmaking organs we pass on to courts whose function it is to apply and administer the laws, and then to the police, the protectors of the people from criminals. The presidency towns had Mayors' Courts from 1726, and their powers had been enhanced under revised letters patent in 1753;¹ the president and council formed a court of appeal and final appeals in cases involving sums exceeding Rs. 4,000/ lay to the King in Council. There also were wherever the Company were Zamindars, zamindari courts, and in Bengal, soon after the acquisition of the Diwani, civil and criminal courts, with the *sadr* *adalats* at the top, had been taken over by the Company. Then followed, in Bengal, the Supreme Court by royal charter (26-3-1774). The conflict between the indigenous courts and the Supreme Court was moderated by a working compromise and by amending legislation. Lord Cornwallis reorganising the system established district courts, provincial courts of appeal, and the *sadr* or highest and ultimate courts for civil cases as well as criminal trials. "Every civil servant has looked upon 1793 as the commencement of a new era. The Cornwallis Code, whether for revenue, police, criminal and civil justice or other functions, defined and set bounds to authority, created procedure, guarded against the miscarriage of justice, and has been the basis of every attempt to introduce law and order into each successive acquisition of districts and kingdoms." And, above all, he introduced the principle of the supremacy of law by laying down the rule that "the official acts of the Collectors might be challenged. In the civil courts, that Government itself might be sued like any private individual, and that such suits could only be cognizable by judges who had no direct or personal interest in enforcing the claims of Government". This foreign autocracy thus "divested itself of the power of infringing in its executive capacity the rights and privileges which it had conferred in its legislative capacity".* *Recorders' courts* succeeded Mayors' courts at Madras and Bombay in 1798, to be replaced in turn by supreme courts, at Madras in 1801, and at Bombay in 1824. District, provincial and *sadr* Courts, criminal and civil, were

* Cornwallis, pp. 94-7.

created in both presidencies as they acquired territories by wars and treaties, and on the Bengal system; and as subsequent governors-general introduced changes in Bengal, they were adopted in these presidencies also. Thus district judges became district and sessions judges with criminal as well as civil powers, collectors and their higher assistants became magistrates,² and the intermediate provincial courts between the district and the *sadr* courts were abolished. Then followed the charter of 1833. The expectation that Englishmen would resort to India in numbers, had its influence upon parliament; and a codification of law, a standardisation of procedure and a single system of courts were seen to be necessary. Law Commissioners and a Law Member of Council were accordingly appointed and the best men available were chosen for the posts. But, as George Campbell (who later rose to be Lieutenant Governor of Bengal) justly remarked, England then had hardly any jurists amongst her lawyers.³ Macaulay, he admitted, had great and versatile talents, but he added, "in these days of division of labour it may be doubted whether any man can become master of many great subjects; and assuredly of all tasks requiring the perfection of human skill, one of the most difficult is that of forming codes of law for a great country, strange to us, in which much that is indigenous had become disorganised, and little had been done to analyse the mass of old and new laws and customs." And if Macaulay was no jurist, "the men of Indian experience (added to the Commission) again were no jurists"* either. No wonder, the Indian Penal Code and the codes of Criminal and Civil Procedure, which they set about to compile took many years and even when completed excited a certain amount of quite legitimate opposition and dissatisfaction.⁴ The Code of Civil Procedure became law in 1859 and the Code of Criminal procedure in 1861; both have been repeatedly amended and improved since; the Indian Penal Code became law in 1860.

Section 35. The Indian High Courts. The Indian High Courts Act, 1861, abolished the supreme and *sadr* courts and established High Courts instead, one for each presidency; their original jurisdiction, civil and criminal, was limited to the presidency towns, but they were otherwise constituted the highest judicial authorities in and for their presidency, superintending the work of all the other courts, and regulating

* P. 220.

their practice. The Judges were to be appointed by the Crown, one-third of the number including the Chief Justice were to be barristers and another third were to be members of the covenanted civil service. The Act also empowered a fourth high court to be established, and the Allahabad High Court thus came into existence in 1866.

The Indian High Courts Act, 1911, increased the maximum number of judges from sixteen to twenty, provided that 'additional' judges could also be appointed, each for a period of two years, and empowered the creation of other high courts as they might be needed. This enabled the Bihar and Orissa High Court to be established in 1916 and the Panjab High Court in 1919. Chief Courts and Judicial Commissioners' Courts derive their authority from Indian legislation.

These are the highest law courts in British India. Appeals from them to England are appeals to the King in Council, that is to the Judicial Committee of the Privy Council. The conditions of such appeal are regulated by the charters of the High Courts and the Procedure Codes.

The High Court judges, additional judges, chief court judges, judicial commissioners, and additional judicial commissioners in British India numbered seventy-three at the end of 1920; and sixteen of these posts, including one chief judgeship, were held by Hindus, five by Muhammadans and one by a Barman. This total of twenty-two includes two Hindus belonging to the I. C. S., five Hindu barristers and three Muhammadan barristers; only twelve out of seventy-three posts have as yet fallen to Indians who could not have risen to them as civilians or as barristers-at-law.* This little analysis of the facts is interesting in view of the repeated admissions of the bureaucracy that "natives have shown themselves eminently qualified for the performance of judicial duties" that "the largest possible share in the administration" should be given to them, and that "in some branches of the service there is almost no limit to the share of public employment which they might properly receive".† Again, "the names of Dwarka Nath Mitter in Bengal, Muttuswami Ayyar in Madras and Ranade in Bombay need only be mentioned to prove that Indians have

* Compiled from the *Indian Year Book*, 1921. † Strachey, p. 546.

occupied seats on the benches of the chartered High Courts with distinction."* And yet we find at the end of 1920 that the actual figures reveal the magnificent proportion of twelve out of seventy-three, nine Hindus, two Muhammadans and one Barman.‡

MUKHARJI I, pp. 386-430.

ILBERT, Ch. 3, part IX.

Section 36. Lower Courts, Civil and Criminal. For the administration of criminal justice there are (1) third class magistrates' courts with power to inflict a fine upto Rs. fifty and imprisonment for one month; (2) second class magistrates' courts with power to fine upto rupees two hundred and sentence to prison for six months; (3) first class magistrates' courts which can fine upto Rs. one thousand and sentence to prison for two years;‡ and higher than these (4) sessions courts, as a rule one for each district, which can inflict any punishment authorised by law, subject, in the case of capital sentences, to confirmation by the High (or Chief or Judicial Commissioner's) Court. The amount of the punishment mentioned indicates but roughly the various offences which each of the courts can try. The offence of trespass, for instance, varies from a simple house trespass to housebreaking and trespass by armed men who might also cause, before they leave the house they enter wrongfully, grievous hurt or worse to one or more of the people they find there. The first offence any third class magistrate can try, the last would have to be committed to the sessions. The powers of the magistrates vary also with the nature of the offence. Defamation, for instance, is not so serious an offence as theft, but while a third class magistrate has power to try a man on a charge of defamation, since it is far more difficult to decide in such cases whether the offence was really committed and what should be held to be the degree of the guilt. Again, offences against the state such as sedition stand in a category of their own. The lower magistrates might not have the courage and independence necessary to acquit a man when it is the state that brings up a charge against him; or even if some of them possess these qualities,

* Gazetteer IV, p. 152.

few of them would be given that credit by the accused or by the general public. A first class magistrate is therefore the lowest court empowered to deal with such cases.* These illustrations show that the powers and mutual relations of these courts cannot be settled on a simple logical plan, but various considerations have to be practically balanced, and a system such as will work has to be put in force by the supreme legislature of the land. For British India it is the Criminal Procedure Code that lays down the system, going into a deal of detail for the purpose. It also views a criminal trial from beginning to end and prescribes what the judge and the accused, the prosecutor and the defence pleader, the witness, the assessor and the juror, must and what each must not, as also what each might and might not, do throughout the trial. Every detail prescribed, prohibited, or permitted, is carefully designed for the protection of innocence and the furtherance of justice.

The magistrate has a double personality. To judge the accused judicially and impartially about the crime he is charged with and on the evidence produced and admitted is only one part of his functions. Besides this judicial capacity he has another, which might be called investigatory. Magistrate and police have to work together in the prevention and removal of public nuisances, the prevention of crime, and the bringing up of the accused to stand his trial; and while performing these duties magistrates have to act as checks upon ignorant police zeal or inveterate police mal-practices, and to see that the police do not behave illegally or harass people for nothing. The police must have certain powers for the adequate performance of the necessary functions which a complex modern society finds itself forced to entrust to them. But these powers are there with the police, as poison drugs are there in the doctor's medicine chest; only the right drug is to be used, only on the right occasion, only in the right manner, only upon the right person, only in the minimum dose, and only for the minimum period of time. The doctor knows the potency of the drug, the rigid limitations fettering his discretion on every side, the risks of the slightest negligence, and he has no temptation to overlook these, indeed, every motive to observe them with all possible care and caution. The policeman's case is entirely different. The policeman's pursuit of crimes and

* Criminal Law Amendment Act, 1903.

criminals and suspected characters and obscure situations and shady circumstances might itself easily become the worst of crimes against law and peace and order. The watchdog might destroy the peace of mind of the poor flock long before he actually preys upon them. Hence it is that the law links up the magistrate with the policeman at almost every step in the latter's performance of his duty; the magistrate is so to speak a heart and a conscience superimposed upon the policeman, which the latter is bound to report to and to consult and to obey; which of its own accord asserts itself every now and then and compels its eyes and ears, hands and legs—the police man—to better fuller prompter obedience. This is the essence of the complex relationships which the law of civilised societies sets up between their magistrates and their police officers; relationships described in quite a maze of technicalities and unavoidably involving not a little latitude of discretion in the mutual behaviour of the two parties. Lastly, a man is moulded by the work to which he sets his hand, and by the particular class of people he has to deal with and outwit. To the policeman the people around him are either criminals or people who could, if they only would, help him in the performance of his duties against criminals. And the magistrate has to restrain this police temper and attitude of mind at every step. The magistrate, in his capacity as an investigatory or preventive officer, need not quite adopt the principle which is obligatory upon the judge, that every one is innocent until proved guilty—he has to handle matters long before they are ripe enough for submission to a judge,—but still from the point of view of society at large, he would perform his duties all the better, if he goes on the maxim that policemen are bunglers, and so, if whenever in doubt, he gives his decision against the policeman and in favour of the citizen hauled up before him.²

The magistrates in the presidency towns are called presidency magistrates, their grades, powers and mutual relations are different. There are also honorary magistrates and justices of the peace. In some provinces the village headmen and police patels are petty magistrates or quasi-magistrates; in cantonments, again, the difference of system is not confined merely to details and names of the posts; in N. W. F. P. and British Baluchistan local institutions, like jirgas (council of elders), are utilised; but the essence of the matter is as it has been described above in broad outline.

The system of civil courts can be dealt with more briefly. (1) There are arbitration courts for the simpler cases, but these are far from popular. (2) For petty money suits there are Small Causes Courts where experienced judges give quick decisions at small trouble to the parties. The powers of these courts are greater in presidency towns than in mofussil areas. (3) Presidency towns have also insolvent debtors' courts since 1848. (4) The Madras City Civil Court Act, 1892, created a City Civil Court which can deal with suits of a value not exceeding Rs. 2,500, with strictly limited powers of amercement of property in execution of decrees. Such courts should be established for all the larger towns. And we have the courts of (5) the district judge (in some places also an additional or assistant judge), (6) the first class subordinate judge and (7) the second class subordinate judge for the mofussil, and (8) the High Court itself, in its original jurisdiction for civil suits in the presidency towns. Each court has a fixed status and can entertain suits arising in a certain area and not exceeding a certain value. Every suit goes to the lowest court competent to try it but may be taken or transferred to any other court of equal or higher status.

Appeals are allowed very liberally both in criminal and in the civil cases. First appeals are generally to the next higher court; second appeals go to the High Court and for really important suits the party feeling aggrieved can, under certain circumstances, go up even to the Privy Council. The High Court can also order reviews, revisions or retrials. And special points of law may be referred by a lower to the High Court for decision, in cases in which no appeal lies.

This system grew up as a result of various influences. The Supreme Court, the Chief Court, and the High Court, when introduced, were each in advance of the requirements of the country, the feeling was that government owed to the people a better administration of justice than had till then been provided, these new institutions were the instruments through which the reformation was to come about, and it was natural to allow people to profit by the new blessing as much as possible. Secondly, the codes of Civil and Criminal Procedure when first introduced were also a big step in advance. Even in the regulated provinces, "the evidence was (till then) taken by uneducated *mohurrirs* and read over to

the judge, whose judgment was afterwards written by the *sarishadar*. The judge thus tried after a fashion perhaps five or six cases at once. Such a system was not "simple substantial justice unfettered by forms, but it seems to me a mere imitation of justice in which the correctness of the judgment must have been very much a matter of chance".* But that no system was what the district magistrates and judges all over the country had been accustomed to, and it was felt that some years at least must elapse and a fresh set accustomed to the stricter system of the new procedure must grow up, until the courts could be fully trusted and left as a rule to themselves. Thirdly, when from the time of Lord William Bentinck Indians who had obtained some instruction in law came to be appointed as munsifs and subordinate judges, the people in the beginning looked at them askance, and they wanted a decision from the Huzur, either the Magistrate or the Judge. Lastly, the judge has to decide after all according to the evidence; unless the evidence is full and fairly reliable, no conceivable system can educe a right decision out of it. Now, in the old days which are delineated for us in the writings of the age of Sleeman and Meadows Taylor, the Englishman went into the village community or the bazar; the craftguild the temple or the fair, he appeared on the spot only a little while after the dispute arose, and the complainant, the defendant, their witnesses, the elders and repositories of custom, the learned in the law, public opinion and social and religious influences, were all there, every detail came out and was checked, and in that full glare of the Indian sun beating equally upon all, the gods whom Indians acknowledged were also present, the pieties and chivalries Indians responded to were also felt, the complainant was fain to reduce his complaint and the defendant to admit his crime or negligence as far as possible, and the Englishman had the happy privilege of being the universally trusted medium, through whom the good sense of the community as a whole corrected its more violent and erratic members, and maintained peace and executed justice. These idyllic conditions, however, could not last. The heroic dawn of shikaris and *budmash* hunters who were also Daniels was transitory, and gave place to a morning during which the administration of justice was given over to the *mohurrir* and the *sarishadar*. The educated munsif and subordinate judge were a vast improvement upon these, but in the meanwhile, that other vital condition of securing

* Sir J. Stephen's *Minute*, Ch. 2.

full and fairly reliable evidence, had somehow slipped out of the fingers of our foreign centralisers. Not that they were not aware of this. Campbell noted in 1852,—*

"The longer we possess any province the more common and grave does perjury become, and the more difficult to deal with. The judicial oath, as it is used, does not in the very least affect the evidence. And yet this is not because the religious sanction of an oath is unknown to the people. On the contrary, it was nowhere stronger; and this is another of the changes caused by our system. In a new country amongst the Jats of the North, I found that a solemn oath was astonishingly binding".

They existed in full force in the pre-British days, the headmen, their solemn oaths, and their influence with the people. They survived into the British system for some time, but they did not suit the British centralisation of all authority and influence into British hands, and lingering on for a space long or short, according to the sturdiness of the people, disappeared throughout British India. One consequence was, in Sir J. Stephen's words, that the "people appeared to regard falsehood in an European court as absolutely no crime or sin at all". And it is to this that Sir J. Stephen himself principally attributes the liberality shown by the codes in respect of appeals.†

One of the considerations repeatedly advanced in the official literature on the subject is that the absence of a press and of a strong bar in India left the careless incompetent or corrupt judge without any check, and it was therefore necessary to give the client an extensive right of appeal. This was perfectly true in the sixties of the nineteenth century. It was also the case that the laws and the procedure then recently enacted were not very familiar to the Indian and Civilian judges of the day. The need to centralise was also at the time paramount. Lastly, a new conception of law, a new ideal of the supremacy of law had to be introduced amongst an alien people. Thus, historically speaking, the new system of the administration of justice had ample justification. There might be reasonable difference of opinion about some of its features, and more of its details, but its fundamental principles

* P. 486. † Ch. 3; Ch. 5, etc.

and the broad outlines of the organisation by which they were applied to the functions undertaken could hardly be impugned.

But like the political constitution created for the governance of India at the same time, this judicial system has been maintained almost unchanged throughout the period from 1858 to 1920. Why? Reasons for improvements were accumulating fast decade by decade. The judges, the lawyers and the people had all progressed at a phenomenal rate during the interval; but the system remained as it had been planned when introduced, although many of the grounds on which some of its most questionable features were defended then were admittedly of a purely temporary character.

The blame must rest to some extent at least upon Indian lawyers and barristers and judges as a class. The Indian bar has not yet developed sufficient corporate sentiment to enforce a high standard of professional morality or to restrain and reclaim and reduce the number and the influence of the black sheep among them. If the people have taken full advantage of the right of appeal, if they have failed to get the full benefit out of the facilities for arbitration allowed by law, if they can still be charged with litigiousness and an insufficient regard for truth and fair play, and a readiness to adopt any means to gain their suit or gratify their grudge, the lawyers without whose advice they dare not take a single step in such matters, cannot be acquitted of all blame. Indian lawyers have proved themselves good citizens and excellent patriots and rendered most invaluable services to their country politically and socially. Let them prove themselves equally good citizens and patriots even as lawyers.

It might be objected that 'public spirit even as lawyers' is but a phrase, and that 'restraining, reclaiming and reducing the numbers and influence of black sheep' is rather a tall order. So we might give a little space to another concrete suggestion or two, but equally far-reaching in character. "Of what use" asks Sir F. Lely "is the extinction of bribery if it is replaced by stamps and fees to pleaders? I have myself seen the accounts of legal expenditure incurred by a small landholder in fighting through all the courts for his son who was charged with murder. The total amount was Rs.

7,882-8-0,3 which of course meant hopeless debt."* The stamps and the charges for certified copies of papers etc.⁴ are matters, for government and it is of course scandalous that government should charge so much in this poor country on all such counts in criminal and civil cases as not only to recover the costs of their extremely topheavy dilatory and wasteful department, but even to make a net income. The plea that high costs check litigiousness is a mere sophism and is twin-sister of the plea that high excise rates check drunkenness. But the 'fees to pleaders'? No one wants criminal lawyers to abate a pie of their gains from forgers, gamblers, and other pests of society; honest men with the instincts of gentlemen should feel a reluctance to try to defend such people and would be perfectly justified in charging fancy rates for such unpleasant though necessary tasks. But amongst the accused there always are a number of people who are really innocent, and moreover, really deserving of sympathy and help. Have lawyers as a class ever attempted to distinguish such cases and treat them differentially? How can they expect the public to show real sympathy for them as a class, if the only social rule they habitually follow is to make the maximum profit out of their neighbour's difficulties and misfortunes? Lastly, it is in the hands of the practising rank and file of the profession, much more than in the hands of legislature and judiciary combined, to give the country, in Dalhousie's pithy words, "a system of justice which will satisfy common sense". How can they expect the public to feel sympathy for them as a class while in the performance of their daily duties they behave as ministers and guardians of mere forms and ceremonial rather than of substantial justice?

CHAILLEY, Bk. II, Chs. 4. and 5.

H. H. the AGA KHAN, India in Transition: Ch. 11.

Section 37. Separation of Functions. In the ryotwari provinces the officers of the revenue department are also the 'judicial courts' from whom people have to try to get redress against themselves. Again, in the Bombay Presidency, if a ryot felt after a new settlement of the revenue that his assessment had been fixed too high his only remedy was a

* Suggestions, p. 27.

petition to the Revenue Department, which forwarded it 'for report' to the Survey Department and there was no reply.¹

The joint Select Committee of the houses of parliament appointed to consider Mr. Montagu's Government of India Bill, 1919, observe in their Report—

"That the imposition of new burdens should be gradually brought more within the purview of the legislature. And in particular, they advise that the process of revising the land revenue settlements ought to be brought under closer regulation by statute as soon as possible. The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements, and the other chief processes which touch the wellbeing of the revenue payers."*

The claim of the Government of India has all along been that the right to land revenue was an immemorial right of the State in India, that they succeeded to it by conquest, that the Indian States whom they replaced were autocracies who did not tax people by legislation, and that this was one of those prerogatives of the Indian State which was theirs independently of parliament or of the legislatures set up by parliament. But the Government of India Act, 1920, has cut away these foundations from under them. A new era is beginning. The recommendation of the joint committee quoted above will have to be carried out at no distant date. And the popular legislatures who will make the enactments will also consider at the same time, whether the ryot having a grievance against the revenue and survey departments should have arbitration courts to go to, manned by the elders of the people, or at least judicial courts manned by officers independent of those departments, or whether the present system was to continue unchanged.

A question that has excited far greater controversy is the union of executive and magisterial functions, which distinguishes the organisation of the district administration. The principal revenue officers of the district are also magistrates, and in their magisterial and administrative capacity

* P. 12.

are the subordinates of the head of the district, who is both Collector and District Magistrate. This "strange union of the functions of constable and magistrate, public prosecutor and criminal judge, revenue collector and appeal court in revenue cases"² has been repeatedly condemned from the time of Lord Cornwallis. Mr. (afterwards Sir) J. Grant condemned it in 1854, pointing out that it had become all the more objectionable since the judicial powers of magistrates had been "raised six times higher than they were in the days of Lord Cornwallis." The Court of Directors advised a little later (Despatch No. 41, judicial, September 1856) that the administration of the land revenue should be separated from the police, and that the management of the police should be taken out of the hands of the magistrate. But the Police Commission of 1860 came to the conclusion that the union, however anomalous and indefensible, was in the circumstances of India, unavoidable, as a practical and temporary convenience, at least in the exceptional case of the district officers. Act V of 1861 thereupon gave fresh legislative authority for a system which has continued ever since. In the debate on the second reading, Sir Bartle Frere said on behalf of the government, "it was one thing to lay down a principle, and another to act upon it at once and entirely, when it was opposed to the existing system, to all existing forms of procedure, and to prejudices of long standing....He hoped that at no distant period the principle would be acted upon throughout India as completely as his hon. friend could desire." The hope, remarks the weighty memorial from which the above quotations have been taken, has yet to be fulfilled.

