

1. Name
2. Date
3. Place
M.O. 1-22,400-22-11-22

MADE AS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1035	Press
		Min.
Dated	12-7-18	18

Not to be folded or roughly handled

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SIR,

2. The Statute 3 and 4 William IV., Cap. 85, Section 59, expressly precluded the Governments of Madras and Bombay from making any new office, or granting any salary, gratuity, or allowance, without the previous

4. With the exception of the statutory enactments above mentioned, the Governor General in Council is aware of no formal rules on the subject of the powers of the Governments of Madras and Bombay to correspond direct with Her Majesty's Government in England.

5. The Governor General in Council has deemed it proper to invite the attention of the Governments of Madras and Bombay to these rules, as some diversity of practice has of late grown up either unwittingly or from misconception on the part of the Local Governments. His Excellency in Council accordingly desires to communicate an exposition of his own views on the subject of the manner in which the powers possessed by the Local Governments to correspond direct with Her Majesty's Secretary of State should be exercised, in the hope that the Governments of Madras and Bombay will concur in those views and regard them as being in accordance with law, long existing practice, and public convenience.

செப்பன்டுபவர் பெயர்
செப்பன்டுவதற்காக எடுத்தக்
கொள்ளப்பட்ட தாள்
செப்பன்டு முடிந்த தாள்
1973
சுராய்க்
உதவியாளர்
கையொப்பம்

6. The Statute 3 and 4 William IV., Cap. 85, Section 59, as stated above, provides that no Governor or Governor in Council shall have the power of creating any new office, or granting any salary, gratuity, or allowance without the previous sanction of the Governor General in Council. In many cases the Governor General in Council has not the power of granting salaries, gratuities, or allowances without the sanction of the Secretary of State. From

matters which have obviously an important financial bearing.

8. All references by the Local Governments to the Secretary of State on important questions of general principle relating to the public revenues, the religion or religious usages of the Natives of India, the Army, and the relations of the Government with Foreign Princes or States, should, in the opinion of the Governor General in Council, be made through the Government of India. It will be remembered that on the four subjects above mentioned, Parliament has required* that the sanction of the Governor General should be obtained previous to any local legislation.

9. Lastly, when a Local Government dissents from a decision of the Government of India, and would either formally appeal to the Secretary of State, or question the orders given, the proper course is for such Local Government not to address a separate despatch direct to the Secretary of State, but to address the Secretary of State through the Government of India.

10. I am to request the favor of an expression of the opinion of His Excellency the Governor in Council on the foregoing statement of the views of the Government of India.

I have the honor to be,

SIR,

Your most obedient Servant,

W. C. Bayly
Secretary to the Govt. of India.

Encl. 21 March 67-68-69
 - 2 Nov. - 1-2
 - 7 Jan. 68 - 8
 - 7 March - 15-24
 - 22 Dec. - 56-60

Public 1870 DEPARTMENT

From Secretary to the Govt. of India,
 Home Department
 No. 8686

Dated 6 August
 Received 15 August

No. 1060/92

Requesting the opinion of the Hon. Secy. on the views expressed by the Govt. on the rules which regulate the correspondence between the Govt. of Bombay & the Govt. in England -

noted by C. D. S. 12/12/92

Minute

The Government of India propose that the Government of Bombay should in future be debarred from corresponding direct with the Secretary of State regarding any of those matters in which the Government of India exercise a principal control over the Local Government, as regards the administration of the Bombay Presidency, the revenue, the police, the public works, the education, the health, the sanitation, the agriculture, the commerce, the industry, the public order, the security, the defence, the foreign relations, the relations with the Native States, and it is suggested that when a Local Government desires to approach the

Ministry of the Govt of India
It should not, as at present,
adhere a separate department
chief of the Secretary of
State, but should move the
Imperial Govt. & refer the question
to the Imperial Government.