It is impossible to find space for a history, however brief, of the efforts made by Indian public opinion to get this union of functions altered. But gradually the ruling bureaucracy have themselves become divided on the subject. Thus, in the budget debate in the central council in 1908 Sir Harvey Adamson, the member of council in charge of the Home Department, admitted:—

"The exercise of control over the subordinate magistrates by whom the great bulk of criminal cases are tried, is the point where the present system is defective. If the control is exercised by the officer who is responsible for the peace of the district, there is the constant danger that the subordinate magis-

tracy may be unconsciously guided by other than purely judicial considerations....It is not enough that the administration of justice should be pure; it can never be the bedrock of our rule unless it is also above suspicion."³

The theoretical case in favour of a separation can hardly be put more strongly.

Another important fact is that the union does not prevail to the same extent all over British India. "In the presidency towns separation is an established fact. In Madras it already exists in the lower grades. In Bengal where there is already complete separation so far as the provincial civil service is concerned,⁴ additional district magistrates have been established in certain areas. Administrative exigencies will doubtless carry the process of separation further, stage by stage."⁵

In the new era that is dawning we may reasonably look forward to a reformed police department, the higher posts manned in increasing number by Indians with a high sense of public duty; the numbers of Indians in the Indian Civil Service itself will also increase simultaneously. Under these circumstances, the question of a separation will enter upon a new phase altogether. As the analysis in an earlier section will have shown, the crux of the problem is the amount of power which must be given to the police for the prevention and investigation of crime: the problem is how to restrain abuses of that power. If the superior ranks of the police and their superiors, the half a dozen men at the head of the executive administration of a district—know the people, sympathise with their aspirations, and can inspire trust in the minds of the popular leaders and representatives of the district, the popular demand that the power to check abuses of these powers be handed over to the judiciary, and the departmental demand, that the executive officers be also armed with the judicial functions of trying accused persons, will both weaken in force; and honorary magistrates will at the same time increase in numbers and influence, and can also be entrusted with wider and higher functions than at present.

J. RAMSAY MACDONALD, Ch. 14.
CHESNEY, Ch. 9.

* *Islington Report*, I 194—6.

Section 38. Privileged Position of European British Subjects. It has been remarked times without number that under the Hindu Law Brahmans had privileges intolerable in any civilised community and that under the Muhammadan law non-Muslims had equally intolerable disabilities. But let him alone cast stones that is himself really above reproach. Every empire-builder has sinned more or less against liberty and justice and humanity and for a longer or shorter period. The only difference is that while some have done so frankly and openly, others have done so otherwise, and it is purely a matter of opinion and standpoint whether to look upon this additional feature as mere hypocrisy, and even so, whether to regard it as giving the sin a deeper tinge or rather as the homage that vice renders to virtue. Much more important and infinitely more helpful it is to study in the first place all the circumstances under which the original injustice arises, and in the second place the historical process by which the initial sin is slowly but surely attenuated and refined away. By handling the facts in this large and connected manner constitutional history reveals the higher truth, the higher justice, as it is in process of development, increases the strength, accelerates the pace and improves the quality of that development, and best performs its civilising mission of spreading broad-minded toleration, fraternal understanding, and political patience linked with a reasonable and continuously upward political endeavour towards the ideal.

The Europeans who accepted the Company's service and came to India were placed under the Company's jurisdiction from the very first charter, and the extent of this jurisdiction was increased and defined more fully by later charters as experience indicated the directions in which such additional powers were necessary. The independent European appearing within the geographical limits assigned to the Company was a transgressor of the monopoly legally assigned to it and the Company could confiscate his goods, seize his person and bring him back to England.¹ The next step was, the Company was empowered to set up courts so constituted that there was to be at least one lawyer sitting on them. These were followed by Mayors' courts and by the appointment of the president and members of his council as justices of the peace. The subsequent stages have been already described in preceding sections.

With the charter of 1813 the number of European British subjects settling in India increased; the Company gave them every facility for settling down permanently as planters and in similar capacities. A Eurasian community had also been springing up at a fairly rapid rate. Lord Cornwallis, we have seen, had organised the administration of justice systematically and improved the personnel. Haileybury and Addiscombe had begun to send out civil and military officers of a far better type and Wellesley and his contemporaries had inspired them with higher ideals. The district judges were in every case* to be officers belonging to the covenanted service, and the educated Indians whom Bentinck had begun to appoint under them were doing excellent work and showing a remarkable moral advance upon the older class of Indians in the Company's service. Under these circumstances government took the first step towards reducing the exceptional position of the European British subject, by passing an Act which has come to be known in Anglo-Indian history as Macaulay's Black Act, 1836.

In the presidency towns the European British subject had no privileges, as all alike were under the jurisdiction of the Supreme Court. In the mofussil, however, they could bring civil suits against Indians, but if Indians brought such suits against them they could plead that the local court had no jurisdiction over them. This meant that the Indian had no legal remedy unless, however small the amount, he could move in his behalf a court that was far off, and very slow and costly besides.² It was this state of things that Macaulay's Act XI of 1836 put to an end. The opposition to the measure was confined to the European inhabitants of Calcutta and was of a character that could be ignored.†

As soon as the penal and criminal procedure codes had been passed (1860-61) a similar reform to bring this privileged class under the same criminal courts as the rest of the population became possible. The amalgamation of the sadr and supreme courts into the High Court deprived the community of the strongest technical ground in favour of the exceptional immunity they had enjoyed. And their brutal behaviour at the time of the indigo riots (1860-1) had shown how urgently

* The provincial courts were abolished, 1831.
† Trevelyan, *Life and Letters of M.*, Ch. 6, pp. 287-9.

a reform was needed. But during the generation that had gone by, they had increased in numbers and in influence; the old antagonism between the Company's servants and other Europeans had become a thing of the past; the recent experience of the Mutiny had created a fraternal feeling which had drowned for the moment the pride of the true blue European;³ and Englishmen, and Englishwomen too, were in the first flush of a new hope just dawning before their eyes, that here, even in this land of exile, they might build up dear little Englands, in many a place, where they could lead all by themselves just the same life as in the home-land. One condition appeared necessary to the realisation of so sweet a dream: the complete exclusion of Indians with equal legal rights from these green little areas scattered all over this vast country: that condition, however, was the *sine qua non*. Nor was it, they thought, really much to ask of the Indian, in return for all they had done and were going to do for him, to allow them such exclusive enjoyment of just a few patches like that out of his vast country, some of which, moreover, he, left to himself, would never have cared to occupy.⁴

But their predecessors, before whose eyes a possibility like this had never dawned, had had other dreams and visions in the course of their strenuous lives, which they had given out from the house-tops. Eloquent speakers had given expression to them from their places in parliament, and parliament and Crown had turned them into solemn laws and sacred promises which had been communicated to Indians in the most public manner with every circumstance of impressive pomp and binding ceremonial. Even when parliament passed that schedule which created the covenanted servants into a closed service, they would not debar Indians as Indians from competing at the examinations; and the spirit of the times was such that a committee of the first members of the India Council actually recommended that the competitive examinations should be held simultaneously both in India and in England, and that "in justice to the Natives three colloquial oriental languages should be added to the three modern European languages" in the examination.⁵ And though that report was not acted upon, it was even forgotten, parliament and ministers were, they perceived, not going to let well alone. Noticing that a decade had gone by and Indians had found it very hard indeed to enter the covenanted service,⁶ the Duke of Argyll provided in the Act of

1870, "additional facilities for the employment of natives of proved merit and ability" in some of the highest posts listed in the schedule, without their having to succeed at the examination in England. The Englishmen in possession in India delayed taking action upon this as long as possible, but they knew it could not be suppressed altogether as had been the report of 1860. Hence what they attempted was to nullify it in effect in an indirect way. It is a very instructive case of executive ingenuity trying to get round legislative liberality. The Criminal Procedure Code was then under consideration for various amendments,—there was no King in Israel,—Lord Mayo had just been assassinated, and the officiating governor general, whatever his own views, had not the power to set aside a majority of the council, and these peculiar circumstances were seized, and section 443 of the Code was drafted so as to make it impossible for an Indian even though a member of the covenanted service and a district magistrate, to try any charge in the mofussil against a European British subject. The immunity the European had enjoyed ever since Mir Jaffar's fateful conspiracy, and outside Calcutta even after the Supreme Court had been established, was thus surrendered, and he was made amenable to the criminal law even in the mofussil, but on condition that the officer trying him was himself a European. The introduction of this racial bar created a smaller body of pure Europeans with full powers inside the body of covenanted civilians, whom the supreme legislature wanted to dilute with the introduction of Indians to their ranks. The motive was the spirit of exclusion and superiority which was growing up fast under the influence of the Memsahib and of such natural but greedy measureless and impossible dreams as have been sketched above. And the bar was put up in such a manner that these Indians, though brought to their high offices by the supreme legislature and their own merits, would yet feel their racially inferior position prepetually as an unbearable indignity. The manner in which this amendment was passed was as remarkable as its provisions. It was passed by seven votes against five, but the five dissentient votes were the votes of a majority of the executive council, each of whom also spoke in support of his vote. The officiating governor general (Lord Napier of Murchistoun) and Sir B. Ellis said the new section was a stigma on the educated native of India. The Lieutenant Governor of Bengal (Sir George Campbell), the Commander in Chief, and Sir

Richard Temple said that Indian members of the covenanted service should be accepted as real members of it. But Sir John Strachey and Sir James Stephen had their majority and they triumphed.

In another ten years the number of Indians in the covenanted service increased to nine; six in Bengal, two in Bombay and one in the U.P., the statutory civilians appointed from 1879 raised the total to thirty-three and under the Act of 1870 it was expected that these numbers would go on increasing until Indians filled one-sixth of the covenanted appointments. Besides, the racial bar had already created difficulties in the way of promoting three of these to appointments which they had from every other point of view fully deserved.* The Bengal Government, where the difficulty had first arisen, proposed that the racial bar should be removed and all district magistrates and sessions judges, Indian as well as European, should have the same criminal jurisdiction over European British subjects. All other governments concurred, with the single exception of Coorg, and thus arose the *Ilbert Bill*, which was referred to the Secretary of State in Council, and, approved by them, was introduced into the legislative council by Lord Ripon's government in 1883. The European community all over India at once rose up against it as one man, and started an agitation unprecedented in its violence. Indians had not dreamt that apparently reasonable and self-restrained people should, when excited by mass feeling, be so carried away by pride of race and contempt for the children of the soil. The provincial governments urged that racial feelings should be somehow pacified at any rate for the moment, the executive council gave way,⁷ suggestions for a compromise which had been received from Bombay and in one particular from Madras were acted upon, and when the Bill became law as Act II of 1884, it provided that European British subjects might be tried by district magistrates or sessions judges, whether Indian or European, but they could in every case, however trivial, claim a jury, half of whom at least were to be Europeans or Americans. The bar against Indian covenanted or statutory civilians was thus removed, but only by the creation of a new privilege in favour of the

* Life of R. C. Dutt, Ch. 4.

European British subject, a privilege peculiar to India, for no Englishman can claim a jury in England itself in a magistrate's court. Kristo Das Pal, Syed Amir Ali, and Raja Shiva Prasad pointed out in the course of the debates that this would in many cases mean a failure of justice. A jury is a suitable instrument in the administration of justice only when its sympathy for the accused is moderated by a sympathy for the injured party and a patriotic regard for the true interests of the general public. Anglo-Indian juries have not been exemplary juries in this sense, and there have been one knows not how many hundred cases in which, while the injured Indians have died or suffered grievously, the juries have not been able to see anything beyond simple hurt or mere accident. Lord Ripon, however, while admitting that if failure of justice occurred to any extent under the new Act, "it would undoubtedly be an intolerable evil, did not think such fears well founded," and no successor of his has yet found it possible to reopen the subject.

PROCEEDINGS, G. G's LEGISLATIVE COUNCIL,
1871-2, 1883-4.

K. T. SHAH, Government of India, Ch. 7.

H. P. MODY, Sir Pherozeshah Mehta, I Ch. 8.

C. Y. CHINTAMANI, Sir P. Mehta's Speeches, pp. 158-169, 174-181.

Section 39. Police. The Police Department began in 1782, when Lord Cornwallis took away the police functions of the zamindars and entrusted them to the District Magistrates. Several darogas were appointed for each district, each daroga had twenty to fifty armed men under him, and this civil force apprehended offenders and brought them up to the district magistrate for trial. In Madras and in Bombay, on the other hand, the indigenous system of the village *patel* and the village watchman was continued. The presidency towns were the first to obtain a special police force for the preservation of peace and the arrest of offenders, Calcutta leading the way in 1829. For the mofussil Sir Charles Napier organised a semi-military force for police functions in Sindh, placing it under officers directly subordinate to the district magistrates. This was almost the only success of his adminis-

tration of the province. His system was copied in Bombay and the Panjab, after the Mutiny it was introduced into Agra and Madras (1859), and the Police Act of 1861 made it uniform all over British India. And the special department for the suppression of Thuggee (1830), to which the function of suppressing and extirpating Dakaity had also been assigned (1839), took its place inside the larger organisation. This special branch was not abolished until 1904, when under the recommendations of the Police Commission of 1902-03, a new branch was started instead, the Criminal Investigation Department, well-known by its shorter title, the C. I. D. Every province has an Inspector General of Police; under him are Deputy Inspectors General, one for each division or circle. The entire police force in a district is under the District Superintendent, who in the performance of his duties behaves as a subordinate of the District Magistrate. And each district is subdivided into several charges, each under an Assistant Superintendent. Upto this grade in the department all the officers were in the period under review European British subjects, and the great majority, moreover, selected as the result of the annual competitive examination held for the purpose in England from 1894. Below this imperial service the Police Commission just mentioned created the provincial branch, the officers of the highest grade being called Deputy Superintendents, entrusted with practically the same functions as the Assistant Superintendents. Each of the talukas under the charge of an Assistant or Deputy Superintendent is subdivided into circles with an Inspector directly responsible for it. And the lowest unit of the organisation is the area entrusted to a Sub-Inspector who is the lowest police officer. Under him are the rank and file of constables. The police force of the presidency towns is organised on similar lines, though some of the grades are styled differently. The Railway Police and the C. I. D. are branches organised on parallel lines. And some of the provinces, Barma, Assam, the Panjab, and N. W. F. P. have military police in addition to the ordinary civil force.

Apart from the village watchmen, the police force numbered under a lakh and a half upto 1880. Better training arrangements were made soon after, and the proportion of officers was raised. In 1901 the force numbered 163,000 men under 517 European officers. Then came the Police Commission and the reforms recommended by it. The numbers of the

ordinary civil force rose by 1911 to one hundred and ninety thousand, under 650 European and 234 Indian officers (Deputy Superintendents) and the pay was improved, though, as often in India, not adequately for the lower ranks. By 1920 the numbers had grown to over two lakhs, and the Deputy Superintendents and higher officers were just over one thousand. Ninetyone *per cent.* of the Madras police can read and write, but taking India and Barma as a whole, half the numbers are illiterate. "Until the wages can be improved, there seems little hope of attracting into the rank and file the type of man required to raise the reputation of the force, or to improve its efficiency". *

The official chronicler just quoted notes what indeed is a patent fact, and one of our most serious problems, viz. the utter distrust of the average man in India for the policeman, and his aversion to help the policeman either in the maintenance of tranquillity or in the detection of crime. This state of things can only be mended very gradually; and nothing can be done at all until the highest posts in the force are manned by Indians, whom because of their birth status and qualifications their countrymen would instinctively trust and respect. Dishonest inefficient and otherwise undesirable men have also to be steadily weeded out from the entire force, and a friendly and sympathetic attitude towards all classes of the people is to be enforced by every means as the first of their duties. With Indians in the highest posts in the district, and necessarily, therefore, with Indians also all down the line in the revenue, judicial and police departments, the problem can be tackled with confidence, and even the villager would come to look upon the policeman as a friend and a protector, in less time than an observer today might hope for.

CHAPTER VI: NOTES.

SECTION 34.

1. Prior to 1726 a court consisting of a lawyer and two of the Co.'s servants decided suits under the Charter of 1663. The Charter of 1753 provided that the Courts were to entertain only such suits between Indians as the parties of their own free will submitted for their decision. This limitation

* R. Williams, *India in 1923-24*, p. 74; and *India in 1924-25*, pp. 86-93.

tion had no practical effect in Bombay Island, a colony of Indians brought together and fostered by the Company. (Hibert, p. 354; Mahabli Ch. 5.)

2. In Bombay, Madras and the N. W. P. (as also in the Non-Regulation provinces, of course) one and the same officer was from the first and throughout both Collector and Magistrate. In Bengal proper there were various changes of system—Ramsay Macdonald, p. 201.

3. *Modern India and its Government* (1852). Chs. 11 and 12 are a valuable survey of the judicial system, its results and its defects up to 1852; they also include an independent estimate of the work done by the Law Commission and its successors upto that date.

4. "The draft (of the Penal Code) was strenuously criticised by many of the Judges in India"—*Gazetteer*, IV p. 138. For a very different way of stating the facts see Sir James Stephen's well-known rodomontade:—"The long delay had the singular but most beneficial result of" subjecting the work of a Macaulay to "a minutely careful revision" by a Sir Barnes Peacock; "an ideal code ought to be drawn up by a Bacon and settled by a Coke" (Strachey p. 103). It is impossible not to smile at this; Macaulay was no more a Bacon than was Sir Barnes, a Coke. But these civilians have created at least for their own worship a hagiolatry of their own,—which has had its day.

SECTION 35.

1. The rules, forms, scale of fees, etc. were, before they went into force, to receive the sanction of the Governor General (or Governor) in Council.
2. There has been fair progress during the last five years.

SECTION 36.

1. Their powers were greater in non-regulation areas, but the tendency is to remove these and all other distinctions between non-regulation and regulation areas.
2. G. C. Whitworth, *Rajkumar Law Lectures* Lects. 16-22; a very simple and lucid account for the beginner of the nature and purpose of criminal law, law courts and procedure.
3. By no means an unusual amount. Again, in civil suits about houses and lands, the costs often exceed the value of the property in dispute several times over.

4. In the higher courts the judges' ignorance of the vernacular adds to the cost of litigation in the multilingual provinces.

SECTION 37.

1. Sir F. Lely, *Suggestions*, p. 51. "It was too like appealing to a judge against his own decree. The disinclination to stir up the mud after the work has once been fairly well done was natural, but should not be allowed to weigh against the honour of government even in small things. Herein is a weak place which must be made good."

2. From the Memorial on the subject to the S. S. for India submitted in 1899, by Lord Hobhouse, Sir Richard Garth and others; quoted in extenso in Abdur Rahim's Minute of Dissent, *Islington Commission Report*. The memorial was one of the results of the persistent efforts of the Indian National Congress to enlighten and organise opinion in England and India on the subject.

3. Quoted in Abdur Rahim's minute. Lord Curzon wished the question "to be taken up and dealt with in my time," but it was one of the questions he could not handle as he had to resign his post soon after he began his second term of office. *Raleigh*, I p. 137. Sir Surendranath Banerji moved a resolution on the subject in the central legislature, March 1913: see *Legislative Council Proceedings*, and for what happened subsequently, *making of a Nation*, Ch. 29.

4. Evidently, Bombay is herein behind both Madras and Bengal; here the union prevails in the subordinate as well as the provincial grades, for revenue officers of both grades are armed with magisterial powers, and as Sir M. Choubal pointed out in his dissenting Minute, their legal training (excepting those few men amongst them who had a law degree) left much to be desired. *Islington Report*, I. 237-8.

SECTION 38.

1. Act III of 1864 still empowers Indian governments to order any foreigner out of British India and compel obedience—Hibert, p. 88.

2. For the ruinous costliness of the Supreme Courts of Calcutta and Madras see a quotation from Macaulay's minute on the subject of the Black Act—Strachey, p. 117.

3. Chailley shows the perspicacity of the French intellect in noting that Englishmen "only regard as real English those who are so twice over."

by blood and by surroundings. This distinction does not appear in the laws but it exists all the same." The children of English parents brought up and educated in India are "treated as English of India and esteemed inferior to the English of England" (pp. 534-5). According to the legal definition, a master-piece of jingo classification for which India has to thank Sir J. Stephen, a European British subject is a British subject born, naturalised or domiciled anywhere in the Empire except Asia and Africa,—counter exceptions: Cape Colony and Natal—or any child or grand-child of any such person by legitimate descent. As Chailley has commented, the definition "would include a Zulu!" (p. 460). And we might add that it is quite impossible to say offhand whether General Smuts, for instance, would be included.

4. Simla, for instance, which the army officers discovered, and Sir John Lawrence began regularly to make the seat of the Government of India for several months every year.

5. Sir J. Willoughby, Sir E. Perry and Messrs. Mangles, Macnaughten and Arbuthnot were the Committee: the report is dated January 20, 1860 Ramsay MacDonald, pp. 102-3.