The immediate effect of these
propositions would obviously
be to which may considerably
the direct correspondence which
to present to all place between
the Government of India
Bombay on the one side
and the Home Government on
the other, and the measure of
carried out to its logical
consequences, and, I have
no doubt, would in the
complete withdrawal from
the Local Governments of
the power of corresponding directly
with the Secretary of State,
except perhaps in regard to
mere matters of routine such
as the provision of stores, the
employment of ^{persons} ~~salaries~~ payable
London and property of the

transmission of memorials from
persons considering themselves
aggrieved by the administrative
parts of the Local Government,
a plan on the correspondence
which has passed in an
year between the Local Government
and the Secretary of State
would show that while the
correspondence would be considerably
reduced under the restrictions
now proposed, several important
subjects would remain, on
which the Local Govt. would
still be at liberty to write direct
to the Home Government, but
to which the principle of the
proposed restrictions, or at least
more correctly, the principle
which underlies those restrictions,
would be equally applicable,
and to which the restrictions apply
& be applied if the principle
be correct; and that principle
I take to be, that on every
subject of importance at which
it may be deemed necessary
to make a reference to the
Secretary of State the Government
General or Council should have
an opportunity of placing before

but authority an impression of
his opinion immediately with
the Government. ⁴ ~~and~~ ~~at~~ this principle
is & is fully acted on, & is
chiefly spiritual but the Local
Government should be deprived
of the power which they have
under the present system, of
imposing their view of a question
under the consideration of the
House of Commons. Some weeks or
months ago we were before
the views of the Government
in Council and under the
sanction of the House.

In dealing then with the proposals
now before us, it is necessary
to bear in mind that if they are
adopted, this almost entire
power will be, and will at an
very distant date & with some
alteration from the Government
of London & Birmingham, the power
which they have now enjoyed
ever since they have existed as
Governments, of communicating
direct with the House of Commons.
The question for our consideration
is whether we will allow

5 of this ancient privilege ¹³ is
infringed practically & impede
the operations of the Local
Government, whether the practical
advantages which the Privileges
derive from its Government
be in any way & correspond
direct with the functions of
State we wish as to justify
the somewhat anomalous position
in which, under the present
system, the Government of London
and the Local Government are
placed in reference to each
other, or to another balance the
inconvenience which may
be supposed to result, & which
occasionally do result from
this anomalous state of
things. My view is, and has
long been, that this Privilege
gives no real benefit from
the privilege in question, and
that while nothing is gained,
something is lost in the
antagonistic spirit & impulsion
of action which the present
system tends to foster. It
cannot I think be otherwise
than prejudicial to the spirit

of harmonious & cordial cooperation
which ought to exist between the
highest authority in India and
the Government subordinate to
it, but it should be in the
power of a Local Govt. to address
appeals direct to the Secretary
of State against a decision
of the Govt. of India, or to
submit proposals direct to the
Secretary of State as important
questions of general policy or
of administrative detail, passing
by the authority which is responsible
for the financial propriety &
the general good order of
the country. I am bound
to say that on this point I
entirely agree in the opinion
expressed in a letter from the
late Commander in Chief in
India and by Sir H. D. Thomas
K.C.B. but the arrangements
in question "regarding the
"appeals are small as well
as in large matters, and that
it is essential to maintain
the authority of the Government

7 "of India and to make London
and Bombay impatient of
its control."

It is true that during the last
year or two the note usually
observed at the India Office
has been to defer passing orders
or proposals made direct
by the Local Government
until the views of the Govt.
of India have been received,
but the observance of this
note has not been by any means
invariable nor is it always
an the most important matter,
but the opinion of the Govt.
of India is awaited before
a decision is given. Within
the last two years a correspondence
has passed between the Secretary
General and the Secretary
of the Secretary of State in
Council with reference to the
principles as to which the revision
of the appointment of the
Local Government of this Province
should be carried out, and

8

this compromise has ^{terminated} ~~terminated~~
in a decision being given on
several important points without
any previous consultation with
the Government of India although
that decision involved a complete
reversal of the policy announced
to recruit as 1882 in regard
to the ^{duration} ~~duration~~ of an agreement.
Only a few years after the announcement
which I think the majority
of the Indian Govt. with the
sanction of the Secretary of State
but in opposition to the views of
the other ~~other~~ hand of the Local
Government and without any
consultation with the Govt.
of India, passed orders regarding
the appointment of one of our
Southern Districts which resulted
in a sacrifice of revenue amounting
to several lakhs; - a sacrifice
which is now generally considered
to have been ~~incurred~~ ^{incurred} for

surely if the former ~~former~~
Council in the ~~local~~ ^{local} ~~regional~~
financial ~~prospects~~ ^{prospects} of
the ~~country~~ ^{country} ~~has~~ ^{has} ~~been~~ ^{been} ~~a~~ ^a
~~series~~ ^{series} ~~in~~ ⁱⁿ ~~the~~ ^{the} ~~future~~ ^{future} ~~of~~ ^{of} ~~the~~ ^{the} ~~country~~ ^{country}

9 as a ~~very~~ ^{very} ~~unusual~~ ^{unusual} ~~short~~ ^{short} ~~term~~ ^{term}
and in all probability will
always ~~be~~ ^{be} ~~the~~ ^{the} ~~most~~ ^{most}
important branch of its
revenues. It may perhaps be
said that this question of
Revenue Settlements has formed
an exception to the general
rule, and it may be added that
but in most cases the Home
Government nowadays does
abstain from disposing of
questions of importance in the
the advice of the Government of
India. But this being so,
the question at once arises
that under these circumstances
is financial to the Local Government
by the power of amending
direct with the Secretary of
State? In short, what are
they to do with the views of the
Home Govt. that the world
is if their representations can
be made through the channel
of the Government of India? If
the opinion of the Supreme Govt.

It is an ~~important~~ ^{important} question
made by a Local Govt. can
be disposed of, but difference does
it make whether the proposition
is not direct or whether it is
put through the Govt. of India?
To me it also appears that
a careful examination of this
question makes but one answer
possible, but the present
arrangement does not conduce
to the real independence of
the Local Governments, but if
there were smaller than Governments
it would more completely be
the public good, but if it
imposes on them any advantage
in respect of status, and advantage
is more apparent than real,
that it is no real advantage to the real
deprived of the Local Government
and in fact the system is a
remnant of a state of things which
has long since passed away,
and but now it might safely
and I would add, advantageously
be abandoned.

In my opinion the ~~best~~ ^{best} policy is
to transfer every one of the Local
Govts. throughly subordinate
in all important matters, as
well in appearance as in
reality, to the Governor General
in Council & abolish all
forms and functions which
may tend either really or
apparently to conflict with
that system of subordination,
but at the same time to extend
to the Local Govts. far larger
powers, and to improve upon
them far more definitely
responsibilities within certain
well defined limits than
have hitherto been entrusted
to them. In the latter direction
a decided step has been
taken in the Financial Resolution
lately promulgated by the
Govt. of India, and although
I cannot help regretting that
the Supreme Govt. have not
thought it right to go further
the step which has been taken
is I venture to think a decided
step in the right direction.

and are which are hardly
 put to level & further enlargement
 of the powers and duties of
 the Local Government; but which with
 however this may be, I am satisfied the more
 from the experience & observation well pay
 of several years that the measure in all respects
 Government gives nothing by the matter
 removal of the privilege authority
 now in question & will to the
 nothing by its removal to the
 rather than
 Government

A. J. Arbuthnot

16th January 1871.

Read the following papers:—

No. . . MINUTE by the Hon. A. J. ARBUTHNOT, dated 16th January 1871.

The Government of India propose that the Governments of Madras and Bombay should in future be debarred from corresponding direct with the Secretary of State regarding any of those matters in which the Government of India exercise a financial control over the Local Governments, or regarding any modification of the general rules affecting the several services in India, or regarding any important question of general principle relating to the public revenues, the religion or religious usages of the natives of India, the Army and the relations of the Government with Foreign Princes or States; and it is suggested that, when a Local Government desires to appeal ~~to~~ a decision of the Government of India, it should not, as at present, address a separate despatch direct to the Secretary of State, but should move the Supreme Government to refer the question to Her Majesty's Government.