6. S. Tagore was the first successful Indian, for several years after him no one else succeeded.

7. Blunt, *India under Ripon*, p. 96. The passage from his Diary (December 22nd) has been quoted above, section 21, Note 3.

CHAPTER VII.

LAND REVENUE.

Section 40. Village India. From the law courts with their shrewd unreliable witnesses, contentious lawyers and the judge, mild and slow, under the *pankha*, and from the police, ill educated and underpaid, we pass on to the villager and his fields, his children growing up in squalor almost like cattle, his cattle sharing the same room and the same affection as his children, and the dust and the glare over all India is primarily agricultural. Of the population of India over seventy *per cent.* live directly by agricultural occupations, and at least fifteen *per cent.* more by occupations nearly allied to agriculture. The same broad feature reappears when we find that of the total population, eighty-five millions live in four hundred and thirty thousand villages, each sheltering less than five hundred souls, and sixty millions more live in seventy-seven thousand villages, each sheltering from five hundred to one thousand souls only.¹ In the whole of this vast land there are not two thousand places with a population each of five thousands or more. This is all the more surprising when we find how densely the people are crowded together in large parts of the country. Bengal has an average density of 413 to the square mile, with a maximum density of 656; U. P. has an average density of 445, with a maximum of 751; and it would be absurd to put down in figures the density of population in a place like Bombay. The predominantly agricultural character of the country stands revealed once more when we find that the population living by textile and similar industries is not ten millions, by commerce, transport and building occupations, not yet eight millions, and by mines, metals, glassware, earthenware, etc. not yet five millions.

Section 41. Pre-British Land Revenue. In ancient times the village community inhabiting each of the Indian villages was selfgoverning. The small percentage of the non-agriculturists included in the village, such as potters, carpenters, barbers, druggists, priests, etc., rendered important services to the villagers, and were paid in kind for each service rendered, or by periodical shares in the crops or by an assignment of fields in the village. The state and its officials were also paid in kind by shares in the crops. We find in the ancient

books, 1/12th, 1/8th, 1/4th and 1/3rd mentioned as the legitimate share of the state.¹ Irrigated crops and other rich crops were taxed at a higher rate. The cultivable land was also arranged in classes according to quality, and the superior lands bore higher rates. Lastly, the organisation of the primitive Indian State was quasi-feudal, so that some of its officials were paid by the state relinquishing to them its own share of the produce in one or more of the villages. Thus what we now call land revenue and jagirs or zamindari have existed in India from times immemorial. Money payments instead of shares of the harvest, and assessments uniformly levied for a whole cycle of years, were also known in pre-Muhammadan times. In fact, the celebrated land revenue settlements from the earlier settlement of Sher Shah, and his was only a systematic organisation of the indigenous system that had prevailed for ages in the Gangetic plain. And, later, when the Mughal Empire extended this system to the Khandesh Berar and Ahmednagar Subahs, it was varied and improved to suit those districts in accordance with the earlier system of Malik Ambar, which itself was the lineal descendant of the settlements of the old Yadava, Rashtrakuta, Vijayanagar and Chola kingdoms.

When the East India Company succeeded by conquest and treaty right to the position of the sovereign, first in Bengal and later in other parts of India, they found that land revenue, land cesses, customs, and a few monopolies like that of salt, were the only recognised and traditional modes for the state to derive a regular income from the population. This system had many merits when administered by a strong state like the Mughal Empire. But with the decay and downfall of that empire, as also of the kingdoms that had succeeded it in every part of India, all regular administration vanished, and there was corruption and oppression everywhere. All records, all rights, all customs, all checks, all co-ordination had disappeared. The officials of the state and the money lenders who advanced to the state the proceeds of whole districts and then tried to recoup themselves from the villages, squeezed the villagers all they could, while paying as little into the state coffers as possible. The villagers also resisted payment as much as possible. Predatory bands large and small ranged over the country at all seasons, and India (which had

prospered wonderfully for a century from about 1575 to 1675) had already by 1750 sunk back into the depths of poverty. Extensive provinces were becoming overgrown with jungle, famines were frequent, wars were incessant and population and cultivation were shrinking up at an alarming rate. With each province, as the East India Company came into possession, its first duties as ruler were (1) to guard the frontiers, (2) to suppress and prevent internal disorders, and (3) to settle the population on the land as quickly as possible, in order that agriculture, industry, trade, population and wealth, might revive.

Section 42. The Permanent Settlement. The East India Company undertook the revenue administration of the Lower Provinces in 1765. They found that the Nawabs had handed over the collection of the revenue from the villages to the highest bidders at annual auctions. The Company kept up this system of farming, in spite of its grave defects, for seven years; but in 1772, when they had acquired some knowledge and insight into the matter, they made a settlement for a period of five years. This, however, turned out a failure and annual settlements were resumed, until in 1789, they made a settlement for a period of ten years. And this settlement was, by a proclamation of the twenty-second of March 1793,* declared perpetual. This is the well-known Permanent Settlement of Bengal, and as, under it, a zamindar, and not the ryot actually tilling the soil, is responsible to the state for the annual land revenue from his zamindari, it is also known as the zamindari system. In 1795 the system was extended to Benares and in 1802 to parts of the Madras Presidency. Altogether about one-fifth of the assessed area of British India is under the zamindari system.¹

Bengal is a land altogether dominated by its great rivers. On account of their floods, the fields in Bengal have an ever-shifting character; a twenty or thirty years' settlement there is out of the question. On the other hand, for a fresh and equitable settlement every three or five years, a detailed survey would be necessary every time and the Company's establishments in those days were quite unequal to such a vast and technical undertaking. The famine of 1770 had been

* Reissued a little later as a Regulation I of 1793.

an awful calamity, large areas were still jungle, and both agriculture and commerce appeared to the best observers to be in a state of rapid decay. To the Company in those days a regular and certain income practically without any trouble to collect it was of incalculable value. To create such an income it was absolutely necessary to bestow on the zamindars valuable property rights in the land. It was also thought advisable to strike the imagination of the people of India from one end of the continent to the other by conferring on the subjects of the Company in Bengal such rights as no ruler of India had ever granted in the past. Nor is this merely a surmise. The Court of Directors were fully aware that under the Mughal the Zamindars had "a certain species of hereditary occupancy, but the sovereign nowhere appears to have bound himself by any law or compact not to deprive them of it, and the rents to be paid by them remained always to be fixed by his arbitrary will and pleasure, which were constantly exercised upon this object.... Though such be our ultimate view of this question, our originating a system of fixed equitable taxation will sufficiently show that our intention has not been to act upon the high claims of Asiatic despotism. We are on the contrary for establishing real, permanent, valuable landed rights in our provinces; for conferring that right upon the zamindars; but it is just that the nature of this concession should be known, and that our subjects should see they receive from the enlightened principles of a British Government what they never enjoyed under the happiest of their own." And again, "in giving our opinion on the amount of the settlement we have been not a little influenced by the conviction that true policy requires us to hold this remote dependent dominion under as moderate a taxation as will consist with the ends of our Government."² And it was also intended that the subordinate rights of the tenants under the zamindars were to be safeguarded. The historical outcome of these various influences was the permanent zamindari settlement of Bengal. Under the system the land is the property of the zamindar. He could sell, mortgage, and bequeath it at will. The only defect in his full ownership was that the state had a charge upon it of a certain annual revenue, to be paid on a fixed date; this the state solemnly pledged itself never to increase at all; but if the zamindar failed to pay it punctually, the state was empowered to sell off the estate by auction. The zamindar was to realise rents from his cultivators;

he had to grant them written agreements, and was to respect their customary rights and privileges, nor was he to exact extortionate rents from them or oppress them.

As noted above, Benares and some of the northern districts of the Madras presidency were also placed under the Permanent Settlement. The total rents the zamindars were expected to realise from their cultivators at the time the system was introduced, were set down at about Rs. five and a half crores; and the settlement was, that out of this they were to pay to the state as land revenue ten-elevenths, or Rs. five crores, keeping only half a crore to themselves. But population was expected to increase and cultivation to extend, and the zamindars were to find their gain in stimulating this process energetically, for all the extra rents they thus obtained were to remain in their own pockets. This expectation had been justified by the event. During the decades that have gone by, cultivation has extended, population has increased, and Bengal especially has prospered to such an extent, that the zamindars now receive from the tenants let us say Rs. twenty-five crores.³ And the state is debarred by its solemn pledges from taking from them a pie more than the originally fixed five crores. Thus the zamindars now derive an annual income of Rs. twenty crores, a sum that is forty times the original income. In Hindu and Muslim law brothers are equal sharers in the property of their father, and so the permanent settlement has created in the part of India where it prevails, a strong and well-to-do middle class.

Section 43. Tenant Right. From the first there were layers of intermediaries between the zamindar at the top and the mass of cultivators actually tilling the fields of the estate at the bottom. As it came to be realised that the peace and security established by British rule were of a more durable and thorough-going character than ever before within historical memory, the number and variety of these intermediary tenure-holders under rights acquired from those immediately above them went on increasing. In fact, the extension of cultivation and the settlement of the increasing population on waste areas within the zamindari went on through the legal and contractual medium of the creation of a pyramid of intermediaries. At each stage, the layer of intermediaries immediately above the actual cultivators supplied the active

and energetic managers,—all intermediaries above them were mostly absentees,—and these forceful newcomers to whom was due the increasing production, took out of the cultivators all they could extract from them, in order to have for themselves as large an income as possible, in excess of what they had contracted to pay to the layer of intermediaries immediately above. Secondly, in the old unquiet days of armed bands roaming unchecked and living on the fat of the land and destroying far more than they actually consumed, zamindar and kumbi were tied together for the defence of all they held dear, life and children, cattle and property, homestead and honour; bonds of loyal attachment and camaraderie were forged, strong enough to link the generations together. The piping times of peace followed, these higher bonds rusted and crumbled, and the cash nexus remained the only bond between zamindar and intermediary, intermediary and cultivator. Population increased, all available areas being filled up the pressure of the teeming people on the land began, and rack-renting was the inevitable outcome. This cycle prevails always and everywhere: it has the uniformity of a law of nature: the first stage is the establishment of a strong stable government enforcing a fair system of agricultural economy; the second stage is increasing prosperity; the third stage is widespread irremediable poverty: men multiply and Lakshmi (the goddess of prosperity) departs. A predominantly agricultural land which cannot annex fresh areas, which does not develop mining, industry and more scientific agriculture, and where the people go on multiplying, cannot escape this cycle. It is a simple enough proposition, stated in this abstract fashion; it sounds almost a truism; and yet we have to turn it over and over and grasp it firmly from many stand-points, for it is one of the masterkeys to the economic history of India, to the poverty that has been the portion of our motherland for centuries upon centuries.

The only real remedies are (1) imperialism and colonisation, (2) mining and industry, (3) increasing knowledge of and command over the forces of nature resulting in progressive improvements in the arts, including agriculture, and (4) moral and customary checks on the fecundity of the race, securing a higher rate of increase in health, energy, knowledge, co-operation, and organisation, than in mere numbers. All else are not real radical remedies, but if we take large views looking

at several generations together at one glance, mere palliatives, though even as palliatives they have incalculable value:—they check social discontent and disharmony; they protect the weak against the strong; and the patient, the poor suffering society—gets a little more time, during which to develop if it can, one or more of the real radical remedies.

One of the most indispensable of these palliatives is the protection of the agriculturist from the growing exactions of the higher layers of the community. These higher layers—these intermediaries, the legal system has placed in the position of monopolists of a commodity, the land, of which there is only a limited supply. Hence the state which created and supports the system is bound in equity to frame further legislation, with the object of safeguarding the right of the agriculturist to a living wage; and the moral right of the state to do this and so to limit the monopoly of the intermediaries, is clear as daylight, where the state has itself solemnly limited its own exactions from the topmost layer of zamindars by a permanent settlement. The title to preach and enforce abstinence in the public interest inheres in those only who themselves set the example.

These are the fundamentals of the question. The details of the original and amending Acts* are infinite, and naturally produced immense varieties of opinion and voluminous controversies. These are for the specialist. Here we can only note the main results in broad outline. The cultivators are grouped into classes, tenants at will, tenants at fixed rates of rent, and occupancy tenants. Any one who can prove that he has been tilling land in the village for twelve years without a break acquires the status of an occupancy tenant and cannot be evicted as long as he pays the rent. Obviously it is a class that goes on increasing and already over eighty *per cent.* of the cultivators are occupancy tenants. No enhancement of rent is allowed at shorter intervals than five years, and even then only by consent or by decree of court on good cause shown. Any tenant can apply and get all the incidents of his tenancy judicially determined. A complete record of rights is aimed at, and once prepared it is kept upto date, the entries in it are taken as correct unless any of them is judicially proved to be

* Bengal Tenancy Act X of 1859, VIII of 1885, III of 1898, I of 1907 are the principal.

erroneous, and the landlord is helped to recover arrears by summary procedure.

Cannot these civil courts imposing justice from above be replaced by arbitration *samitis* composed of the elected elders of the community, the judge who at present constitutes the court merely taking the position of the paid and responsible adviser, convener and recorder of the panchayat? If necessary he might be given the power to recommend that either party be allowed to appeal to a court composed of qualified servants of the state, one such court might be established for each division, and this appellate court might also have full powers of inspection and revision of judgments even without a formal appeal. It is only by institutions of this character that a real democracy can be gradually built up out of our rural communities.

B. H. BADEN POWELL, *Land Revenue in British India*, pp. 33-52, 131, 133-45, 154-68.

RAY, *Land Revenue Administration*, pp. 1-57.

J. SARKAR, *Economics of British India*, pp. 119, 123-130, 221-237.

Section 44. Temporary Settlements. The Bengal settlement took the land in big areas and fixed three features with regard to each; its outer boundaries, its zamindar, the amount of land revenue he was to pay for it. But even while this settlement was being worked out and declared permanent, a school of revenue officers had arisen, with Shore at their head, who were convinced that both the rights of the state and the duties it owed to the people required a more detailed mastery of the subject in its various complexities. The land they saw must be thoroughly surveyed and mapped out, and the various soils classified, field by field. In the second place, there must be a record of the shifting pyramid of rights from that of the landlord at the apex to those of the actual tillers of the soil at the bottom. And in the third place, these masses of ascertained facts should be further viewed from time to time in the light of the history of the locality, the rise and fall of prices, the variations in the rainfall and the seasons, the increase in population communications and commerce,

the slowly changing water-level, the increase or decrease in the number of wells and other means of irrigation, and other factors too numerous to detail. They wanted to leave the cultivator a fair remuneration for his labour, and they also admitted that both cultivator and landlord were entitled to a fair rate of profit for the improvements they made, but the state, they held was justly entitled to a share of the surplus, whatever it was. As the century advanced they began to plan large schemes of bridges and roads, irrigation works, and, later, railways; and it was plain that these projects required large resources, but that they would benefit the people to such an extent, that the state was perfectly justified in asking the people to hand over to it a part of these extra gains as they materialised, since they were the result of the improvements the state itself was bringing into existence at such an enormous outlay, which had to be paid for in the long run out of the additional wealth it had thus helped to produce. On the other hand, to revise the land revenue demand every year or even every few years was out of the question; the gain would be small, the trouble and the cost enormous, and the feeling of insecurity created and the discontent would outweigh the increase in the revenue, whatever it was. Thus arose the conviction that a permanent settlement was a temptation to be resisted at all costs; that short term settlements were also to be avoided as impolitic except in areas which were highly unsettled and contained much untitled waste; that settlements unalterable for about a generation, but subject to a thorough revision then, were the ideal compromise. This, at any rate, is the notion underlying the land revenue systems of the remaining four-fifths of British India. They exhibit local peculiarities some of the most important of which we shall go into presently, but their temporary character is the feature common to them all, and we have tried to sketch the point of view from which it appeared to the authors to be the only reasonable course to adopt.

But the problem which they thus tried to grapple with was far more complex than the one they had attempted in Bengal. To estimate the value of the net agricultural income of an area that is a geographical and economic unit is not an easy task; to strike an average for several years is only a mathematical inference the value or substantial accuracy of which was bound to be far less than that of the original premises,

viz. the estimates year by year; to distribute it amongst the various grades of soil would be another mathematical inference still less accurate; and finally to apportion it estate by estate, village by village, and field by field, was to prolong the chain of abstract deductive reasoning several steps further. No wonder the first efforts were utter failures almost everywhere. No wonder the effort to establish a fair settlement on general principles had to be given up everywhere. No wonder, that settlement officers and government had to fall back everywhere on crude empirical methods easy to apply and intelligible to the people. The claim that it was a really fair and equitable settlement can be granted only in a limited sense. The government had strength enough to enforce it, the people were mild and pliant enough to accept it as part of their fate. Each villager knew how much he would have to pay year by year for a certain period by instalments falling due on fixed dates; and there was far less corruption and oppression of the people by the underlings than ever before. These items should be entered on the credit side of the system. On the debit side has to be entered the underlying assumption that a healthy social structure only needed cultivators, improving landlords and moneylenders, traders and labourers, and such other secondary classes, shepherds, shoemakers, shopkeepers, etc., as could live upon these primary classes by serving them. It was a truncated conception of society altogether; and it is all the more remarkable that this should not have been perceived, since there is no doubt whatever that our rulers wanted not only a peaceful and industrious community, but one that was also prosperous and progressive. The demand for permanent settlements which rose up once more as the century advanced, which was pressed by some of the ablest and most experienced officers of the government, and led to a controversy that continued down to the eighties, had really behind it the feeling that a society mainly agricultural could not possibly be healthy, prosperous and progressive, unless there was left room in it for an agricultural middle class, whose resources, intelligence and leadership could alone create and sustain progressive agriculture. But by that time the government had realised that they too were in the grip of an inexorable fate; that India was a very poor country, that it was subject to colossal recurring calamities, that the number of taxes they could impose were very very few, nor were they really free to increase any of them beyond a certain low limit;

and under these circumstances they were naturally unwilling to forego whatever extra income the land revenue brought to the treasury by its own "natural and normal expansion".

Section 45. Village Settlements. These temporary settlements fall into two broadly distinguishable classes; village or village community settlements and ryotwari* settlements. The first prevail all over Hindustan, the Panjab and the C. P.; the second are the distinguishing feature of the Madras and Bombay system.

Village community settlements were first developed in the Agra province. In that cock-pit of India, communal feeling is still strong and so are hereditary and local loyalties, although a century and more of British rule has gone far to weaken them. The village lands were, the English found, looked upon as a whole and owned and managed by the villagers or some one section of them as a community. This community was the joint landlord, even when there were as in some parts, hereditary over-lords who, without being so powerful as jurisdictional chiefs, had still the right to obtain substantial shares of the produce. When this share of the overlord was larger, he was styled landlord; when smaller, taluqdar. So the lands in the Agra province were to be settled with landlord and village community or taluqdar and village community, or with the village community by itself. And as already hinted, in many villages more than one community were staying together, one of these as the proprietor community, the other or others as tenant communities under the first. The landlord and taluqdar families had also families of dependents settled as tenants on their family estates. Benares district had the same social structure; but Jonathan Duncan, although he was supposed to know Indian ideas and customs so well his English comrades dubbed him a Brahman,† could make nothing of it; a community as a joint landlord was an idea altogether too recondite for our foreign rulers in those days; and the Bengal zamindari system was imposed upon the district, and this the people had to submit to. However, though Duncan was puzzled, he noted some of the main facts, the Anglo-Saxon intellect is honest and persistent even if slow, and by 1833 a start on right lines was made. We shall not trace the history

* Ryot—the individual cultivator. † Kays, p. 558.

of the system as it grew up, but proceed at once to a very brief account of what it became when fully developed. The peculiarity of the U. P. land system is the large number of tenants who are not mere tenants at will but have customary hereditary rights partly personal, but mainly according to the community to which a tenant belongs and the custom of the locality. In making a land revenue settlement the first thing is to make out a rent roll showing against the name of each tenant the land he holds and the rent he pays for it, partly to such an individual where there was one, and partly to a village community. But as can be inferred from what has been so far stated, few of the rents were fair rents at the time of the original settlement. The tenantry were either treated as friends and almost as equals by the landlords, in which case the actual rents were light, or they were treated as an undesirable legacy of the past, in which case the rents were heavy. This depended only partly upon the qualities and status of the tenantry themselves; the relative strength and position in the locality of the proprietor community had also something to do with it. Hence, it was not enough to make the rent roll. Some method of estimating the net produce was also necessary. That ascertained, part of it could be left with the cultivator himself, and the balance could be distributed between the two or three superior sharers, the state and the village community, and, where he existed, the landlord or taluqdar also, on a uniform system. Can the net produce, however, be estimated at all? Can this be done for an area so large as a taluka? And can we moreover strike an average that would answer, for such a period as thirty or twenty years at a stretch, and convert it into a cash amount? As we have seen in a former section, the whole process is too deductive. The vagaries of nature, the personal qualities of the cultivator, both as an individual and as a member of a particular caste inheriting certain traits, and also accidents pure and simple, play too large a part in influencing the result, field by field and village by village, to enable us to obtain anything beyond a very rough guess. And it is this conclusion, arrived at by a process defective at many points, which must be imposed upon cultivator and landlord, by the superior will of the state or the community as a whole. We may still call the land revenue settlement of one area fair and of another not so fair. There may be a certain rough and relative justification for such judgments. But that is all. Nor can we ever attain a fair land revenue

system for the whole of India. Again dynamically, the parts in which agricultural wealth grows might contribute higher percentages and yet come really to be taxed lighter; the parts which remain stationary might continue to contribute the same percentage of the produce and yet might feel it a heavier burden than before; the parts which are deteriorating, might be taxed at a lower percentage, and yet find it impossible to pay even that. Such being the complexities of the case, no real friend of the state can ever claim for it that it has never erred,—and error herein spells oppression, for it is the view of the state about a locality's capacity to bear a certain enhancement which, right or wrong, is necessarily imposed upon the people,—or that it has invariably behaved sympathetically in the matter. Every student of the subject and every citizen must grasp these essential complexities for, of course, no one can foresee the time when a state in India—manned whether by foreigners or by the children of the soil—will be able to do without taxing agricultural incomes.