2. The immediate effect of these propositions would obviously be to restrict very considerably the direct correspondence which at present takes place between the Governments of Madras and Bombay on the one side and the Home Government on the other, and the measure, if carried out to its logical consequences, would, I have no doubt, result in the complete withdrawal from the Local Governments of the power of corresponding direct with the Secretary of State, except perhaps in regard to mere matters of routine such as the provision of stores, the disbursement of salaries and pensions payable in London, and possibly the transmission of memorials from persons considering themselves aggrieved by the administrative acts of the Local Government. A glance over the correspondence which has passed in any one year between the Local Government and the Secretary of State would show that, while that correspondence would be considerably reduced under the restrictions now proposed, several important subjects would remain on which the Local Government would still be at liberty to write direct to the Home Government, but to which the principle of the proposed restrictions, or, to speak more correctly, the principle which underlies those restrictions, would be equally applicable, and to which the restrictions ought to be applied if the principle be correct; and that principle I take to be that, on every subject of importance on which it may be deemed necessary to make a reference to the Secretary of State, the Governor-General in Council should have an opportunity of placing before that authority an expression of his opinion simultaneously with that submitted by the Local Government. If this principle is to be fully acted on, it is clearly essential that the Local Governments should be deprived of the power which they have under the present system of bringing their view of a question under the consideration of the Home Government some weeks, or possibly some months, before the views of the Governor-General in Council can reach the Secretary of State.

3. In dealing then with the proposals now before us, it is necessary to bear in mind that, if they are adopted, their almost certain result will be—and that at no very distant date—to withdraw altogether from the Governments of Madras and Bombay the power, which they have enjoyed ever since they have existed as Governments, of corresponding direct with the Home Government.

4. The question for our consideration is, whether the withdrawal of this ancient privilege is calculated practically to impede the usefulness of the Local Government; whether the practical advantages which the Presidency derives from its Government being empowered to correspond direct with the Secretary of State are such as to justify the somewhat anomalous position in which, under the present system, the Government of India and the Local Government are placed in reference to each other, or to counterbalance the inconveniences which may be supposed to result, and which occasionally do result, from this anomalous state of things. My view is, and has long been, that this Presidency gains no real benefit from the privilege in question, and that, while nothing is gained, something is lost in the antagonistic spirit and impatience of control which the present system tends to foster. It cannot, I think, be otherwise than prejudicial to that spirit of harmonious and cordial co-operation which ought to exist between the highest authority in India and the Governments subordinate to it, that it should be in the power of a Local Government to address appeals direct to the Secretary of State against decisions of the Government of India, or to submit proposals direct to the Secretary of State on important questions of general policy or of administrative detail, passing by the authority which is responsible for the financial prosperity and for the general good order of the country. I am bound to say that on this point I entirely concur in the opinions expressed some time ago by the late Commander-in-Chief in India and by Sir William Muir, that the arrangement in question "suggests and promotes opposition in small as well as in large matters," and "that it is calculated to undermine the authority of the Government of India, and to render Madras and Bombay impatient of its control."

5. It is true that during the last year or two the rule usually observed at the India Office has been to defer passing orders on references made direct by the Local Government until the views of the Government of India have been received, but the observance of this rule has not been by any means invariable, nor is it always on the most important matters that the opinion of the Government of India is awaited before a decision is given. Within the last two years a correspondence has passed between the Madras Government and the Secretary of State in Council with reference to the principles on which the revision of the assessment of the Land Revenue of this Presidency should be carried out, and this correspondence has terminated in a decision being given on several important points without any previous consultation with the Government of India, although that decision involved a complete reversal of the policy announced so recently as 1862 in regard to the duration of the assessment. Only a few years before the correspondence to which I allude, the majority of the Madras Government, with the sanction of the Secretary of State, but in opposition to the views of the then Head of the Local Government, and without any consultation with the Government of India, passed orders regarding the assessment of one of our Southern Districts, which resulted in a sacrifice of revenue amounting to several lakhs—a sacrifice which is now generally considered to have been uncalled for.

6. Surely, if the Governor-General in Council is to be held responsible for the financial prosperity of the country, he ought to have a voice in the settlement of questions so vitally concerning what constitutes, and in all probability will always

constitute, the most important branch of its revenues. It may perhaps be said that this question of Revenue Settlements has formed an exception to the general rule, and it may be admitted that in most cases the Home Government nowadays *does* abstain from disposing of questions of importance without the advice of the Government of India. But this being so, the question at once arises what, under these circumstances, is gained to the Local Governments by the power of corresponding direct with the Secretary of State? In what respect are they better able to urge their views on the attention of the Home Government than they would be if their representations had to be made through the channel of the Government of India? If the opinion of the Supreme Government has to be awaited before a proposition made by a Local Government can be disposed of, what difference does it make whether that proposition is sent direct, or whether it is sent through the Government of India? To me it appears that a careful examination of this question renders but one answer possible, that the present arrangement does *not* conduce to the real independence of the Local Governments; that it does *not* enable those Governments to work more beneficially for the public good; that, if it confers on them any advantage in respect of status, that advantage is more apparent than real; that it in no way adds to the real dignity of the Local Governments; that in fact the system is a remnant of a state of things which has long since passed away, and that now it might safely, and I would add advantageously, be abolished.