To arrive at the gross produce, we have to rely mainly upon classification of soils. Five specific classes have been determined: (1) alluvial or permanently improved, (2) black cotton soil, (3) red ferruginous, (4) calcareous, and (5) arenaceous or nearly all sand. Soils are recognised in each species, and as a rule every field is assigned to one or other class in a series of fourteen from class I to class XIV. The relative fertilities of the classes in any taluka are ascertained by actual experiments and by taking the general experience of the cultivators. It would be sufficient to take, as an illustration, only three varieties of soil. Take four villages of equal size, say 1000 acres; let village A have the three varieties of soil in equal proportions; let village B, C, and D have half its soil of the first, the second, and the third variety respectively, and let the other two varieties of soil make up the rest of each village in equal proportions. Assume finally that the productive capacities of the three varieties of soil are in the locality in the ratio of 36: 24: 12. We thus arrive at figures which we might call the total units of productivity of each village as in the following table:—

Village.	Soil Class I Coeffici- ent 36	Soil Class II Coeffici- ent 24	Soil Class III Coeffici- ent 12	Units of Produc- tivity.
A	1/3	1/3	1/3	12, 8, 4=24
B	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	18, 6, 3=27
C	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	9, 12, 3=24
D	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	9, 6, 6=21

If we can further assume that for any period each unit of productivity would mean Rs. 500, our figures show that the gross income of village A or C from its fields is Rs. 12,000; village B, Rs. 13,500; and village D Rs. 10,500. This calculation would have to be modified in various ways before the final figures can be arrived at; we can here mention only two of the grounds:—(1) the particular crop usually sown on a particular kind of soil in a locality, and (2) the facilities for a water supply independent of rainfall, such as wells, or a tank, or a canal.

Net produce is the gross produce reduced by the proper expenses the cultivator must incur in order to obtain it. This again, is a statement easy to make in the abstract but far from easy to apply in practice. And a fair rent, a fair over-lord share, and a fair state tax or land revenue have all to come out of the net produce, and whatever remains remains with the cultivator, for him to spend on his social and religious needs, according to his station in life, or to invest or hoard in order that he might have some staying power against the rain-less day, or so to utilise as to increase his real efficiency as a productive member of society. How he behaves with regard to this surplus when he has any, and when he anticipates any in the near future, is also a very important factor. For, in the long run, it will react upon the net produce and all its sharers. That education which can really teach him to behave properly towards it, to work for it with a will, to make prudent anticipations about it, and to utilise it properly when he gets it, is the type of education that he needs most, and that it is one of the most urgent needs of Indian society to provide for him, if possible. When he has this surplus, however small. Must every cultivator always have a surplus? Must no land revenue be taken in cases in which there is no surplus? Is

there any reason why the land revenue should be foregone unless the rent too, is foregone? When the rent and the land revenue were shares of the grain heap, the reduction of both upto zero happened automatically. But in our modern and more complex society with a money economy pervading all relations of life, we must all, even the cultivators, look before and after, and part at any rate of the fat surplus of the bounteous year must be held over for the lean year. In the case of the poorest lands in the hands of the worst cultivators, there might not be any surplus except in the very best years; a better state of things could emerge here only as the lands and the cultivators are improved; which implies a sinking of capital in them, in indefinite amounts and for indefinite periods, and with only a sporting chance of any success;—capital brought over, of course, from some outside source. This might not be always possible. Nor, in the meanwhile, could the land be allowed to fall out of cultivation, or the cultivators, such as they are, relieved of this occupation, in which they are doing something, at least, towards leading a useful life. Such fringes to the economic web there always are even in the richest countries, and if there are parts in India, which, so to speak, are all fringe, and very tattered at that, is it the fault of the government? Is it not rather a part of our fate? And a part, too, that will demand not a little pluck to face.

In the U. P., however, the net produce figures were of primary importance only for the first settlements. They enabled the rent roll actuals to be checked, fair rents to be estimated, and the shares of landlord, taluqdar and state to be worked out on the basis of the last. But tenants and owners were in the meanwhile allowed to alter rents; if they could not agree amongst themselves, rent courts independent of the settlement and revenue department were set up to which they could go, and there, influence and money and pertinacity had their innings. But the courts improved, the rents mounted up or down approaching real competitive levels and even from the first revision settlements, the rent rolls became the real basis of the land revenue settlement and the net produce calculations became only a subordinate check. Finally, the rule first adopted at the Saharanpur settlement in 1855, that the land revenue should not exceed fifty *per cent.* of the rent, worked in the direction of lowering land revenue percentages, as the rents the settlement officers considered came more and more to be

the actual rents, and not some other figure largely inferential, which they denominated 'fair' rents.

The Panjab settlement differed from that of the U. P. because there were hardly any landlords or taluqdars and comparatively few tenants in that province. But there are in that province many cultivators, who, though technically proprietors, till lands in which they have only a part share, and in those cases produce shares or money equivalents are paid to each proprietor to the extent of his share, the cultivating proprietor obtaining more than his share because of his labour and capital. Thus here, too, there are rents as a matter of fact although not known by that name. In the fully developed parts the term of the settlement is thirty years, as in the U. P. but it is twenty elsewhere. And in what are known as precarious tracts forming about one-eighth of the total cultivated area, where the rain cannot be depended upon, there is little water from other sources, and the soil is inferior, land revenue at a low rate is charged only on the area actually cropped in any year. Land alienation is also regulated by stringent laws (Punjab Act XIII of 1900, amended in 1907). A non-agriculturist who might have become owner of cultivable land can sell it freely; so can an agriculturist to another in the same village; but other alienations require the permission of the Deputy Commissioner—just as in a Native State the permission of the Chief is generally required. And since mortgages with possession might lead to transfer of ownership, they are also carefully scrutinised and restricted. Twenty years' possession by the mortgagee is, moreover, taken to terminate all claim, however high the amount borrowed.

The C. P. settlements are also for a period of twenty years, the overlords there are known as Malguzars and the settlement fixes not only the land revenue but all the rents as well (C. P. Act XI of 1898). Tenants are protected in all these provinces by Acts inspired by the same spirit as the Tenancy Acts for Bengal which have been already mentioned, but the details are different from province to province. In the C. P., for instance, there is a specially privileged class of 'absolute occupancy tenant' whose rents cannot be raised at all except by the settlement officer at a revision settlement, and who cannot be ejected "(practically) for any cause whatever".

BADEN POWELL, pp. 171-198.

RAY, pp. 110-135.

INDIAN LAND REVENUE POLICY, being the Government of India Resolution of 16-1-1902.

Section 46. Ryotwari Settlements. The Madras and Bombay system is called ryotwari as opposed to the zamindari, or single landlord, and mahalwari, or joint landlord, systems described above. But the ryot or the cultivator in the system, though recognised as a hereditary occupant with a full title subject only to the payment of the government demand, is really treated under it as (in the logician's phrase) an 'inseparable accident' of the field or 'survey number' or the fraction of it that he tills. The land revenue demand attaches to the survey number, and whoever occupies it or any part of it does so on condition of regularly paying its dues to the government. After various false starts, a proper beginning of this system was made in Madras from 1817-20 and in Bombay from 1835. In Madras the calculation of the net produce is claimed to be the basis on which the settlement rests. The Bombay government have been perfectly frank about it from the first; they have admitted that though net produce calculations are made and are used as a guide, still other considerations also enter into the result, and the controlling factors are—first, an estimate of the total demand a taluka could bear, and second, a distribution of it as equitable as possible amongst the villages of the taluka, and amongst the fields of each village, in the determination of which the classification of soils, the usual crop in particular localities on particular soils, and the water facilities are the guiding considerations. Under the Bombay system the classification of soils is rather elaborate. Irrigated land, rice land, garden land, and dry land with two crops or with one are the main distinctions. And the dry land is further distinguished into black, red, or light soil, of these seven, seven and five sorts respectively are noted, based principally upon the depth of the soil, each 'one anna lower for valuation purposes than the one above it'; and, further, seven accidental defects are recognised, the presence of which in any field would lower its place in the scale by one point or even by two. Lastly, the whole system being empirical, limits to enhancements have from the second revisions come to be fixed by a simple rule, that at a revision the demand

cut up more and more. The individual cultivator's holding as a unit becomes progressively smaller. And it comes to consist of an increasing number of strips scattered all over the cultivable area of the village. The evils of this are great and undoubted and of a cumulative character. "Excessive subdivision and fragmentation impede current cultivation and waste time, prevent permanent improvements, prevent a man from living on his farm, prevent any orderly organisation of labour or capital, sometimes send land out of cultivation altogether, cause enmity amongst neighbours leading to litigation and permanent feuds, and produce a generally uneconomic situation."² Or, as the same author puts it more generally:—

"The fact that the cultivator often finds it difficult to pay his assessment, the fact that he readily runs into debt and seldom extricates himself from it, the helplessness of some and the apathy of others, these matters have attracted general attention and suggested remedies. They are, however, merely symptoms of a general disease, and that disease lies in the distribution of the land itself. The fact is that most of the holdings are not economic holdings. When a cultivator has only five or ten acres of unimproved dry-crop land split up into several plots, and situated at a distance from the village and from each other, he has not got an economic holding. It will not provide a living for himself and his family. Much less will it leave him anything over to pay any assessment or any interest on debt, at whatever rate they may be calculated. There is no chance for him to develop or improve his property. . . . There is no object in preventing him from alienating his land, little use in trying to put his credit straight, and little advantage to be expected from making him advances or granting him remission of revenue. . . . What is an economic holding? . . . The desirable area would vary greatly in different parts according to circumstances. A gardener in the Surat district with three acres of good garden land can support a family in comfort, while in a dry part of the Deccan with poor soil, thirty acres might not suffice. Between the ideal economic holding and the obviously uneconomic holding there are many gradations; it would not be difficult to fix a standard for any tract."

The first thing, then, for those parts of India where the holdings have become uneconomic is to get back to economic

holdings. That, however, is easier said than done. Legislation alone, or executive action alone, or influence and power exerted merely from above cannot achieve this end. Government and people have to act together first to reconstitute the land into economic holdings, existing interests in the land being all fully taken into account, and then to protect the integrity of these new holdings by such laws and customs as might prevent a later recurrence of the present evils through a fresh series of slowly accumulating subdivisions and fragmentations. There will also have to be pursued simultaneously large practical schemes for the provision of non-agricultural occupations for those who have to be thus bought out of their present interest in the land. And obviously, such joint action of people and government for such large and complex concrete ends would provide as effective a training as could be desired in the arts and difficulties of democratic self-government.

CHAPTER VII: NOTES.

SECTION 40.

1. There are said to be 728,605 villages in British India with an average population of 364 each (*Dyarchy*, p. 240). But see below Ch. 10, section 63.

SECTION 41.

1. See *Manu Smriti* VII 115-124; 128-133; X 113-20; and similar passages in the other law-givers.

SECTION 42.

1. Five-sixths of Bengal, Bihar and Orissa; one-eighth of Assam; one-tenth of U. P.; and one-fourth of Madras; together amounting to one-fifth of British India, and including the richest part of it:—*Dyarchy*, p. 249.

2. From paras 20 and 21 of their despatch of 19-9-1792. See also para 47, where they further observe that "this degrading struggle for taxes and rents" which had perpetually occupied the government, had denied it

there in some store, and as the preliminary symptoms become pronounced, more and more of the necessary staff must be warned to hold themselves ready, so that the relief camp might spring into existence as soon as wanted almost at a moment's notice. As the costliness of relief operations is ultimately measured by what we can place on the credit side as a set-off, the work which these hundreds of men at each relief camp are set to perform must be of real utility, such as were the fortresses, palaces, cave palaces, tanks and irrigation canals constructed by the old rajas under similar circumstances. The British government has needed no fortresses or palaces; its plans have been earthworks for a projected line of railway, or a road, or a tank or a canal. But the railway or the road must be really wanted, and must be kept up and carried forward to completion after the famine is over, that is, it must be not only such as might be useful if built, but such as was needed as soon as possible; the tank must be such as would really hold water; the canal must be such as would really carry a sufficient quantity of water for several months in the year. In other words, the drier areas of the whole land had to be surveyed in advance, district by district, with the special object of formulating such plans and selecting the best, and detailed estimating with reference to every one of the plans selected had to be also done in advance and kept available for use as soon as the moment for taking action arrived. This lesson was thoroughly grasped by 1878, the Famine Commission of 1880 emphasized it, the various provincial governments luckily got a sufficiently long period to carry out the instructions; and the consequence was that a fair number of the works executed by relief gangs in the famine of 1896-7 were of real, some even of great utility. But we had another famine even more extensive in 1899-1900, there were few such plans available then, and one consequence was that there was comparatively very little indeed of real utility to show in return for the enormous sums necessarily spent upon relief in the course of the latter famine. The size of the central relief camps was to a certain extent prescribed by the intensity of the famine in the areas surrounding them, but opinion fluctuated considerably as to the point of maximum efficiency and economy combined with the minimum of risk. But latterly, and especially as volunteer agency was found to be trustworthy and came to be trusted more and more, the effort to force every one seeking relief to become a digger or a breaker of metal has been discarded as far as possible,

and special classes like weavers have been given work in their own line and in their own homes, and markets have been organised for the sale of their output. Moreover, substantial men have been given advances and this has enabled an increasing number of labourers of various classes and grades to find work with these employers. The famines of 1897 and 1907 were specially remarkable for the large amount of decentralised relief thus given. The supervision of the central camps has from an early date (1854) been handed over more and more to the expert agency of the public works department. The wages to be given to the labourers in the central camps have been fixed differently at different times. Attempts to differentiate between the workers broke down at an early stage of the period under review, as a minimum wage sufficient to keep the men alive had to be given in any case. The system that has prevailed on the whole has been a cross between payment by piece work or by results, and uniform payment to all, but a variation of the tasks set, according to the health and capacity of the different classes, amongst the workmen brought together by a common need at a central camp. Relief camps were first opened in the Madras famine of 1792, but they did not become the principal item of the relief organisation until much later.

The fourth essential is the independent and *gratuitous* relief of the children and the infirm. Kitchens and hospitals where expert medical agency controls the detailed work, but all four gates are open to visitors, and the general supervision is handed over to respected volunteers, combine efficiency as well as inspire the fullest trust; but decades elapsed before such a system could be built up. The superstitions and suspicions of the people, the corruption and heartlessness of the low-paid staff, the difficulty of providing such supervision as impossible, the domineering ways and red-tape habits of the official class, have made progress in this branch very slow, nor has it been uniform all over India.

The fifth essential is to break up the relief camps as soon as the next rainy season establishes itself and to help the returning people with *takavi* loans for the purchase of seed and cattle. Such loans were an established institution of Hindu India which was also copied by more than one of her Muham.

madan rulers. They have become an integral part of the British famine relief system from 1868. And from 1884 onwards they have also been given to substantial cultivators from an early stage of the period of distress for sinking or improving wells or for other agricultural improvements of a temporary or permanent character. The *takavi* loans granted in the famine of 1868-70 amounted to Rs. 21 lakhs. The great liberality of the policy pursued after 1901 is shown by *takavi* loans of over Rs. one hundred and eighty-five lakhs in the famine of 1913, and of over Rs. two hundred and twenty-five lakhs in that of 1907.¹

The sixth essential is the *suspension* of land revenue and its ultimate *remission* in whole or in part; in ryotwari India the State foregoes this; in the zamindari parts, the zamindar makes the remission and gets credit for it from the state. It is plain that when the cultivator loses his crop and has so little reserve remaining from past profits as to be brought to the verge of death by starvation, it is not at all possible for him to pay the land revenue, whatever the letter of the contract between him and the state. During 1900 suspensions of revenue were granted amounting to two hundred and six lakhs and out of this sum one hundred and ninety-eight lakhs were remitted altogether.² The Famine Commission of 1901 recommended early announcements of remissions and since March 1905 the principle has been accepted by most provincial administrations. The land revenue demand is suspended altogether when there is no prospect even of a four anna crop, and the suspended revenue is not demanded until after the affected tract has had one fair harvest. The suspensions of land revenue granted during the famine of 1913 amounted to over a hundred and eight lakhs.

Two more features of the system remain to be noted. Respectable people and pardanashin women would rather starve in their homes than go to relief works. Amongst these also many are not averse in a time of such stress to paid work, and their relief falls under the provisions indicated above for the benefit of special classes such as weavers. But there would be large numbers of these genteel classes who would or could do no work for which any remuneration could be earned; unless helped, they would quietly starve to death or commit suicide in some manner sanctioned by their religion. Volun-

teers of their own or a higher status are the only channel through which *gratuitous relief* could reach them. And even with the best efforts, a number of such cases, perhaps the most deserving of all, no system of public charity could ever hope to reach, in an ancient country like ours, where we still have an extensive heritage of aristocratic self-respect. The cost of all gratuitous relief—to children and invalids as well as to these classes—and of extra comforts to those who earn a famine wage of some sort, is borne by *charitable funds*. During the widespread famines at the end of the nineteenth century these funds were fed by contributions from all over the world; the 1897 fund amounted to a crore and seventy-five lakhs, of which a crore and a quarter was contributed by England; the 1900 fund amounted to a crore and a half, of which England gave nearly a crore. 1900 also saw the foundation of the Indian People's Famine Trust, by an initial donation from the then Maharaja of Jeypur of Rs. sixteen lakhs in government securities; the Trust had by the end of 1920 grown to Rs. thirty lakhs, chiefly by further contributions from members of the founder's family.*

Lastly, all the other expenditure on famine relief in every form—establishments, transport, cost of necessities, the wages and the doles—is met by the state. This is heavy; and it was, moreover, soon realised that a famine in one part of British India or another was a rather frequent phenomenon. During the decade from 1867 to 1877 famine relief had absorbed Rs. fifteen crores. From 1878, therefore, it was decided to raise an additional revenue of a crore and a half per year by extra taxation, and the object was to earmark this sum as a Famine Insurance Fund. Whenever there was a famine, relief expenditure was to be met out of it; in good years, railways or irrigation works of a protective character were to be built out of it; or when no such project was ready to spend it on, debt to that amount was to be paid off or at least less debt was to be incurred to that amount. The central idea of the scheme was that in a country exposed to recurring calamities of this character, the state was justified in imposing a little extra taxation on the people, who by the payment of a small annual premium, as it were, could have the full benefit

* Indian Year Book, 1921. It increased to 35 1/2 lakhs by end of 1923-4. *Ibid*, 1925.

of its capitalised value whenever the calamity was upon them. The term used to describe the extra fund was clearly a misnomer; for in this case there was no one like an insurance company to hand over the capitalised value. The policy should be regarded rather as an attempt to spread the heavy burden of a famine over several years, and at the same time to hurry on the construction of railways so as to link up the poorer and drier parts of India with the more favoured, as quickly as possible.³ Hence, in the construction of protective works out of revenue precedence was given to railways for over twenty years. But all the main lines of protective railways were thus constructed, and the famine commissions of 1898 and 1901 recommended that in future protective irrigation works were to be similarly constructed out of revenue as far as possible. The Irrigation Commission of 1901-03 followed. It explored the possibilities of new irrigation works all over India, productive as well as protective, and drew up schemes of protective irrigation works for the areas most frequently liable to famine, such as the Bombay Deccan, Bundelkhand, and parts of Bihar and the Central Provinces. As a consequence fairly steady progress has been made and the average annual addition to the cultivable area protected by fresh irrigation works of a 'major' type constructed by the state out of current revenues might be roughly put down at fifty thousand acres. The rate of progress has been slower during the abnormal years from 1914.

A. LOVEDAY, History and Economics of Indian Famines.

SIR T. MORISON, Indian Industrial Organisation Chs. 10 and 11.

INDIAN FAMINE COMMISSION REPORTS, 1880, 1898, 1901.

Section 50. Famine prevention. To protect the famine stricken and to relieve them is one and the same thing. If we restrict the term protection to relief activities pure and simple and to their immediate consequences only, all other activities on a large scale, and spread, with their consequences, over a period longer than the mere duration of a famine—with the famine as their starting-point, the reduction of famines in extent intensity or frequency as their motive,—would be, logically speaking, activities aiming at the prevention of famine. Some of these activities and policies might have other effects

also. Railways, for instance, reduce distances, unify the country, break down the isolation of the various parts, remove their ignorance of one another, make people more mobile, and while reducing the dependence upon and attachment to their birthplace increase their feeling of conscious attachment to the area of their own language or historical expansion at some period in the past, and to India as a whole. Railways foster trade. Railways might be used to help either foreign exploitation or nation-building industry. Railways enable a smaller army to hold down a larger area more effectively than could a larger army a smaller area in the absence of such an effective help to rapidity of marching. An administration armed with a well-planned system of railways could rule over a very extensive area from one centre with a very small number of officers. Towns grow up more rapidly, epidemics spread faster in a region possessing a network of railways than in one with only the old world means of travel. Thus railways have political, social and cultural effects as well as economic. And as long as there are areas in India which produce a surplus of food grains, to connect them by railways with others liable to suffer now and then from a deficiency, is to relieve the distress of the latter areas not only on a particular occasion but it is also to prevent a recurrence of it in future. Thus a well planned policy of railway extensions spread over several decades is a policy of famine prevention, as long as in spite of deficient productiveness in some parts, a region as a whole produces sufficient for its needs as a whole.¹ And from the point of view of administrators trying to cope with famine conditions, railway construction has this additional merit that the first stages of the actual construction only require unskilled labour working in large gangs.