7. In my opinion the true policy is to render every one of the Local Governments thoroughly subordinate in all essential matters, as well in appearance as in reality, to the Governor-General in Council, to abolish all forms and practices which may tend either really or apparently to conflict with that system of subordination, but at the same time to entrust to the Local Governments far larger powers in matters of detail, and to impose upon them far more definite responsibilities within certain well-defined limits than have hitherto been entrusted to them. In the latter direction a decided step has been taken in the Financial Resolution lately promulgated by the Government of India; and, although I cannot help regretting that the Supreme Government have not thought it right to go further, the step which they have taken is, I venture to think, a decided step in the right direction, and one which can hardly fail to lead to further enlargements of the powers and duties of the Local Governments—enlargements which will render it all the more necessary that in all essential matters the authority and prestige of the Government of India should be increased rather than diminished; but however this may be, I am satisfied, from the experience and observation of several years, that the Madras Government gains nothing by the exercise of the privilege now in question, and will lose nothing by its withdrawal.

A. J. ARBUTHNOT.

No. MINUTE by His Excellency the PRESIDENT, dated 21st January 1871.

I agree so completely with the general tenor of the remarks submitted by Mr. Arbuthnot that I feel myself exonerated from any expression of opinion at length.

2. The general power of correspondence vested in the Local Governments with the Secretary of State belonged to the circumstances of a different age. The grounds on which such a power was granted and exercised have disappeared. The

habit of separate correspondence with the Secretary of State may produce delays, contradictions, and complications, but it does not secure the subordinate Governments in the enjoyment of any substantial independence, nor does it guarantee to them that faculty of a last appeal to the definitive decision of the Secretary of State in any greater measure than that which they would possess by addressing the Secretary of State through the Viceroy.

3. I concur in the principles embodied in the letter from the Secretary to the Government of India, under date of August 6th, except with reference to one sentence in paragraph 9. In that paragraph it is intimated that "when a Local Government dissents from a decision of the Government of India and would either formally appeal to the Secretary of State or question the orders given, the proper course is for such Local Government not to address a separate despatch direct to the Secretary of State, but to move the Supreme Government to refer the question to Her Majesty's Government."

4. If the expressions "move the Supreme Government to refer the question to Her Majesty's Government" are intended to convey the meaning that the Local Government is not to frame their appeal in the form of a letter to the Secretary of State or that the Supreme Government is to exercise any option as to the expediency of forwarding the appeal, then I think that the proposal of the Supreme Government would be highly prejudicial to the interests of the subordinate Government. What we want is the power of prompt decision to the Secretary of State against unreflecting or partial decisions of the Supreme Government accompanied by all the information which the Local Government and the Supreme Government can throw upon the question under discussion. To ensure such an appeal I consider that the Local Government should address the Secretary of State in the form of a letter which would be transmitted through the Viceroy, who would be bound to forward it with such remarks as he deemed expedient, a copy of such remarks being furnished to the subordinate Government concerned. In order to check unnecessary delay a duplicate of the letter from the subordinate Government would be sent direct to the Secretary of State in a covering letter. The Secretary of State would thus be made aware of the matter under debate, he would take no decision until the reference reached him from the Viceroy, but he would be able to prompt the Viceroy to early action should the question from any cause rest too long in his hands.

5. The appeals to which I refer should be made as rarely as possible. If the subordinate Governments were fairly and fully represented in the Council and the Secretariat of the Supreme Government, and if the Supreme Government was detached from all local influences and placed in a truly imperial position, such appeals would probably altogether disappear. I trust I may affirm that this Government is not possessed with unfriendly spirit towards the Supreme Government. On the contrary, we shall all no doubt recognise, with Mr. Arbuthnot, the liberal tendencies which that Government under the present Viceroy has evinced towards the subordinate Governments, but the power of appeal is one which cannot yet be safely dispensed with. We desire to retain it, but in a form consistent with the dignity and authority of the Viceroy and with the convenience of public business.