Digging irrigation tanks and canals has also this merit of requiring unskilled labour in gangs. And irrigation has the further merit of bringing additional land under cultivation and winning a larger return from cultivation than before. It thus adds to the total output, and adds to the profits of the best types of agriculture and agriculturists. It also enables an area to become independent of rainfall itself, at least for one season. If the drought be prolonged the sources of supply which irrigation distributes might dry up, but such a contingency is so very rare, it might be left out of our ordinary calculations.

If we confine our attention mainly to famine needs, the superiority of a policy of extending irrigation to one of extending railways is not open to question. But it does not follow that the Indian government have been wrong in giving precedence to railways during the latter half of the nineteenth century. State policy is a complex whole where the resources available at any moment have to be carefully weighed against the needs of the moment, and the best possible working compromise sought out. The higher utility of a rapid extension of railways from military administrative and political points of view cannot be questioned. Perhaps, all that can be said is that if irrigation extensions could have been made earlier than they were, and at a quicker rate of progress, the country would have benefited more or suffered less. But this does not mean that such extensions could or ought to have been provided at that particular time. In matters of high policy there is no absolute principle corresponding to the categorical imperative of the intuitionist school of moral philosophy. In any country, however rich, the point is soon reached, when the statesman has to decide how to invest his last million of the available resources; his attitude of mind is—"here, now, I have only this last million: what shall I do with it—Railways? Irrigation?" He must make his choice. He cannot have both. And railways having had a start, railways being in possession, so to speak, railways being by far the larger property, and a property, too, that was a losing concern and could only be converted into one that paid by further development of it as early as possible, railway construction, finally, requiring far more purchases from England than irrigation extension,—it is not at all surprising that he should have decided in favour of railways, especially in view of their political and military utility also. Lastly, the choice once made, it was endorsed by the highest authority and could not be departed from. Sir Arthur Cotton the great advocate of a rapid extension of irrigation in India succeeded on account of the famine of 1877 in attracting attention to his ideas; John Bright and other prominent men felt that England owed it to India and to herself to sift the matter thoroughly, and a select committee was appointed with Lord George Hamilton, the then Under-Secretary of State for India, as chairman (January 23, 1878). Before this committee Sir Arthur Cotton made the mistakes of both claiming too much for irrigation and running down railways too far. The Com-

mittee decided for railways, and their verdict settled the policy for twenty years.*

It has been urged, however, that we have also to look at the other side of the shield. As railways spread, factory goods invaded Indian markets and conquered them, Indian manufacturers (producing by the hand, using only tools and implements of a primitive type) lost their customers, agriculture or casual unskilled labour were the only other occupations open to them, and thus railway extension at a rapid pace has meant the progressive degradation and ruralisation of the population. Even if political and military needs justified a forward railway policy, if it had been developed gradually, the invasion of Indian industries which maintained hundreds of thousands of skilled workmen each working on a small scale, by foreign large-scale industries organised in factories would have proceeded more slowly; there might have been time for re-adjustments; and a stronger better balanced healthier economic organisation might have come about. As it was, the policy adopted of railway extension at the greatest possible speed, even out of additional revenues raised by fresh taxation, must be charged, at least in part, with causing the famine condition, or rather the inability of large masses of the people to tide over even the loss of a single harvest,—for which it was claimed to be the best if not the only remedy. M. G. Ranade appears to have been the first Indian to develop this point of view, in the seventies of the nineteenth century.² This indictment of the government railway policy has been frequently repeated since, and not only by Indian writers. Perhaps its best exponent is Mr. Loveday, whose restatement of it in his valuable essay on Indian Famines, I give in a condensed form in a note.³

So much space has been given to this controversy because of the importance of the principles underlying it, and because the aim of this book is a historical treatment. Throughout the nineteenth century India produced food supplies in excess of her needs. That controlling circumstance rendered the extension of irrigation—and an absolute increase in her total production of food—comparatively less important then. But we have reason to believe that our population is fast approaching the limit at which it would begin to press upon our food

* Dutt, *India in Victorian Age*, Ch. 9; Sir Arthur Cotton's pamphlets.

supplies. It might be said indeed that we have not at present sufficient statistical information as to the cultivation and produce of all our foodgrains, and until such additional information is recorded all over India, we are not in a position to arrive at any conclusion on the subject. Such scepticism however, goes too far. Where exact conclusions are not available, 'probability is the guide of life'. And in this particular case it is a matter of recent experience, consequent upon the partial monsoon failure of 1918 that our supply of certain food-grains was so deficient that there was an abnormal rise in their prices.⁴ The policy of famine prevention now required, is, in the first place, a policy to increase our total annual production of food supply as much and as quickly as possible. More irrigation, more and better manuring, better implements, and in one word better tillage all round, that is the most urgent need of to-day. Finally, and to clench the matter, all our principal lines of railway have already been built; and even the subsidiary and feeder lines are not so urgently needed now that the cheaper motor lorry is becoming available in sufficient numbers.

Luckily, the department of Agriculture, founded on the recommendation of the Famine Commission of 1880, and steadily developed since, especially by Lord Curzon, is aware of the need and is facing the problem in all its complexities. What they have done and planned to do in recent years I summarise in a note.⁵

Their programme, extensive as it is, appears however to need still further extension in more than one direction. Agricultural and wild or forest produce other than food grains—textile products, woods, gums etc.—should also be attended to; with a careful and steady development of our vast natural resources, sufficient quantities of these can be produced not only for our own use in the raw state and as the raw materials for various industries, but there should also be a growing surplus available for export. It is far better to export these both in the natural state and various more or less finished and manufactured forms, than to export foodgrains and flour, oil seeds, oil cakes and oil, fish and fish manure, bones and horns, and similar necessities, of which we now find, we have not always a sufficient supply even for our own needs.

In the second place, one of the outstanding defects of British rule in India has been that it has never realised how great is the need of a special cattle policy in this vast agricultural country, that will not use butcher's meat as an article of diet, and depends far more than perhaps any other mass of humanity of such magnitude, upon plough cattle for its agriculture and transport, and upon milch cattle for indispensable ingredients in its dietary in substantial quantities. The great mortality of cattle in the famine of 1900 gave almost the first shock to the ingrained indifference of the European mind to the subject. The repetition of that experience in later years including 1918, has led to further reflection. That it is necessary to preserve breeds with special qualities, that model cattle farms are needed all over the country, that more fodder must be produced, that the cruelly high child mortality in cities cannot be reduced without a far larger supply of milk, cheap and pure, than is available, are propositions which are at length being more and more seriously considered. But it does not appear even yet that the problem is being envisaged as a whole in all its complexity. A cattle policy like that of France where there are no useless or undersized cattle, where only the best are kept, treated as well as possible, and worked as hard as possible, but kept only while they are in their prime,* is a policy that the European understands. There is hardly any difference in the European's attitude towards trees and towards cattle. The meat and the milk, the hide and the labour, the feed and the return obtained, are all entered on one side of the account or the other, the maximum of profit realised, and the necessary action taken at the right moment. To the Indian it is not a question of a mere profit and loss account; religious sentiment enters into it and is even the decisive factor. This our rulers have known all along; but a state policy providing for steady increase in the cattle population of India, sufficient to supply the increasing needs of the growing human population, without any deterioration in quality or an undue increase in the prices the individual has to pay,—is still a problem for the future to solve.

Thirdly, suppose economic holdings constituted, suppose the live stock, the capital, the implements and the skill of the cultivator improved; suppose further that the co-operative

* See Keatinge, *Rural Economy*, pp. 130-131.

societies enable him to get the current capital he needs, and to buy what he requires and sell what he produces, without middlemen sticking their greedy fingers in: suppose, finally strong provincial land banks created, granting sufficient loans for sufficiently long periods, for the agricultural improvement of entire clusters of villages:—the lot of the average cultivator and cattle farmer will be undoubtedly far better than at present. But will there not still be cases by the hundred thousand in which the farmer or cattle breeder and his family and cattle are stinted, cases in which the 'hardly one full meal a day' condition persists? They do not know their India well, who do not realise that one tap-root of India's eternal poverty is that the agriculturist and his dependents in the village home have not enough remunerative work to do all the year. How can there be a sufficiency of production for the masses at the bottom of society unless in return for hard full-time labour? Agriculture in India even with rich irrigated and manured land, does not furnish work all the year round. In the busy season there is so much work, there is hardly labour enough to get through it in time. And as we descend in the scale of land, capital and crops, the quantum of work agriculture provides is less and less. The moral is, there must be subsidiary occupations in the village; a comprehensive policy of cottage industries and remunerative village employments must be developed.

Finally and more generally, the well-known recommendation of the famine commission of 1880 is as true to-day as then: "No remedy for present evils could be complete that did not include the introduction of a diversity of occupations through which the surplus population might be drawn off from agricultural employments and led to find the means of subsistence in manufactures or some such employments".

G. KEATINGE, *Agricultural Progress in Western India.*

WADIA AND JOSHI, *Wealth of India*, Chs. 6 to 17.

S. RAY, *Economic Causes of Famines and Suggestions to prevent &c.* (1909).

Section 51. Railways. The "industrial revolution" or the transition from a mediaeval economy of production distribution and exchange, rural and self-contained, to a modern

economy resting rather on world trade and large scale production by specialised labour and machinery, was inaugurated in India before the Mutiny, by Dalhousie's "far-reaching schemes of railways, roads, canals and public works."¹ It was Dalhousie who planned the grand trunk lines, Mayo added connecting links and feeder lines, financial exigencies delayed the execution of the schemes and in the meanwhile famines altered them here and there and added 'protective' lines, the larger Native States followed the initiative of British India, although at a great distance, and latterly, public bodies like port trusts and rural boards have added a few short lines here and there. Private joint stock companies without any concession from the state except in the matter of land have also constructed some lines.² The first railway to be opened for traffic was the Bombay to Thana section of the G. I. P. Railway, in 1853. Jabalpur was reached by the East Indian Railway from Calcutta in 1867, by the G. I. P. from Bombay in 1870; Raichur was reached from Madras in 1862 and from Bombay in 1871; and at one end Dehli and at the other Mysore were reached in 1862. The mileage open exceeded the first five thousand miles by 1871, and every additional five thousand miles by 1882, 1889, 1896, 1901, 1907 and 1915.* The first ten thousand miles took about thirty years to build; the next thirty years added nearly twentyfive thousand miles. Progress during the Great War was naturally very much slower, 1917-18 was the worst year, when three hundred miles broad gauge were dismantled for war purposes, and only about three hundred and fifty miles of new metre and narrow gauge lines could be opened.³ However, the route mileage open by the end of 1923-24 was over 38,000 miles, nearly a half on the broad, and a little over fifteen thousand on the metre gauge.⁴ The most important of the projects to be undertaken in the near future and in different stages of consideration are a causeway line of little over twenty miles to connect India and Ceylon across the sandbank of Adam's Bridge; and a railway from India to Barma, either from Chittagong to the rice-lands of Arrakan, or along the Hukong valley in the north.⁵

The capital needed was originally raised by a free grant of land and a guarantee of five *per cent.* annual interest. Other conditions were that when the railway earned more than five *per cent.*, half the surplus was to be handed over to the state

* See the Chart in India in 1919.

every half year, and the construction working and management of the line were to be controlled by the state. The companies thus assured of their five *per cent.* on every pie spent, had no motive for economy, or even for building the lines quickly or at a steady pace. Their engineers with only English experience to guide them had to pick up a knowledge of Indian conditions as they proceeded with the work, a process which turned out very costly indeed. Their standards of solidity and thoroughness were too high. And they were men of such conservative and swadeshi ideas, mechanics of almost every type were at first brought over all the way from England. For instance, no Indian seems to have been employed as an engine driver upto 1875. English engine drivers cost at least £100 more per head per year, the wastage was high so that larger cadres had to be maintained, and later when Indians came to be employed as engine drivers and in other capacities—the departure was first made, perhaps, on the state lines to be presently mentioned,—it was also found that they “worked longer hours and gave far less trouble.”* The government wanted quicker progress at less capital outlay and with cheaper working. The old contracts, moreover, had been worded so loosely, their powers of control or check could not be exercised in practice. And the guarantee meant an increasing loss, which by 1869 had grown to an annual tax of one and a half millions sterling. Even “dear railways are far better than none,” says Chesney.† There is, however, a limit to the price that even a despotic government can afford, except only when it has the luck to have as finance ministers Stracheys or Chesneys! The Government of India decided to give no more guarantee and to build its own railways. From 1869-70 it began to provide about two crores a year for the purpose. In 1875 the sum was raised to four crores.⁶ War and famine followed. For the next few years the only sum the state could spare was what could be made available from the annual Famine Insurance Fund for the construction of “protective” lines. Thus, the old plan of railway construction through companies attracted by means of a guarantee had to be reverted to. But the guarantee given was lower and the contracts were more carefully drawn up. The state also needed at once some lines, neither productive nor ‘protective’ but even more urgent because ‘strategic’, and a committee of the House of Commons examin-

* See Fawcett, *Indian Finance*, p. 66. † P. 304.

ed the whole subject, about the same time as Lord George Hamilton's Irrigation Committee mentioned in the last section, and advised a loan of about two and a half crores to be raised in India annually, and to be spent, two crores on state lines of railways, half a crore on irrigation. Another committee in 1883 thought a loan of about a crore more might be raised and spent upon railways. In the nineties a fresh effort was made to recast the contracts with English companies and the terms to be granted to them. A guarantee of from two and a half to three and a half per cent,⁷ or a certain percentage of the net earnings of existing lines on the traffic brought to them by the new lines to be granted to these latter as a rebate as long as their own earnings did not yield a certain percentage of profit, and all surplus profits to be shared when they accrued, were the new terms. And, more recently, a few hundred miles of railways of local importance have been constructed on the security of the resources of district boards, supplemented, if necessary, by the levy of a new cess for the purpose. All the contracts, right from the time of Lord Dalhousie included terms for the purchase of the line by the state at stated periods. Cases have happened, nevertheless, in which on the first date arriving, the state unaccountably failed to assert its right. From 1880 onwards, however, when the East India Railway was acquired and the working again entrusted to the same company under special arrangements,* the policy has been followed of acquiring a line whenever it could be done according to the terms of the first contract with it, and handing over the working under a fresh contract to the same company or to another working a connected line. Some state lines, e.g. the Rajputana Malwa Railway, have also been handed over for working, the state only exercising general control. In the case of all such lines owned by the state and worked by people who are not state officials but servants of independent companies, the fresh capital needed for extensions, laying down extra lines, increase of rolling stock, improvement of bridges, stations etc. has to be provided by the state, just as in the case of lines which are both owned and worked by the state itself. Thus the Indian railway system as a whole is a growing property which can fulfil its functions, pay its way, and yield a profit besides, only as long as it is kept in proper repairs and developed, moreover, by the pursuit of a steady and intelligent policy regular-

* For a summary of these see Moral and Material progress Report, 1892-3, p. 270.

ly requiring fresh amounts of capital to be sunk into it. Railways develop trade and human movements, and these react by making a growing demand for better equipped lines, more frequent and quicker services, and new extensions. Hence, in the course of the first decade of this century, it was decided that in allotting fresh capital, the pressing needs of open lines were to rank first, and of lines under construction, company's lines were to rank before state lines. Plans for new lines were to go through various stages of scrutiny, and were to be passed for construction only as these prior claims allowed of it. The system as a whole began to yield a clear profit to the state from 1899-1900. The average profit for the four years upto 1907-08 was nearly three crores a year, and although in 1908-09 there was a loss, the profit has gone on increasing since. It is a vast asset representing in the aggregate about Rs. 7,200 millions of capital (1923-24), yielding an annual net income of from five to seven per cent.⁸

The Railway Board, an annexe of the Government of India department of Commerce and Industry, was started in 1905 to look after the State Railways, to serve as a mediator between the Government and the Company Railways, and as an expert arbitrator between any two railways, and to advise on schemes for the improvement of railways and railway management in general. It has now been reorganised in accordance with the recommendations of the Acworth Committee (1920-21), and since 1924, consists of the Chairman or Chief Commissioner, the Financial Commissioner, and two members. Its work has been arranged into four branches, each under a Director, who is the executive head, and there is also a Secretary for coordination not only between the branches but also between the Board and other departments of Government and between the Board and committees of the Legislative Assembly like the standing Finance Committee.

This railway system, vast as our country is vast, is admittedly an *imperium in imperio* in many ways coming closer to the people than the state itself, and exercising a direct influence over the production and distribution of wealth, the success or failure of business and other activities, and the comfort or discomfort of masses of the people, second to that of no other human agency in the country. It is ruled over by a body of men as small as the Indian Civil Service, who also form a caste

of foreigners even more exclusive and more unsympathetic. Immediately under them is a larger body of 'Anglo-Indians', Eurasians, and others, who hate the Indian more than any other class of men in the country, who have for the poor starving down-trodden 'coolie', only terms of abuse accentuated by kicks, and who have really no other manner or behaviour for the clerks and 'babus' doing all the intricate recording accounting and inspecting of the railways, or for the third class passengers or for any other Indians whatever. Most of these men, again, are 'volunteers', and there are hardly any other volunteers except in the few centres of the European mercantile or planting communities; thus, these men have arms and a trace, however slight, of military discipline, while all around them is Indian humanity, so mild their mildness is a vice, so accustomed to bear maltreatment uncomplainingly. From Sir John Lawrence to Mr. Gandhi prominent men in every decade have raised their voice against the maltreatment of the third class passenger and the middle class Indian gentleman by the railways and the railway-men. Mr. Curtis relates an incident in which a railway official while talking to him deferentially, kicked back like "a vicious mule" at an Indian passenger who had just happened to brush his back under circumstances in which "it was physically impossible for anything else to happen".* The wrongs of the third class passenger are a defect of the system. The vices of the railway official are a defect connected with the personnel of the railway staff. The only remedy for the latter is to dilute the railway staff with increasing numbers of middle class Indians. The true remedy for the former would involve an amount of expenditure which can only be provided by replacing the present very expensive and inefficient administration by one cheaper as well as more efficient.

The real cost of the Railway system to the country is far greater than the railway accounts by themselves can ever show. This extra cost is again partly the fault of the system and partly that of the men in office, and consequently in power Sir F. Lely's comments on railway rates⁹ pillory concrete instances, examined by him about 1903, and these serve as well as any later ones to expose the faults of the system. The railway rates for goods have been so fixed as to injure the

* Dyrachy, p. XLIX.

coasting trade and ruin the petty ports. "No one in his senses would object to free and fair competition between land and sea. But is it free and fair? The boat has the great natural advantage of being cheap, but it is slow and subject to greater risk. With fair play all round, much merchandise would take the rail, while other, such as coal, would prefer the water". But the railway fixes a rate for coal, cocoanuts, timber, and other goods of the kind from Bombay to Broach or from Broach to Bombay, fifty to sixty *per cent.* lower than the rate between the very next station north of it or south and Bombay; with the result that the boats which plied between Broach and Bombay by scores even upto the last generation, have lost their occupation more and more and ceased to be. The rates again are the same from Bombay to Agra as, say, from Ahmedabad to Agra. Foreign matches going from Bombay to Agra are charged the same freight as Indian matches made at Ahmedabad and sent to Agra.¹⁰

Top-heavy establishments, with officers paid at fancy rates, necessarily involve numbers of overworked underpaid men without prospects, in the subordinate ranks. The necessary consequence is a large amount of delay, ingenious creation of technical difficulties, petty thieving and wholesale systematised corruption. All this is an extra burden on the trade of the country and must ultimately come out of the pockets of the consumer. Can any one venture even to calculate how enormous this is? The railway system of a country is a monopoly created and maintained by the state, and it is as much the duty of the state to see that it does not take much more out of the pockets of the people than the charges publicly levied, as it is universally recognised to be, in the case of the taxation it levies directly, through the agency of its own officers.

Section 52. Irrigation. India is a land as various as it is vast. There are desert lands within it—Sindh, parts of the Panjab—which depend altogether upon an artificial or man-contrived supply of water for cultivation and population; there are within it wide regions where the rainfall is deficient and irregular, and the crops in consequence more or less precarious unless the thirsty fields could get water at the right time and in the right quantities from some conveniently placed store; those parts of India, even, which have an adequate rainfall as a rule, would be benefited by irrigational facilities in more

ways than one. Every few years there is a drought, when of course there would be hardly any crops but for such facilities; almost every year there are breaks in the rains, and any one of them lasting two or three days longer, might reduce the final outturn more or less seriously; and even in good years, with the help of irrigation, three crops could be raised per year or two, instead of only two or one. With the exception of the districts of the heavy black soil where cotton is the king of the crops, there is hardly any region of India which does not gain largely by irrigation facilities.