NAPIER.

No. . . MINUTE by His Excellency the COMMANDER-IN-CHIEF.

I concur in the opinion expressed by His Excellency the Governor and the Hon. A. J. Arbuthnot.

F. P. HAINES.

Minutes of the ^{President} ~~General~~ ^{21st} ~~21st~~ ²⁷

so completely agree with the general tenor of the remarks submitted by Wadsworth that I feel myself emancipated from any further opinion at length.

The general views of correspondence instilled in our great organs with the Secretary of State adapted to the circumstances of a different age. The grounds on which such a power was granted ^{separately} ~~separately~~ have disappeared. The habit of ~~separate~~ ^{separately} correspondence with the Secretary of State may produce delays, contradictions and complications, but it does not secure the subordinate governments the enjoyment of any substantial independence nor does it guarantee them that faculty of a last appeal. The definitive decision of the Secretary of State in any greater measure than that which they ~~should~~ ^{should} possess by addressing the Secretary of State through the Vice roy.

I concur in the principles embodied

in the letter for the Secretary to the
Govt of India under date of Aug 20th 1913
except with reference to one ^{instance} ~~exception~~ in
Para. 9. In that Para. it is intimated
that "when a local government depends
for a decision of the Government of India
and would either formally appeal to the
Secretary of State or question the orders,
given the proper course is for such ~~local~~
Govt to address a Separate Dispatch
direct to the Secretary of State ^{with}
moving the Supreme Govt to refer the
question to Her Majesty's Govt."

If by the expressions "moving the
Supreme Government to refer the question
to Her Majesty's Government" are intended
to convey the meaning that the
local Govt is not to ~~address~~ ^{present} their
appeal in the form of a letter to
the Secretary of State or that the
Supreme Govt is to ~~address~~ ^{convey} any

them as to the expediency of forwarding the
appeal then I think that the proposal of the
Supreme Govt would be highly prejudicial
to the interests of the subordinate Govt.
What we want is the power of prompt
decision appeal to the Secretary of State
against unreflecting or partial decisions
of the Supreme Govt accompanied by all
the information which the local Govt
and the Supreme Govt can throw upon
the question under discussion. So earnest
such an appeal I consider that the
local Govt should address the Secretary
of State in the form of a letter which
would be transmitted through the
Viceroy who would ^{be bound to} forward it with
his remarks as he deemed expedient.
In order to check unnecessary delay a
^{duplicate} copy of the letter for the subordinate
Govt would be sent direct to the
Secretary of State in a covering letter,
the Secretary of State would thus
be aware of the matter as soon

+ a copy of such report

1/27

debate, he would take no decision until the reference reached him for the Vicroy who would be able to prompt the Vicroy to early action should the question from any cause rest too long in his hands.

The appeals which I hope should be made as rarely as possible. If the subordinate governments were fairly and fully represented in the Council and the Secretaries of the Supreme Govt. and if the Supreme Govt. were detached from all local influences and ~~and~~ ^{being} ~~and~~ ^{with} a truly Imperial ^{attitude} such appeals would probably ~~be~~ ^{be} ~~fewer~~ ^{fewer}. I trust I may affirm that this Govt. is not ~~permeated~~ ^{permeated} with an unfriendly spirit towards the Supreme Govt. On the contrary we are with all our doubts recognizing with Mr. A. to that the liberal tendencies which the Govt. under the present Vicroy has encouraged and ~~that~~ ^{that} the subordinate Govts. be ~~to~~ ^{from} ~~the~~ ^{the} power of appeal is one which can be safely dispensed with. We desire it but in a form consistent with the ~~the~~ ^{the} authority of the Vicroy and in the ~~the~~ ^{the} of public business.
 Madras. 15th June 1871.
 Sta

Proceedings of the Madras Government, Public Department, 15th June 1871.

Read the following papers:—

No. Minute by the Hon. A. J. ARBUTHNOT, dated 16th January 1871.