Lift irrigation, where the sub-soil water is reached by a well and raised vertically upwards by means of a leather-bag or a rotating wheel of pots, has been practised in India from times immemorial. Madras is the province best supplied with wells, but in Bombay and the Panjab too, they might be counted by lakhs, and U. P. and C. P. are also increasing them at a fair rate. One of the best legacies handed down to us by the religious past is our sentiment that the building of wells and stepwells is an act of piety, and rajas and their officers, merchant princes and their ladies, and sanyasi managers of religious foundations have all vied with one another in building and repairing wells all over this sunbaked land. The roads of the Emperor Asoka had trees on both sides, and rest-houses for man and beast at convenient intervals, and a well at each rest house. Nor were the Pathan sultans and the Mughal emperors behindhand in following a custom so obviously recommended by the climate. We first read of takavi grants for the building of wells in the terrible famine of 1345 under Muhammad Tughlak; the principle has been acted upon with increasing liberality by the British Government from 1868; and the Irrigation Commission, 1901-03, recommended a further development of the policy; and also a lower rate of interest, a longer period for the repayment of the principal, and the remission of a part of the loan if the well failed from the first or at a later date. They also proposed a subsoil water survey and trial boring, quoting as examples the borings in Sholapur district and at Nausari.* A more active policy in these directions has begun with the famine of 1907.

Wells are the property of private individuals. So are small tanks and shallow pits which the rains fill with a supply

* Ch. 5, Section 2, and Ch. 7.

of water that lasts a few months. They are very numerous in Madras and there are a good many in Bengal also. The comparatively large ones are treated as the joint property of the village. There are a number of more or less natural depressions in the U. P., called jhils, which are also similarly owned and utilised. They are apt to fail just when most wanted, when the drought is prolonged, but while the water lasts it is very useful indeed for the crops, especially at a pinch. The area irrigated by each is small, but because of their numbers, the total area helped just as in the case of wells, is considerable. The large lakes, on the other hand, are the property of the state. The cost of constructing them is heavy, but the very large volume of water stored up in them can be distributed for miles. These storage irrigation works were not unknown to pre-British India. The Sudarshan lake near the Girnar, an irrigation reservoir created by damming up a small stream, served the tillage of neighbouring villages for four centuries, until it was destroyed by a storm in 150 A. D. Rudradaman rebuilt the dam "three times stronger"; a storm burst it once more, it was again repaired in 458 A. D.; and then this "Lake Beautiful" sinks below the horizon of history.¹ These facts are recorded on the celebrated fragment of the Asoka pillar near Junagadh. And for southern India in mediæval times we have the testimony of Paes how the Vijayanagar monarch had a tank built with the labour of several thousands "looking like ants so that you could not see the land".* Modern engineering has of course far greater resources and modern states can, by providing a lakh per year, say, from the annual revenue for only ten years, borrow twenty lakhs, which could be spent at once and repaid in thirty to forty years, that is to say, practically out of the new revenue derived from the work when completed. So wherever there is a gorge or other suitable site, and plenty of water running to waste that could be held up by a dam, the dam could be built, provided remunerative uses could be found for the water. Perhaps the most striking of the lakes and reservoirs the British government has built for irrigation purposes, is the Periar Lake three thousand feet above sea-level in the state of Travancore, which stores up the surplus water of the Periar river flowing into the Arabian Sea, and carries it by a tunnel, across the watershed, into the Vaigai river, which flows across the peninsula into the Bay of Bengal near

* Sewell, *A Forgotten Empire*.

Madura. The work was opened in 1896, and is capable of irrigating two lakhs of acres.

More important than irrigation by means of storage works, is canal irrigation. This also has been practised in India in localities suitable to it from a remote past. The province of Sindh for instance is full of the channels of old canals. The passage from Megasthenes already quoted would apply also to irrigation of this description. And the kings of Vijayanagar cut irrigation canals from the Tungbhadra as well as built large lakes, where possible. But perhaps the greatest surviving monument of ancient India in this class of work is the 'Grand Anicut' or weir in the Kaveri delta, which is believed to have been originally constructed in the first centuries of the Christian era. The Jamna Canal of Firoz Shah Tughlak and the Agra Canal of the Mughals were the most extensive works of the kind attempted in Muhammadan India. But the inundation and perennial canals of British engineers have far surpassed any pre-British works of the kind both in magnitude and utility. The construction of productive irrigation works of this type out of loans might have proceeded at a quicker rate, but for the failure of two great projects at an early date in the history of irrigation. Sir Arthur Cotton's Tungbhadra project was undertaken by the Madras Irrigation and Canal Company in 1863, with a capital of one million pounds and a guarantee of five *per cent.*; only a small section of it, however, was ever constructed, and the Company had to be bought off by the government in 1883. Sir Arthur's Orissa canal scheme was undertaken by the East India Irrigation and Canal Company in 1860, without any guarantee, but the Company could not raise the necessary funds, and had to be bought off in 1868. Hence it was that the construction of irrigation works could not be proceeded with by means of companies; government had to construct them itself out of loan funds and surplus revenues. Sir John Lawrence began this new policy with the repair construction and extension of the West Jamna Canal; the renovated canal was able to irrigate five lakhs of acres, and subsequent extensions have increased its capacity still further. The Agra Canal also from the Jamna was restored and improved, and it was opened in 1874. The first original work constructed by the British Government—begun 1848, opened by Dalhousie, 1854—was the Ganges Canal, followed up later by the lower Ganges Canal, opened 1878, each of

which became capable of watering over eight lakhs of acres. But works of this character cannot be judged solely with reference to the area irrigated by them. The great triumphs of modern engineering skill in this line are to be seen in the Panjab. The Himalayan snows are perennial stores of water, which, as they melt, send continual supplies down the innumerable streams which coalesce into the noble rivers that ultimately fall into the Indus. The slope of the land is also all that the heart of the engineer could desire, and extensive tracts in the province have a soil that without water is desert sands, but with water yields rich crops of a high quality year after year. The Panjab canals had in 1905 the capacity of irrigating over five million acres, and during the last fifteen years this has almost doubled. What this means in terms of concrete plenty and prosperity, the canal colonies of the Panjab reveal at a glance and in the most convincing manner. The best example is the Chenab Canal Colony in the Techna Doab. With an area of 3,900 square miles, in 1892 it was inhabited by 70,000 nomads. In nine years it was transformed into a busy hive of 791,000 flourishing agriculturists; and by 1912 the population had risen to 1,111,000. The indirect gain from relief of pressure to the congested areas of the Panjab was nearly as great. The Triple Canal Project recommended by the Irrigation Commission (1901-3) and sanctioned in 1904, has combined into one the Upper Jhelam, Upper Chenab and Lower Bari canal systems, and was declared open in 1912. The great service rendered by the Irrigation Commission (1901-03) in recommending greater expenditure on irrigation works and a more liberal policy about advances for wells has been already mentioned. Perhaps their greatest service resided in changing the attitude of government altogether as to the proper view to take of the costliness, as well as the utility, of irrigation works in regions unfavourable to their construction. The Sindh Canals for instance irrigated two and a half million acres at a capital cost of two million pounds. The canals in Gujrat and the Deccan irrigated no more than 340,000 acres and at a capital cost of over four million pounds.* A simple arithmetical calculation showed how much more productive a pound was when spent in one part of the presidency than in the other. The Commission argued, however, from the direct losses the recent famines had inflicted on

* India in 1910, p. 116.

people and state alike; they took the district of Sholapur as an example, which had cost on an average Rs. five lakhs a year on famine relief for a period of thirty-three years, added to this the further loss due to loss of revenue and the lowered economic condition of the people, and thus argued that quite a different standard of profit and loss applied to irrigation schemes in regions which had the double misfortune of offering little scope for such schemes, and at the same time of necessitating a very high expenditure upon them.* And they drew up an extensive programme recommending various schemes for every province. The total costs they put at forty crores, only one third on productive and the rest on intermediate and unproductive² works, and they anticipated that the works would take not less than twenty years to complete, and when completed, irrigate six million and a half acres. With regard to the Bombay Deccan in particular, they said that the abundant rainfall on the Ghats could be stored—at a price—in suitable sites and carried thence to the districts in need of it. The Government accepted most of their recommendations, discovered in working along the lines they had indicated that the possibilities of irrigation works were greater even than those the Commission had in view, and have been following a more active programme of construction during the last two decades. The completion of the Triple Canal system in the Panjab has been already noted. The Satlej valley project when complete will irrigate three million acres besides giving a more regular and larger supply to the two million acres served by the older inundation canals in the valley. This will be achieved by an interconnected system of twelve canals, starting from four weirs, three on the Satlej and the last below its junction with the Chenab. The Lloyd Barrage project in Sindh sanctioned in 1923 will similarly give rise to seven canals not only capable of guaranteeing a more regular and larger supply to the two million acres already served by the older inundation canals, but also of bringing under the plough several million acres of desert waste, where at present there is neither cultivation nor population. Protective irrigation works, on which the Commission laid such stress have also advanced considerably. Of these the Nira Right Bank Canal which will irrigate two lakhs of acres when complete, and the Godavari and the Pravara schemes,

* Report, Ch. 4, Secs. 1 and II.

sanctioned in 1906, might be specially mentioned. The Godawari canals were opened in 1918 and the other two are approaching completion. To take a more general view, in 1902-03 there were only 350,000 acres irrigated by protective works; and of these there were 49,000 acres in the U. P., 59,000 in the Bombay Deccan and 85,000 in Madras. By 1918-19 the total for British India had doubled, the Deccan having gained 63,000 acres, Madras 23,000, and the U.P. as many as 162,000. Lastly, students of the subject should note that although a big canal flowing like a river through several districts and throwing out thousands of distributaries in a carefully designed network, or a big lake in picturesque scenery giving out miniature rivers for miles carried across all obstacles, might strike the imagination, and although the capital sunk on these extensive works amounted to colossal figures, the small well and the petty tank of the cultivators also rendered a service by no means negligible. Just as the population inhabiting our small villages was in the aggregate hundreds of millions, because although each village was so small there were several lakhs of them, so also the total area irrigated by our wells and tanks, the work of the people, with only a little help in recent years from the state, was very large indeed, and for the same reason. The Irrigation Commission calculated in 1903 that in 1877-8 the total irrigated area in British India was thirty three million acres, out of which private works irrigated twenty two and a half millions, while the state works irrigated only ten and a half; the proportion of private to state irrigation was as 68:32. In 1902-3, the total in their opinion had increased to 44 millions, and out of that private works irrigated twentyfive millions and a half, while the state works irrigated eighteen and a half million acres; the proportion at that date was thus 58:42. At the end of 1918-19 the area irrigated by state works had grown to over twentyfive million acres. Even if we assume that the growth in the area irrigated by private works was at the same rate as in the former period, it must be put down at very nearly twenty-nine millions, or an area larger than the state irrigated area by over three million acres. No doubt the state is bound to forge ahead in such a competition in a decade or two more. But, in the first place, it is a nobler achievement to advance from thirty millions to forty millions irrigated by private effort, than from thirty to sixty millions by state organisation and enterprise. And in the second place, as our country emerges out of its extreme

depth of poverty, people will have greater resources and will develop more enterprise, and I am confident we can soon forge ahead of the state again in a few more decades. Finally, it should never be forgotten that in more tracts than one large and spectacular irrigation works are and will ever remain physically impossible, whereas progressive additions there will always be possible to its numbers of wells and small tanks in good repair.

INDIAN IRRIGATION COMMISSION REPORT, 1903.

CHAPTER VIII: NOTES.

SECTION 48.

1. As an outstanding example, for the effects of the Shivali loots of Surat (1664-1670) for years afterwards and upto the Narmada and beyond, see J. Sarkar, *Shivali*, pp. 203-5, 423, etc.
2. A rise in price upto 32 times the normal was recorded in the Bombay district famine of 1709—Leveday, p. 27.
3. English shipping, for India has no shipping of her own, has benefited in consequence, as much as India, by this expansion of Indian exports.
4. See D. S. Dubey's *Study of the Indian Food Problem* (*Indian Journal of Economics*, July 1920 and January 1921). He studies seven years from 1911 to 1917. I had given a summary of his figures in the first edition: but on further examination of this very complex subject, I conclude he has overstated the danger (1926.)
5. This as it stands is a highly abstract proposition, one of those propositions, easy and plain at sight, but really difficult to grasp, which constitute the special difficulty of economics. In limiting the statement to about two generations, I have in view (1) all India, (2) the costliness of all kinds and forms of insecurity, and (3) the sharp fluctuations which were the immediate effect of the first introduction of British rule in province after province. See as an illuminating instance G. Keatinge's historical review of the condition of the poor in the Bombay Deccan during the 19th century, in his book, *Rural Economy and Agricultural Progress in Western India*.
6. The following summary of census results will emphasise the argument of the section. "In 1891 Upper Burma, Kashmir and Sikkim were included in the census for the first time; in 1901, Baluchistan Agency, the Rajputana Bhil country, the wild Nicobarese, and Andamanese, and some

outlying tracts along both the N. W. and N. E. borders; in 1911, the population of the areas included for the first time was under 1.75 millions. The official computation is that after allowing for these disturbing factors, the rate of the growth of population in the Indian Empire during the last thirty years has been as follows:—

1881-91: 9.8%: 1891-01: 1.5%: 1901-11: 6.4%.

The wide-spread famines of 1897 and 1900 with their sequelae, cholera, fever and other epidemics—affected the second period: five millions in excess of the normal rate of mortality had died. There also were fewer births. During the third period the mortality from plague was substantially greater than 6.5 million. Plague and malaria were responsible for the decrease in the Panjab and the U. P". Condensed from *India and the Durbar*, Ch. 18. The real increase in the last twenty years is not eight %, in the last forty years, not sixteen % (1926.)

SECTION 49.

1. Loans to agriculturists for improvements and takavi proper are both regulated by the Land Improvement Loans Act (19 of 1883) and Agriculturists' Loans Act (12 of 1884), and by the rules framed under them in each province. The working has varied with the personal interest taken in the matter by District Officers—See Irrigation Commission Report.

2. The largest remission of which there is any previous record is that of Rs. seventy lakhs by Shah Jehan in the famine of 1630 (Elliot and Dowson VII, p. 25.)

3. For a criticism of the Famine Insurance Fund, see Dutt, *Vietorian Age*, pp. 592-4; *Famines in India*, pp. 78-81.

SECTION 50.

1. It may also produce famine intensification, by throwing ever-widening markets open to foreign wares, which beat indigenous wares out of their own local markets, and thus depress the hereditary artisans into landless agriculturists and unskilled labourers. Taking the bread out of the mouths of the artisan classes, it "ruralises" the tracts where industries flourished for centuries, 'scrapes' the hereditary skill of thousands of families and "rustifies" them, and thus intensifies famines.

2. "About 22 years ago I had occasion to notice this collapse of domestic industries and the gradual rustification of our chief occupations in a series of lectures which have been published...." he said, in 1893 (*Essays in Indian Economics*, pp. 102-3).

3. "It involves (he says) no criticism of the ultimate benefit accruing from the Government's policy to consider the possible damage which that policy has caused in the past. The extraordinary rapidity (of railway extension in India) produced an economic revolution...not unaccompanied by suffering. The obligation to save life in times of drought and the necessity of lines of strategic utility... have been the cause of that rapidity; and it has had for effect the destruction of the native industries and the concentration of labour on that very employment to which droughts are the most dangerous. Had strategic or economic considerations allowed the change to be more gradual, it is conceivable that greater powers of resistance might have been shown by the native industries....so that labour might have drifted to other occupations as well as to agriculture....The Commission of 1898 drew attention to the decrease in the real wages of labour....Manufactured goods of the West have been imported, raw produce has been given in exchange; the price level of the former has sunk with the increase of supply, the price level of the latter has risen with the increase in demand. It is true, no doubt, that those districts which export the greatest quantities of raw produce and grain are on the whole the least subject to drought. But the importation of manufactured articles and the consequent decay of home industries cannot be measured by the statistics of the export trade. Though pulse and millets the products of the poorer districts constitute but a minute fraction of the total export of grain, the explanation of the strength of the demand of those districts for British textiles is to be found in the figures of the coastal trade and the extent of internal commerce."

(*History and Economics of Indian Famines*, pp. 106-126)

4. Prices in July 1919 compared to prices in July 1914: rice had risen from 26% in Assam to 73% in C. P.; wheat had risen from 38% in Assam to 100% in C. P.; millets had risen from 102% in U. P. to 132% in Bombay;—India in 1919, p. 66. Export of grain, pulse and flours from India proper (excluding Burma) amounted to 10.2 million tons during the 5 years 1909-10 to 1913-14; to 5.2 million tons during the next five years (ibid, p. 65). See also in the same government publication the scarcity chart, 1919, and the rain fall charts 1918 and 1919 and for full details the annual Review of the Trade of India.

5. At the annual meeting of the Board of Agriculture in December 1919 it was resolved that (1) there should be an export tax on oil seeds and cakes (2) and that a total prohibition of the export of bones, horns, and fish manure was necessary, because the conservation of such natural manures for use in the country itself was a matter of the gravest importance; that for a rapid extension of irrigation it was necessary, (3) to revise the maximum charges for irrigation water in view of the new level of prices, and (4) to encourage

the sinking of wells, (5) of small bores and (6) deep borings; that (7) rivers and other sources of water should be surveyed with a view to select sites where, in seasons of drought the water could be profitably lifted and utilised by oil-engines and pumps; that (8) the loss through erosion and the run off of the water from the land was enormous, and to prevent this, as far as possible, the importance of embankments and a better layout of the land should be emphasized; that to prevent the loss of cattle, as far as possible, (9) grass areas should be improved, (10) fodder storage should be studied and extended, and (11) emergency fodder stuffs, such as prickly pear and nim leaves should be studied and the best methods of utilising them ascertained; (12) that grain storage in large quantities should also be studied, to obviate as far as possible the enormous loss inflicted by a single monsoon failure, which runs into hundreds of crores when it is at all extensive, (13) dry tillage, drought resistant crops and varieties of crops, and crops that would ripen early should be specially studied and, finally, (14) that in the opinion of the Board, the problem of famine prevention and relief had now assumed a new aspect. The established policy of relief works and gratuitous relief depends for success on the existence, somewhere in India, of adequate stores of grain, while the very success of relief operations tends to obliterate the motives which, in the past, created local stores of grain. The Board is therefore of opinion that a special enquiry should now be made into the means whereby a sufficiency of food stuffs can be secured even in the event of two successive monsoon failures. The Board considers that the best agency for making such an enquiry would be a strong Famine Commission appointed by the Government of India". (Proceedings of the Board of Agriculture held at Pusa, 1-12-1919 and following days; see esp. pp. 53-66, 83-90, and 116-7).

6. That conditions might arise in which even in return for hard full-time labour the bare necessities of life might not be won, and the labourers have got to be helped out of 'a concern that cannot possibly pay'. is illustrated over and over again in the economic history of the world. The latest illustration on a large scale is passing to-day through all its inevitable stages, and its inner significance can be seen by all who have the eyes to perceive it,—I mean, the coal-mining industry in England at the present day. Political power however vast and however unscrupulously applied can never make unremunerative labour remunerative. It can, however, win a little time during which conditions might be so recast as to place the industry (and those who continue in it) on a new footing altogether. In our democratic age political power will be sought more and more to be used more and more for such ends (1926).

SECTION 51.

1. Dalhousie (R. of I.) p. 11. Before he became G. G. only three short lines had been sanctioned in 1845,—Calcutta to Raniganj, Madras to Arkonam, and Bombay to Kalyan, total mileage 192 miles.

2. E. g. the Bard Light Ry., 117 miles; the Bengal Provincial, 22 miles.

3. The broad gauge is 5½ feet in width; metre 3 3/8; narrow 2 1/2 and 2.

4. Of the total a little over 5000 miles were owned by Native States.

5. The railway through the Khyber Pass was opened, 1926.

6. The Rajputana Malwa Railway is a good example of the class of state railways. Its main line from Dehli and Agra to Ahmedabad was constructed, 1878-79.

7. E. g. The Burma Ry. Co. formed 1897, accepted 2 1/2%; the Assam Bengal, 1892, 3%; the Tapti Valley Ry. is an example of a Co. accepting rebate terms.

8. The profit to the state is this income minus interest, annuity sinking fund and other charges.

9. Suggestiveness, pp. 98-130: I omit his example of the adulteration of cotton or the substitution of inferior cotton for superior. The difference in prices is so great that I do not see how mere railway rating, however ingeniously planned, could stop such tricks of the trade.

10. "In other words the state-guaranteed (B. B. and C. I.) and the state-owned (Rajputana Malwa) Railway was giving a bounty to the foreign manufacturer equivalent to the whole cost of carriage between Bombay and Ahmedabad. It would strain the powers of a viceroy to do as much for a home trade.... The Traffic Manager argued that competition from Karachi and Calcutta forced the railway to quote lower rates from Bombay. The Bombay Government could not help, because this was an imperial matter. In other words, not one but every native industry entering the field must be trampled down in a struggle for freight among the railways.... The Traffic Manager wields an irresponsible power over the country commanded by his railway, which should not be entrusted to any man, and least of all to one who, rightly from his point of view, regards only his masters' dividend and certain wide limits set down by Government. By a slight readjustment

of rates he can and sometimes does break down a flourishing trade or transfer it to another part of the country; he can, and sometimes does, crush a rising home manufacture in favour of a foreign customer. An amended code of Civil Procedure occupies for days and months the wisest of the land, but is of less practical consequence to the people of a district than a new edition of their Local Goods Traffic Book"—Lely, *Suggestions*.

The railway 'risk note' has only recently been amended a little: as it existed for half a century, railway mismanagement and railway dishonesty inflicted huge losses on innumerable people who entrusted their goods to the Railway, and the note was so worded that the owner who lost his goods in whole or in part could recover little from the Ry. by going to law about it.