The Government of India propose that the Governments of Madras and Bombay should in future be debarred from corresponding direct with the Secretary of State regarding any of those matters in which the Government of India exercise a financial control over the Local Governments, or regarding any modification of the general rules affecting the several services in India, or regarding any important question of general principle relating to the public revenues, the religion or religious usages of the natives of India, the Army and the relations of the Government with Foreign Princes or States; and it is suggested that, when a Local Government desires to appeal to a decision of the Government of India, it should not, as at present, address a separate despatch direct to the Secretary of State, but should move the Supreme Government to refer the question to Her Majesty's Government.

2. The immediate effect of these propositions would obviously be to restrict very considerably the direct correspondence which at present takes place between the Governments of Madras and Bombay on the one side and the Home Government on the other, and the measure, if carried out to its logical consequences, would, I have no doubt, result in the complete withdrawal from the Local Governments of the power of corresponding direct with the Secretary of State, except perhaps in regard to mere matters of routine such as the provision of stores, the disbursement of salaries and pensions payable in London, and possibly the transmission of memorials from persons considering themselves aggrieved by the administrative acts of the Local Government. A glance over the correspondence which has passed in any one year between the Local Government and the Secretary of State would show that, while that correspondence would be considerably reduced under the restrictions now proposed, several important subjects would remain on which the Local Government would still be at liberty to write direct to the Home Government, but to which the principle of the proposed restrictions, or, to speak more correctly, the principle which underlies those restrictions, would be equally applicable, and to which the restrictions ought to be applied if the principle be correct; and that principle I take to be that, on every subject of importance on which it may be deemed necessary to make a reference to the Secretary of State, the Governor-General in Council should have an opportunity of placing before that authority an expression of his opinion simultaneously with that submitted by the Local Government. If this principle is to be fully acted on, it is clearly essential that the Local Governments should be deprived of the power which they have under the present system of bringing their view of a question under the consideration of the Home Government some weeks, or possibly some months, before the views of the Governor-General in Council can reach the Secretary of State.

3. In dealing then with the proposals now before us, it is necessary to bear in mind that, if they are adopted, their almost certain result will be—and that at no very distant date—to withdraw altogether from the Governments of Madras and Bombay the power, which they have enjoyed ever since they have existed as Governments, of corresponding direct with the Home Government.

4. The question for our consideration is, whether the withdrawal of this ancient privilege is calculated practically to impede the usefulness of the Local Government; whether the practical advantages which the Presidency derives from its Government being empowered to correspond direct with the Secretary of State are such as to justify the somewhat anomalous position in which, under the present system, the Government of India and the Local Government are placed in reference to each other, or to counterbalance the inconveniences which may be supposed to result, and which occasionally do result, from this anomalous state of things. My view is, and has long been, that this Presidency gains no real benefit from the privilege in question, and that, while nothing is gained, something is lost in the antagonistic spirit and impatience of control which the present system tends to foster. It cannot, I think, be otherwise than prejudicial to that spirit of harmonious and cordial co-operation which ought to exist between the highest authority in India and the Governments subordinate to it, that it should be in the power of a Local Government to address appeals direct to the Secretary of State against decisions of the Government of India, or to submit proposals direct to the Secretary of State on important questions of general policy or of administrative detail, passing by the authority which is responsible for the financial prosperity and for the general good order of the country. I am bound to say that on this point I entirely concur in the opinions expressed some time ago by the late Commander-in-Chief in India and by Sir William Muir, that the arrangement in question "suggests and promotes opposition in small as well as in large matters," and "that it is calculated to undermine the authority of the Government of India, and to render Madras and Bombay impatient of its control."

5. It is true that during the last year or two the rule usually observed at the India Office has been to defer passing orders on references made direct by the Local Government until the views of the Government of India have been received; but the observance of this rule has not been by any means invariable, nor is it always on the most important matters that the opinion of the Government of India is awaited before a decision is given. Within the last two years a correspondence has passed between the Madras Government and the Secretary of State in Council with reference to the principles on which the revision of the assessment of the Land Revenue of this Presidency should be carried out, and this correspondence has terminated in a decision being given on several important points without any previous consultation with the Government of India, although that decision involved a complete reversal of the policy announced so recently as 1862 in regard to the duration of the assessment. Only a few years before the correspondence to which I allude, the majority of the Madras Government, with the sanction of the Secretary of State, but in opposition to the views of the then Head of the Local Government, and without any consultation with the Government of India, passed orders regarding the assessment of one of our Southern Districts, which resulted in a sacrifice of revenue amounting to several lakhs—a sacrifice which is now generally considered to have been uncalled for.