SECTION 52.

1. Vincent Smith, *Early India*, pp. 182-3. Megasthenes has noted that Chandragupta's officers "measure the land, as in Egypt, and inspect the sluices carrying the water into the branch-canals, so that every one may enjoy his fair share of the benefit." The *Arthashastra* recently discovered supplements this general description with many details.

2. Productive—certain to yield at least 5% within 10 years of completion; unproductive—certain not to do so; intermediate—works about which neither statement could be made (para 125).

CHAPTER IX.

FINANCE.

Section 53. State Needs. There is really no limit to the needs of the modern state. It wants from the people all they can spare for its purposes, and restrains itself with difficulty at the margin,—wide or narrow according to the habits and circumstances of the people,—where political discontent and the increasing friction of collection advise a halt in no uncertain terms. Wars have become fewer and shorter, but armies and navies have grown continuously, and the advance of science, and the rising prosperity of the people with the rise in the standard of living necessarily resulting, have made them more and more costly. The devastation of war itself has become less frequent, but the burden of being prepared for the eventuality of war has grown, until in some cases at least, the inability to support it longer has precipitated war, as the less unbearable alternative. The nations at the apex of prosperity and progress have led the way, and all others have had to follow, more or less.

As population grows, the cost of roads and communications grows. The advance of science revolutionised transport during the nineteenth century,* and the railways, ships, canals, and ports of modern times have a capacity and efficiency undreamt of by former ages, but the cost too has grown to undreamt-of heights, and, whatever the theory, the practice has grown of placing these indispensable services more and more under state direction. As population grows, the cost of preserving health and maintaining and improving sanitary conditions grows, the proportion of orphans, failures, disabled persons, and aged persons, with none to support them, grows beyond the means of private charity, sporadic efforts break down, and the state has to undertake these duties on uniform national lines. In economic activities, properly so called, the distinctive modern note is production on a large scale for which labour has to be concentrated in masses working through the instrumentality of machines growing in numbers and variety, each needing specialised skill to yield the net maximum of output; the raw material has to be obtained from the ends

* A. W. Wallace *The Wonderful Century*, gives a good idea of the revolution.

of the earth and often in enormous quantities; and the finished product has to seek distant markets, for the locality where it is turned out cannot possibly consume even a small fraction of it. All this implies elaborate organisation with delicate adjustments. The labourer has merely to obey orders as the mere soldier has to, in an army operating on a vast front, and here too, whatever the theory, the logic of facts is inexorable, and the practice grows of greater inspection control and support by the state on uniform national lines. The maintenance of internal peace and order also becomes costlier as population increases, and as crime learns to prostitute the various advances of modern knowledge and the wonderful facilities of modern society to its own ends. Sensibility to suffering, appreciation of cause and effect, and the feeling that the struggle for existence is getting very keen have also grown, and one of the joint products is an ideal of education more complex and exacting than had been possible in the past. How far this growing ideal can be reduced to practice remains to be seen, but the whole meaning of human existence is to work for the attainment of ideals, and, whatever the theory, again, in practice this sphere too is falling more and more into the hands of the state to direct, control, and improve. In one word, the modern state is more and more expected to be the educator of rising generations in order that they at least might have a progressively better world to live in than we and our forbears have had to suffer from: a world of less suffering and more knowledge, a world where insight is surer, and character less inadequate to the strains, the calls, the opportunities, the visions, and the dedications of life. The State, in fine the modern man enthrones in his heart as Secular Providence, and the state bureau is the only temple to which he willingly brings offerings, full of hope. Is this all a delusion? Who knows? The ultimate truth of life and thought, philosophy and humanity, can never be seen free from doubts and mists and dark indefinable masses in the background; those to whom the faith and the hope are given will walk by their light while they possess the urge of youth, while those others, their brothers, to whom the light has been denied, will still follow at a distance, grousing and grumbling.

Section 54. Expenditure. I. Wars and War services.
Sir J. Kaye complained in 1853: "It is a truth to be wept over by every friend of humanity that within the last fifteen years

while some five million pounds have been spent on great national works, thirty millions have been spent in wars".* The East India Company had incurred a public debt of over £ fifty millions when the sceptre passed from its hands, and the Mutiny added to it over £ forty millions. But by 1858 British conquests in India had reached the natural frontiers of the country, and the only war on a large scale which India had to wage during the period from 1858 to 1914, was the Afghan war of the Disraeli Ministry (1878-80). This cost £ eighteen and a half millions, out of which England paid five.† Lord Dufferin's Burmese expedition (1855-6) and Lord Curzon's Tibetan expedition (1903,) were not much bigger than some of the various expeditions campaigns and blockades which have had to be frequently undertaken on the N. W. frontier between the Indus and Afghanistan proper.¹ There have been quite a number of these, in fact, there have been periods during which this No-man's land has been almost continuously disturbed for a number of years at a time, but the total cost has not been really heavy, especially when we consider the length of the period covered, and the training in actual warfare afforded to our troops.²

Less easy to defend was the burden England imposed upon India upto about 1900, by employing our troops on Imperial objects outside India, and paying for them either not at all, or very inadequately. On more than one occasion the Government of India protested vigorously as had the Court of Directors before them, for the practice had originated before 1858; but it was easier for the British Ministry and parliament to impose their will upon the Government of India than upon the Directors and Proprietors of the Company; or we may describe the position in another way by saying that the Government of India had a distinctly lower status and influence under the Act of 1858 than had their predecessors the East India Company. The Act had provided, we have seen, that whenever Indian troops were employed beyond the frontiers, the matter was to be brought to the notice of parliament at an early date, and that no such expenditure was to be imposed upon India without their consent. Even this express provision was disregarded on more than one occasion; so that the behaviour of the richest empire the world has known,

* P. 217. † The Afghan War of 1919 cost £ 14.74 ms.

towards this poor dependency, was in these matters not only mean and unfair, but also illegal at times.³ This shabby page of British Imperialism began with the Abyssinian War⁴ of 1867, and was not closed until the Boer War at the end of the century inaugurated a fairer treatment of the subject from England. The change might be attributed not so much to the men in charge at the moment, Lord Curzon and Lord George Hamilton, as to the cumulative effect of the strong criticism repeatedly expressed on the matter, and especially by the official and unofficial witnesses before the Select Committee on Indian Finance 1871-4, and the Welby Commission on Indian Expenditure, 1895-1900.⁵

Least defensible of all, as involving not only a large burden, imposed upon India as an additional annual tax, but also issues graver by far than the mere money cost of it, was the policy that deliberately saddled her with an army much larger than her actual needs, and constituted, moreover, so as to insure the permanent military supremacy of the ruling power at an incalculable sacrifice to the people thus brought completely under subjection. The aim was to maintain a force ready to take the field at a moment's notice, large enough to hold the frontier until reinforcements could arrive from England, and at the same time, another force large enough to hold the country down with ease. In order to prevent all possibility of another conflagration like the Mutiny the proportion of British troops to Indian was fixed at 1:2; the equipment and training of the Indian troops were kept inferior; the proportion of British officers was increased, the prospects of the Indian to rise in the army were kept lower even than in the days of the Company; the British troops were to be short service men in the prime of life, and troopships ploughed the seas perpetually to bring up fresh relays of British youths to replace the older soldiers; the Indian troops were kept longer in the ranks, and special care was taken to see that there did not accumulate in any part of the country large numbers of men trained in the army, discharged and discontented; and, lastly, the recruiting of Indian soldiers was deliberately carried out on a system that can only be described as increasingly anti-Indian. The more the system is studied as a whole and in all its details, the more plainly does it reveal an utter distrust of the Indian, and at the same time an iron determination to employ all the means that the driest intellect could devise to hold him

down for ever as a helot incapable of ever rising up to claim the status of freedom. This army, this unique creation of British Imperialism, must certainly be pronounced a great achievement of practical statesmanship. It has throughout performed successfully the twin functions for which it was designed, and has also been able to lend a hand, as we have seen, in the defence and the expansion of the Empire in Africa and Europe⁶ as well as in Asia. The cost of it has been heavy, almost too heavy for the country to bear; and the moral cost, if the view here presented be at all sound, so far outweighs the material, that to say much about the latter would be almost a waste of time and space. Still, some indication of the money cost, however brief, can hardly be omitted from this section. The period under review began with an army of 186,000,—82,000 British and 124,000 Indian troops, costing Rs. sixteen crores a year. In 1885-6 it was increased to 211,000,—71,000 British and 140,000 Indian troops, and cost Rs. eighteen crores a year. In 1894-5 it was further increased by 9,000,—3,000 British and 6,000 Indian troops, which meant another two crores per year. The pay of the British soldier and the charges to be paid for him to England have been increased more than once. The pay of the Indian soldier was also increased from the 1st January 1899. And barracks, military works and equipment have swallowed up large sums every decade. Perhaps, the costliest period was the decade from 1899 to 1909, during which £ fifteen millions were spent upon these necessities. The average net cost of the military services under all heads during the three years preceding the War was over £ nineteen and a half millions per year. The net cost shown in the budget for 1922-23 was £ forty-four and one third millions. The Indian Retrenchment Committee presided over by Lord Inchcape has advised (March 1923) that "expenditure after a few years be brought down to a sum not exceeding Rs. 50 crores" (i.e. £ thirtythree and one-third millions).*

THE ARMY IN INDIA AND ITS EVOLUTION (1924)—an official publication.

II. *Famines.* The loss to the people from famines is far greater, we have seen, than the indirect and direct loss to the state, and this latter again is far greater than the direct and

* Inchcape Report, Part I.

indirect expenditure the state is obliged to undertake because of famines. In this section we can only deal very briefly and roughly with the last and the lowest of these three amounts, and only of one part of it, viz. the direct expenditure. It has been shown in an earlier section that the cost of direct famine relief to the state during the decade from 1868 to 1877 was Rs. fifteen crores, and so a Famine Insurance Fund was instituted from 1878 amounting to Rs. one crore and a half per year. No such sum, however, could be provided on account of the Afghan War before 1881-82. During the decade 1873 to 1882 the amount spent on Famine Relief and Insurance was a little over £ seventeen and a half millions; from 1886 to 1890 only Rs. one crore and sixty eight lakhs altogether could be provided, but the larger provision in the remaining years of the decade brought up the total to a little under £ six millions; thus, adding to this amount the two million pounds actually provided in 1881-2 and 1882-3, we have for the so called Famine Insurance Fund an actual expenditure of only £ eight millions during the first twelve years after the Fund was constituted, whereas the additional taxation imposed for the purpose was on the understanding that £ twelve millions would be allotted. During the next decade (1893-1902) the full crore and a half was provided only in the first year; only three crores were allotted during the next three years. Then followed the great famine of 1896-7 which cost Rs. seven crores and a quarter in direct relief and the greater famine of 1899-1900 which cost over Rs. ten crores in direct relief. During the decade 1901-1911, not ten but eleven million pounds and three quarters⁷ had to be allotted to this head of expenditure, mainly because of the famine of 1907-08. Finally from 1911 to 1920 the average annual provision per year was £1·2 million because Rs. twenty lakhs in addition to the usual one hundred and fifty had to be provided in the year 1919.*

III. Railways and Irrigation. As has been noted above, Sir John Lawrence started the policy of state construction of "productive"⁸ works out of loans. Before his time the expenditure on ordinary irrigation and public works out of revenue had risen from £ one third million in 1849 to over £ four millions in 1858. When it exceeded six millions in the year 1867-8,

it was perceived that the treasury could not provide the amount out of ordinary revenues, still less go on enhancing it, without an increase in the burdens of taxation that would be unbearable, especially as the sum the government had to find annually to make up the guaranteed interest of 5% to the railway companies, was also increasing year by year. "Protective" public works—railways and canals—began to appear in the accounts from 1881 as a result of the recommendations of the Famine Commission of 1880, and we have seen above how the Famine Insurance Fund was created by additional taxation in order that such schemes could be pursued more or less steadily, and progressively realised. Throughout the period under review government have consistently borrowed as much money as they could in England and in India, and they have kept themselves well supplied on the whole with railway and irrigation schemes to spend it on. And it must be admitted that where vast sums and large undertakings spread over years are involved, the pursuit of a steady policy like this makes on the whole for economy to an incalculable extent. Railways, we have noted, have been the favourite investment; irrigation schemes obtained very much less of the money available, for a whole generation. But we have also seen that from the beginning of the present century much larger sums have been allotted to irrigation, mainly because of the rude shocks of the famines of 1897 and 1900 and the plain moral deduced from them by Sir Colin Scott Moncrief's Commission. The *public debt* has grown from about £92 millions in 1861 to £157 ms.⁹ in 1882. But by the latter year £43 millions of capital had been sunk by the state in railways, and 21 millions more in major irrigation works of a productive character; so that the burden of the debt was then no more than what it had been in 1861. During the twenty years from 1882 to 1902 the debt increased nominally to £211 millions; but it had been really reduced to £72 millions, as by that year the capital spent by the state on railways and irrigation had reached the figure of £139 millions. Finally by the end of 1913-14 the last year before the great War, the debt had risen nominally to £274 millions; but again we have to enter on the other side of the account £45·5 millions spent by the state up to that date on irrigation works, and a railway property which inclusive of the guaranteed railways purchased by the state was worth at least £330 millions on that date. Thus the Gov-

* Vakil, *Financial Developments*, Ch. 9. The figures for every year are given with their subheads from 1878 to 1920. (pp. 262-3.)

ernment of India is as a property-owning corporation a wealthy party whose assets exceeded the liabilities by over £ one hundred millions. And many Englishmen entertain the opinion, not only that this growing wealth has been created by British foresight, persistence, supervision, and control, but also that Indians do not possess nor are they capable of acquiring the qualities necessary for the efficient management and steady improvement of this property, so valuable in itself and so beneficial to the entire population. On the other hand, Indians can acquire confidence in themselves and inspire it in others, only in proportion as they get the chance of managing and developing large concerns, involving millions of property and employing hundreds and even thousands of men in various capacities. A beginning is only just being made in the direction of throwing the higher appointments in Railways open to qualified Indians.* And the public works department ought to give us men like Sir M. Vishweshwaraya, D. B. K. R. Godbole, Pramath Nath Bose, the creator of the Jamshedpur mines and industries, and the late K. B. Murzban, in a steady stream. As our machine-driven industries grow and thrive, they will supply another small stream of managers and financiers. And finally the Indianised army will also turn out decade by decade another contingent trained up as Royal Engineers. So that there is no reason to apprehend a dearth of men of the right stamp even for the largest state concerns. The dearth of qualified men for so long a period has been entirely due to the greed of power that has kept these avenues of training a close monopoly, in utter disregard of the vital interests of the nation.

Section 55. Expenditure: Ordinary Civil. IV. Public Works of a non-military character and other than railways or irrigation works, were provided out of current revenues, and the expenditure varied according to the character of the year. They were taken out of the hands of the Military Board by Dalhousie in 1855, and separated from State Railways and Irrigation by Lawrence. New civil buildings, repairs to communications, new communications, repairs to buildings, and establishments are the principal sub-heads. Buildings range from the Secretariat at Dehli to a chowki in a petty village. Roads are metalled or ordinary, with bridges

* See India in 1924-25, diagrams 14 & 15.

throughout their length, or only at some places; or they are banked and surfaced roads, or only banked, or only cleared, and drained only more or less partially. All these are regularly maintained. There were not forty thousand miles of metalled, nor one hundred and forty thousand miles of unmetalled, roads in British India by 1901-02; this record no one could regard as at all satisfactory for our vast country. In spite of the Stracheys and the Chesneys, to go on building railways at breakneck speed is not everything. The net expenditure incurred by the state varied; it was £2.7 millions in 1902-03, £ 3.8 millions in 1882-3, £ 4.4 millions in 1862-63, and £ 5.1 millions 1911-12; the average for the three years just preceding the Great War was £ 5.4 millions.

V. (a, b) *Civil Departments and Miscellaneous* The general heading Civil Departments comprised ten sub-heads; (1) General Administration, (2) Courts of Law, (3) Jails, (4) Police, (5) Ports and Pilotage, (6) Education, (7) Ecclesiastical, (8) Medical, (9) Political, (10) Scientific and Minor Departments. Let us consider very briefly the more important of these, mainly from the point of view of finance.

(1) *General Administration* meant the upper civil administration from the Secretary of State and his Council down to the Commissioners of Divisions. Exceptional expenditure prompted from motives of high policy, such as on a Dehli Darbar, a Jubilee celebration, or a visit from a member of the Royal family, or the Tsarevitch, or the King of Belgium, was also entered under this head. Apart from the occasional fluctuations thus arising the cost under this head remained stationary for a long period; for, as we have seen, there was no change of importance in the upper administrative organisation of British India from 1858 to 1893; there has been no extension of boundaries, either, except in the case of Burma. Curzon's partition and constitution of the N. W. F. Province, Morley's enlargement of the executives and legislatures, the visit of His Imperial Majesty and the repartition of Bengal and the formation of Dehli as a separate province, were on the other hand all crowded together in one decade, and the expenditure under this head, £1.3 millions in 1901-02 became £ 2.6 millions by 1911-12. Some economy had been effected since, and the average for the three years ending with 1913-14 was £ 2.2 millions. The new Government of

India Act with its enlarged executives and legislatures will of course involve another large increase, commencing with 1920-21; but for the first time in the history of British India a substantial and let us hope an increasing proportion of the total will come into Indian hands and circulate in the country.

(2, 3) *Law Courts, Law Officers and Jails.* This head need not detain us. The net cost has for many years been in the neighbourhood of half a million pounds for jails, and five times that amount for law and justice.

(4) *Police.* This head need not detain us either. Apart from the village watchmen, the police force cost about Rs. two crores and twenty lakhs upto 1880. In the eighties better training arrangements were made, the proportion of officers was raised and the net cost by 1891 was Rs. three crores and forty lakhs. In 1901 the cost was Rs. thirty lakhs more. Then came the Police Commission and the reforms recommended by it. The numbers were increased, the pay was improved, although as often in India, not adequately for the lower ranks, and the net cost also increased by Rs. three crores. And during the triennium ending with the outbreak of the Great War the average net cost was about Rs. six crores and ninety lakhs.

(6) *Education.* The total expenditure on the public educational institutions in British India, which being Government institutions are wholly controlled by the Education Department, or being aided by Government are inspected and partially controlled by the same agency, is derived from Government funds (including the funds of municipalities and local boards), or from fees, or from subscriptions and endowments by private individuals, or from other miscellaneous sources. The growth in the expenditure upon education from public funds has been at a gradually increasing rate. From Rs. 91 lakhs in 1873-4, it grew to one crore and eight lakhs in 1881-2, nearly four crores in 1901-2, and seven crores and eightyseven lakhs in 1911-12. A table printed as a Note gives the distribution of the expenditure over the entire field of education.¹

A mutual comparison of the fortyfive figures. in that table, vertically and horizontally, will of itself suggest many a reflection and criticism. The defects of the system both as a whole and in the mutual relations of its various parts lie almost on the surface. Some of them will be dealt with in a later

chapter. Here it would not be appropriate to the main subject to refer to more than two of them. In the first place, look at the unspeakably meagre provision for Special Education. A finance minister cannot draw more and more from the people for the treasury unless the productive capacities of the people go on increasing; and this end cannot be realised under modern conditions of international competition, without heavy and growing expenditure on a sufficient number of technical institutions of every variety. While it is true in a sense that all sound education is productive, all technical education worthy of the name is directly productive. Well-trained agriculturists, mechanics, artisans, chemists, engineers, ship-builders, and other skilled workers too numerous in their variety to detail, would be productive in a far higher sense than railways and irrigation canals, fisheries and mines, forests and plantations. These other material objects, indeed, are productive only in so far as there are the human agents armed with the necessary skill to make or work and develop them. And to arm an increasing number of the boys and girls as they grow up with the necessary skill is to establish and rapidly develop a well-conceived system of technical and vocational education, all over the country, properly correlated to the key industries, the main occupations, and the economic products and peculiarities of each linguistic area. How much of this can be done in our vast country with a beggarly eighty-four lakhs a year? How can a bureaucracy failing to create such a system of education and preserving the posts of responsibility and opportunity for men of their own race from decade to decade, rebut the charge that they meant not to develop the country and the people but merely to exploit them?

Secondly, compare the expenditure on education as a whole with the expenditure upon the various other objects more or less briefly discussed in these sections. Could not more have been allotted to this, if necessary, even at the expense of one or more of the others? Cannot more, and a faster rate of progress be provided now and in the immediate future? And if it be really found impossible to do so out of current revenues, why should there not be a thorough examination of Sir M. Vishweshwaraya's suggestion of "a loan averaging about fifteen crores per annum during the next ten years for the development of education and industries"?*

* See his *Reconstructing India*, Ch. II 14.

(8) *Medical.* This is another head of expenditure which badly needs a large and an immediate increase. The death rate in India is high.² The death-rate of women within the child-bearing age-limits is higher. The rate of infant mortality is dreadful. Our bloated cities are areas where diseases rage like forest-fires. And yet our rural areas, scanty in resources because of the want of work, are pouring their life-streams into these stinking slums in increasing volume. Malaria takes off about a million people per year, and the numbers who recover only to lead lives lacking in vigour and hope cannot be counted. Now and then there is an epidemic of fevers, when more than two millions die of it in less than a year, as in 1908. Such an epidemic is followed, moreover, by a year of a lower birth-rate. The influenza carried off six millions in 1917. The average mortality from plague since it broke out first in August 1896 works out at five lakhs a year, though the later portion of the period with its reduced numbers has lowered the average for the whole. Cholera, which can take a heavy toll only from cities, pilgrimages and fairs, has become less frequent with better water supply and improved conservancy, but still it killed seven lakhs in 1907 and nearly six lakhs in 1891, and the year is rare in which it kills less than two lakhs. Small-pox is about the only scourge whose ravages have fallen off during the British period. Vaccination was introduced early in the sixties of the last century. It has to contend against the ignorant prejudices and superstitions of the people. In 1864-5 only 556 persons were vaccinated in the whole of north India. From such microscopic beginnings, however, the activities of the department have grown until they reached fair proportions. By 1880-1 the annual vaccinations were over four millions, and the next two decades doubled the number.

Perhaps the first civil hospital in British India was opened at Madras in 1670; the Calcutta General Hospital was opened in 1795. The number of hospitals and dispensaries³ has grown at a snail's pace. There were 1247 in 1881, 1809 in 1891, 3402 in 1901 and 4128 in 1911. The population of British India was in 1911 over 244 millions. Does that give one hospital to 59,108 people? By no means. Bombay is the only major province with a high urban population, and even in Bombay over four-fifths of the people are rural. At the other extreme stands Bihar and Orissa, backward and mediaeval with a

vengeance, if you associate progress and modernity principally with towns; for this province has only 3.7% living in towns out of its population of thirty-four millions and a half; and, of course, very few of our four thousand hospitals are in villages.

It may be remembered that the East India Company thought of a proper system of laws and lawcourts only when parliament threw India open to Englishmen. It is equally curious to discover that improvements in the general sanitation of the country were seriously thought of only when the Army Sanitary Commission, 1863, pointed out that the army itself could not possibly be expected to keep better health without them. Sanitary Boards and Commissioners were appointed. But what could these foreigners utterly ignorant of the language ways and medical and hygienic conceptions of the people, obsessed moreover with the fads and fanaticisms of new science, achieve? It is all very well to call the Indian village a dung-heap with stagnant water befouled by men and cattle, in which men and cattle bathe, and out of which they drink together. It is all very well to call the Indian villager ignorant superstitious and conservative. It is not for the reformer to twitch his nostrils and turn away. Such as it is, that is the world he has to work in work for and better, as far as possible. And if he only brings sympathy and understanding to his labour of love, he will find it, with all its faults, very human and plastic. Real progress dates only from the extension of local self-government by Lord Ripon; but it is substantial as yet only in municipal areas, though as their population goes on increasing, the old solutions and arrangements cease to answer, or the welcome reform of one generation comes to be regarded as a legacy of evil by the next. Sanitary Engineers have been appointed from 1888 and sanitary works in towns and rural areas, sanctioned by the Sanitary Board and wholly or partially financed by government, are carried out and maintained under their supervision. Thorough-going changes in the organisation were introduced under the recommendations of the Indian Plague Commission of 1898. The Indian Pasteur Institute at Kasauli started work from 1900, and similar institutions have been opened in other parts of the country. The Plague Research Commission, 1905-07, proved that the infection did not travel directly from man to man, and that the problem of fighting and eradicating plague was the prob-

lem of fighting and eradicating the rat-flea; and important changes in the methods of dealing with the epidemic and the areas where it prevailed followed, many useless troublesome and unpopular measures being discarded. The Imperial Malaria Conference, 1909, has led to the formation of Central and Provincial Committees and the establishment of a Central Malaria Bureau at Kasauli for research and the training of officers. And this has been followed up by the appointment in the provinces of touring malaria experts to investigate the conditions in specially affected areas, and advise as to the proper remedies. Thus Dr. Bentley's report about Bombay City in 1911, for instance, has led to the filling up of wells and tanks, the laborious structures of an age when the waterworks had not yet come into existence. A scientific study of tropical diseases began in India with the Parel Central Research Institute (1901), which was moved to Kasauli in 1904. The Bombay institution confined itself thereafter to the preparation of antiplague vaccine. These and similar activities have been financed by Imperial grants from 1908-09 onwards, amounting to over a million pounds in the first five years;⁴ a portion non-recurring for capital expenditure or exceptional use, but the balance promised to continue for several years.* And from 1910 when Sir Sankaran Nair became the member of the Imperial Executive Council for sanitation as well as education, an active policy has been inaugurated for the sanitary and hygienic improvement of towns and villages, by the creation of a new service of Health Officers, Sanitary Inspectors, and Travelling Inspectors, open to Indians with the necessary qualifications, and by the encouragement of postgraduate study and research in the necessary subjects. The expenditure from government funds, central provincial and local, was Rs. seventy lakhs in 1882-3, eighty-eight lakhs in 1891-2, over a crore in 1901-2; for the triennium ending with 1913-14, it averaged Rs. one crore and forty lakhs. The single head has since been split up into two (a) Medical, (b) Sanitation; the gross expenditure on (a) from 1914-15 to 1918-19 has averaged £ nine and a half lakhs, and that on (b) £ six lakhs nearly; thus giving a total for both of Rs. two crores and thirty-two lakhs. From one crore in 1901-2 to two crores and a third in twenty years is by no means a rate of progress to satisfy those who at all realise the life and death importance of medical aid and sani-

* By 1919 they amounted to £ 20 ms.

tary improvements in our vast rural land, teeming with a population weakened by disease and poverty, and disheartened by ignorance and oppression and a hopeless environment.

(9) *Political.* Under this head is entered the expenditure of the political and foreign department of the Government of India upon Residents, Agents and their establishments in Native States, political subsidies, such as was paid to Amir Abdur Rahman Khan of Afghanistan, the maintenance of refugees, State pensioners, and State prisoners,⁵ and similar objects. Occasionally, a Boundary Commission, a special Mission, or a Negotiation swells the total. The amount exceeded £ one million for the first time in 1906-7, was in the neighbourhood of that figure from 1911-12 to 1916-17, but was over £ two millions for the next two years, owing to India's contribution to the expenditure upon the South Persia Rifles and similar items due to the Great War. On the other hand, the income from the tributes and contributions received from Native States has generally amounted to £ six lakhs a year, and this sum might be fairly treated as a partial set-off.

(10) *Scientific and Minor Departments.* This head covers the Department of Agriculture, the Civil Veterinary Department, various Survey departments geological, magnetic, meteorological, linguistic, archaeological, ethnographical; several central institutions such as the Central Museum, the Central Research and X Ray Institutes, the Imperial Library, the Bureau of Commercial Intelligence; and other miscellaneous activities such as the census, the supervision of emigration, the inspection of mines, explosives, and factories, etc. The expenditure as late as 1891-2 was less than Rs. six lakhs a year. But the Agriculture Department started in 1881 got an impetus during Lord Curzon's regime, agricultural colleges and researches have grown apace with excellent results, improved seed, improved methods and scientific processes of protecting the crop from pests etc. have been produced and are being popularised by demonstrations and propaganda, the various highly intricate problems connected with Indian agriculture are being envisaged more concretely continuously and earnestly by a larger number of minds, better equipped than ever before in Indian history, and as we have seen in an earlier chapter, the department is already urging government

and people to advance scientifically towards the rapid attainment of results of incalculable beneficence. Some of the other departments and activities enumerated above are of still later origin, and while several of them are necessarily on a limited scale some are developing at a vigorous rate. The total gross expenditure has naturally grown fast; it was nearly £5 lakhs by 1901-2, nearly £ one million by 1911-2, and with the single exception of the year 1915-16, has continued growing year by year; it was a little over £ one million and a half in 1918-19, and the Agriculture Department has nearly always had more than half the outlay.

Europeans often express dissatisfaction at what they consider the very inadequate appreciation for services like the above, by educated Indians. But there is more in the matter than meets the superficial eye. In the first place Government reports are not easily accessible and official accounts are as a rule unreadable. Secondly, Indian education has been far too literary and abstract in character. Thirdly, a good many years necessarily pass in what might be called prospecting and pioneering work; while on the one hand, a conscientious government does not increase expenditure and establishments except in directions offering reasonable prospects of substantial results, on the other hand, meagre allotments and small establishments can rarely produce results, and, to the lay mind not accustomed to look before and after with the hopeful vision and enthusiasm of the expert, are likely to appear a mere waste. Besides, until they do achieve results, a consummation that might not be attained for decades, these experts and their official mouth-pieces rail at the backwardness of the country, the ignorance superstition and conservatism of the people, and the depressing apathy of the surroundings, in every variety of tone and gesture. Under these circumstances, it is hardly a matter for surprise that educated India should emphasize a single aspect common to all such activities and departments, as to which it finds the government attitude indifferent to the point of criminality. Educated India is not at all against the importation of real and indispensable experts or of keeping them as long as they are really indispensable. But the foreign expert gives less than twenty years of active service and that too in broken periods. He takes away all his experience, training, faculty, and reputation with him to benefit other lands, while he is still in the prime of life

There is also the possibility of his not giving the benefit of all the secrets and processes he has discovered or perfected while here, to the land to which he feels little attachment in spite of all it does for him, since it is not in human nature to feel much attachment for a land where he and his children cannot settle down. Under such conditions, the average individual responds only to the cash nexus and behaves accordingly. Hence it is that from the days of V. N. Mandlik and M. G. Ranade, Indian patriots have felt that Indian resources had much rather not be developed at all than developed only at the hand of foreign experts, to give rise only to an increasing exploitation of the country by the foreigner. Any strengthening of the jute industry or the tea plantations for instance, while they continue, as from the beginning to the present day, monopolies in the hands of foreigners, who moreover, resist Indian aspirations with all their might, and have proved themselves incapable of any real sympathy for Indian labourers and subordinates, Indian opinion does not look upon as pure gain. There can be no real industrial development or economic advance until the new industries or occupations are from the top to the bottom in Indian hands, so that the skill, processes and organisation involved are all likewise in competent Indian hands. Experts might be brought now and then, here and there, and assigned certain tasks, as in Japan or any other country; but they should be servants employed only for a period, during which the training up of the Indian or Indians associated with them should be an integral part of their duties. There is no industrial advance worthy of the name, which is not a complete transplantation and successful culture of foreign skill into our own country.⁶ A mere increase in the mileage of railways or in the bulk and the value of the production is one thing, a real progressive advance is quite another. Hence it is, and not at all because of such unworthy feelings as jealousy or colour prejudice, that exponents of the Indian view have become more and more insistent on the subject of the race and domicile of the agency employed. In the dissenting Minute already referred to in an earlier section, Sir Abdur Rahim wrote:

"The proper standpoint, which alone in my opinion furnishes a satisfactory basis to work upon, is that the importation of officials from Europe should be limited to cases of clear necessity (para 50) In the second group (of the services)

should be placed appointments in which the administrative aspect of the work (to be done) is more or less subsidiary, and for which differentiated and specialised qualifications of a professional, scientific or technical character are required. As such qualifications are capable of being sufficiently definitely ascertained there is no good reason why in this class of appointments Indian candidates when properly qualified should not be appointed to the fullest extent available in India. I would place in this group all judicial appointments, and appointments in the education agriculture, civil, veterinary, forest, geological, survey, factory and boiler inspection, mines, mint and assay, pilots (Bengal), public works and railways, Indian finance, military finance, medical, telegraph (engineering) and the survey of India departments" (para. 54).*

V (b). *Miscellaneous* covers the heads of territorial and political Pensions, civil, furlough, absentee, and superannuation Allowances, Exchange, Stationery and printing, special Commissions of Inquiry, etc. It is not necessary to give any details about these heads in an elementary book like this. But connected with the subject of Exchange and indeed with the whole topic of Expenditure is the much debated matter of the *Home Charges*. The expenditure of our government is necessarily incurred partly here, and partly in England. This must continue to be the case, to some extent at least, as long as India is within the British Empire. We have borrowed a large portion of our public debt from England; and the interest has of course to be paid every year. This must continue to be the case as long as England is for us, as it has been all along, the cheapest market to borrow from. A conflict of interest between England and India arises with regard to the remaining items. The larger the number of foreigners employed in India in civil or military capacities, permanently or for short periods, the larger the charge for pensions, leave and furlough allowances etc., items which are really a part of the pay due to them under their contracts with us. From Dadabhai Naoroji onwards, the Indian contention has been that it should be a cardinal principle of the policy of the government, to employ the fewest possible foreigners, and keep these charges as low as possible. The reply to this has been that this was not merely a question of the money cost; the British were bound to give

* Allington Comm. Rep. I, pp. 411, 418.

to India a Western, modern, progressive, efficient, British administration, this was the inner meaning of the phrase "the British Connection", which could only be maintained and developed thus, and the indirect benefits to India were far greater than the cost. And the rejoinder has been—it was perfectly true that this was not merely a question of the money-cost, for the losses to India, direct and indirect, are far greater than the cost. The money if spent upon Indians would circulate and fructify within the country. The experience and the reputation, if won by Indians, would remain available even after they retired from service and would elevate India in the estimation of the world. And as G. K. Gokhale observed in 1905,*

"This question is to us something more than a mere question of careers. When all positions of power and of official trust and responsibility are the virtual monopoly of a class, those who are outside that class are constantly weighted down with a sense of their own inferior position, and the tallest of them have no option but to bend in order that the exigencies of the situation may be satisfied. Such a state of things, as a temporary arrangement, may be accepted as inevitable. As a permanent arrangement it is impossible. This question is thus to us a question of national prestige and self-respect, and we feel that our future growth is bound up with a proper solution of it".

How far the new constitution put into force, 1920-21, and the new era commencing, will alter the case and how fast, the future will show.

Again, in connection with our international trade, the shipping, the banking, and the agency without which it could not go on, were for a long period exclusively British; and when other nations like Germany, Japan and America obtained a share, all these other foreigners together accounted for only a small though a slowly increasing share of it. Even in their case, the payments were to a large extent made through England, and all these items have gone to swell the Home Charges as the volume of the international trade has increased. The government attitude on this section of this subject has through-

* Budget Speech Impl. Leg. Council 29th March.

out been—"What can we do? It is the course of the trade: it is the natural course of things". Or "We are convinced free traders: it is really for the best; and to act otherwise is against our principles". Here, again, the Indian view has been that a national government would necessarily have behaved very differently; Indian shipping banking and agency business would have been helped by it to make a start and to grow up until each was strong enough to compete unaided, and thus there would have been not only a progressive reduction of this item in the Home Charges, but a real industrial and economic advance.

Another amount in the Home Charges is due to the purchase of military, railways, and government stores in England. Government is necessarily such a large buyer, that in the case of some articles it could easily have built up its own factories and produced for itself what it needed.* In that case, the price paid would have remained in India, Indian labour would have been benefited from the first, and the indirect gain would have been all the greater if the factories as they developed had been Indianised, and thus had served to raise up one industry after another in the country. Instead our government simply bought all it needed from England for a long period. As a rule, much more of Indian money was annually spent in England than the English capital annually borrowed on Indian account. The production of some of the military requirements in India itself in government factories, and the purchase locally of a few other articles, have been changes in the practice, introduced from the eighties of the last century. How far we shall go in this direction and how fast in the era now dawning, the future will show.†

Lastly, *Exchange*; from about 1870 to 1898 our treasury lost a great deal on the exchange of rupees into sovereigns; for any coin outside the boundaries of the state within which it is a legal tender, is worth only the precious metal contained in it, payments in any country have to be made in the legal tender of that country, the legal tender of England is the sovereign which is a gold coin, while the rupee is a silver coin,

* The Mughal Government was a large producer. See J. Sarkar, *M. Administration*, pp. 13-15.
† See, for Home Charges Morison, *Economic Transition in India*, Chs. 9 & 9.

and as the gold-value of silver fluctuated largely with a downward tendency and actually fell considerably⁷ during the period indicated, more and more rupees had to be paid out of our treasury to make up the same number of sovereigns for our payments in England. In 1893, the government, after prolonged consideration and with much hesitation, fixed the rupee at one-fifteenth of a £ (1s. 4d.), and ceased to coin fresh rupees for a time. By 1898 the rupee rose to this gold value and it remained at that level to the beginning of the Great War. During this later period, therefore, there was no loss to the treasury from exchange; on the other hand, there was a considerable gain through the coining of fresh rupees in enormous quantities from silver purchased at market rates,—as we shall see in a later section.

Section 56. Income. A State derives an income from its properties and from trade and other activities, just like a private individual. It also takes by law,¹ at stated intervals, a definite part out of the property or the annual income of various classes of its citizens: this is its income from taxation, which it derives by virtue of its right and power as a sovereign to coerce its subjects, and in modern states the income so derived forms by far the greater portion of the whole. We therefore begin with a brief account and discussion of the principal heads of the *Taxation Income* of our government from 1858 upto date.

The most important of these is:—I. *Land Revenue*. This is a tax on agricultural incomes, levied in India from times immemorial, being the most natural of taxes in a country predominantly agricultural. The permanent settlement with the Zamindars was a tax on their rents or agricultural incomes, which, in 1793 when first fixed was, we have seen, as high as ten-elevenths of these incomes, but has fallen in process of time to one-fourth or less. The land revenue realised from U. P., C. P. and the Panjab is also a tax on rents the proceeds of which have increased with the progressive growth of rental incomes in those provinces, as the settlements there were subject to enhancement at each revision; but a progressively larger fraction of the income has remained with the landowning shareholders, a decreasing fraction has been taken into the treasury; the fall has been from over eighty to under fifty per cent. The land revenue in the ryotwari pro-

ries of their staff and the bare necessities of their existence, but nothing more. I could provide nothing for their expansion or improvement.... Government contributions to all aided institutions would at once lapse.... Government aids to all local institutions would cease...." For instance, the council having reduced the grant for the educational inspecting staff from Rs. 7.47 lakhs to Rs. 1.12 lakhs, the staff was reduced accordingly. The head of the C.P. and B., on the other hand, 'authorised' under similar circumstances and in transferred subjects, even "new expenditures which really were commitments of the government in accordance with practice, such as grants to local bodies for general purposes" (D. N. Bannerji, pp. 150-154, referring for the C. P. and B. to a Notification by the Financial Secretary, C. P. and B., 24-3-1924.)

Under normal conditions, such behaviour on the part of a legislature means want of confidence in the Minister; the first step on such a situation arising, is to resubmit the grant (as the Joint Select Committee advise) with a clear notice that the reconsidered vote would be treated as a vote of confidence in the minister concerned. And if the vote be repeated, the next step is a new minister or ministry with a fresh budget drawn up according to their advice, or, under certain circumstances, a general election. But the conditions, during the second legislatures, in these provinces were not normal; there were too many representatives returned by the electors who were irreconcilable and actively hostile to the constitution as by law established.

Thus, the circumstances being abnormal, my conclusions are:—

I. The course followed by the head of C. P. and B. was better than that followed by Lord Lytton.

II. Both the heads were ill-advised in claiming to act under, or seeking a course of action under, section 72D (2) (b). That provision in the Act cannot apply (I venture to submit) to emergencies arising out of a general condition of abnormality likely to last for a whole triennium.

III. Under every constitution there is and there ought to be, somewhere, absolute power in reserve, to be exercised at the sole discretion of the executive head, whenever required and to the extent required, for the good of the State and the people. And such power in reserve is all the more necessary—and therefore latent—in a constitution professedly transitional, imperfect and experimental. The action taken by the head of C. P. and B. should have been taken in Bengal also, and in both provinces it should have been taken by the head in consultation with the Governor General and the Secretary of State, and openly in the name of this absolute power in reserve at the back of all constitutions. I submit that (a) to seek to apply 72D (2) (b) to such cases is to strain the law, and that (b) the course

I suggest would have weakened the irreconcilable and wrecking party much more and much earlier.

3. Bills regulating a University, providing for light or feeder railways, affecting the general principles of the land revenue system, or touching the religion or religious rights of any people in India, are the most important of the kind of bills which the Governor "shall reserve" for the assent of the G. G.

4. Any of the minor provinces existing today or to be created hereafter may have legislative councils with nominated and elected members, together not exceeding 100, of which number one-third must be non-officials. The powers of such legislatures would of course be limited, since these provinces would not cease to be mere agencies of the Government of India.

SECTION 77.

1. And We do hereby authorise and empower Our said Governor General in Our Name and on Our behalf to grant to any offender convicted in the exercise of its criminal jurisdiction by any Court of Justice within Our said Territories, a pardon either free or subject to such lawful conditions as to him may seem fit.—Clause 5 of the Instructions to the Governor General (Bannerji, App. N., copying the G. I. Notification No. 1552, 8-6-1921).

2. This sympathy for the G. G. appears to be rather misplaced. The Governor General and the Members of Council have to carry on the government as one man: their responsibility is "united and indivisible." And this "principle of united and indivisible responsibility applies" in their case, as in the case of the British Cabinet, "equally to administrative and to legislative action"—Montagu-Chelmsford Report, para. 24.

3. It seems to me that it is too early to dogmatise on this point. England gives complete freedom to Canada to arrange her relations with the United States as seems best to Canada herself. But, of course, whatever the precedents so far, Canada would not be able to go to war against the U. S. though England wanted no such war, or to remain at peace with the U. S. even when England went to war against that country—Canada that is to say, could not do either of these things and at the same time continue within the Empire. And it is far easier for Canada and England to agree on all questions of relations with the U. S., than it would be for India and England to agree on all questions of relations with the powers of the Near East—Afghanistan, Persia, Iraq, Ibn Saud, Egypt, and Turkey. I do not say that England and India would find it impossible to harmonise their policy in the Near East as perfectly equal friends. But I do feel that the continuous preservation of such harmony or identity of