6. Surely, if the Governor-General in Council is to be held responsible for the financial prosperity of the country, he ought to have a voice in the settlement of questions so vitally concerning what constitutes, and in all probability will always

constitute, the most important branch of its revenues. It may perhaps be said that this question of Revenue Settlements has formed an exception to the general rule, and it may be admitted that in most cases the Home Government nowadays does abstain from disposing of questions of importance without the advice of the Government of India. But this being so, the question at once arises what, under these circumstances, is gained to the Local Governments by the power of corresponding direct with the Secretary of State? In what respect are they better able to urge their views on the attention of the Home Government than they would be if their representations had to be made through the channel of the Government of India? If the opinion of the Supreme Government has to be awaited before a proposition made by a Local Government can be disposed of, what difference does it make whether that proposition is sent direct, or whether it is sent through the Government of India? To me it appears that a careful examination of this question renders but one answer possible, that the present arrangement does not conduce to the real independence of the Local Governments; that it does not enable those Governments to work more beneficially for the public good; that, if it confers on them any advantage in respect of status, that advantage is more apparent than real; that it in no way adds to the real dignity of the Local Governments; that in fact the system is a remnant of a state of things which has long since passed away, and that now it might safely and I would add advantageously be abolished.

7. In my opinion the true policy is to render every one of the Local Governments thoroughly subordinate in all essential matters, as well in appearance as in reality, to the Governor-General in Council to abolish all forms and practices which may tend either really or apparently to conflict with that system of subordination, but at the same time to entrust to the Local Governments far larger powers in matters of detail, and to impose upon them far more definite responsibilities within certain well-defined limits than have hitherto been entrusted to them. In the latter direction a decided step has been taken in the Financial Resolution lately promulgated by the Government of India; and, although I cannot help regretting that the Supreme Government have not thought it right to go further, the step which they have taken is, I venture to think, a decided step in the right direction, and one which can hardly fail to lead to further enlargements of the powers and duties of the Local Governments—enlargements which will render it all the more necessary that in all essential matters the authority and prestige of the Government of India should be increased rather than diminished; but however this may be, I am satisfied, from the experience and observation of several years, that the Madras Government gains nothing by the exercise of the privilege now in question, and will lose nothing by its withdrawal.

A. J. ARBUTHNOT.

No. MINUTE by His Excellency the PRESIDENT, dated 21st January 1871.

I agree so completely with the general tenor of the remarks submitted by Mr. Arbuthnot that I feel myself exonerated from any expression of opinion at length.

2. The general power of correspondence vested in the Local Governments with the Secretary of State belonged to the circumstances of a different age. The grounds on which such a power was granted and exercised have disappeared. The

habit of separate correspondence with the Secretary of State may produce delays, contradictions, and complications, but it does not secure the subordinate Governments in the enjoyment of any substantial independence, nor does it guarantee to them that faculty of a last appeal to the definitive decision of the Secretary of State in any greater measure than that which they would possess by addressing the Secretary of State through the Viceroy.

3. I concur in the principles embodied in the letter from the Secretary to the Government of India, under date of August 6th, except with reference to one sentence in paragraph 9. In that paragraph it is intimated that "when a Local Government dissents from a decision of the Government of India and would either formally appeal to the Secretary of State or question the orders given, the proper course is for such Local Government not to address a separate despatch direct to the Secretary of State, but to move the Supreme Government to refer the question to Her Majesty's Government."

4. If the expressions "move the Supreme Government to refer the question to Her Majesty's Government" are intended to convey the meaning that the Local Government is not to frame their appeal in the form of a letter to the Secretary of State or that the Supreme Government is to exercise any option as to the expediency of forwarding the appeal, then I think that the proposal of the Supreme Government would be highly prejudicial to the interests of the subordinate Government. What we want is the power of prompt decisive appeal to the Secretary of State against unreflecting or partial decisions of the Supreme Government accompanied by all the information which the Local Government and the Supreme Government can throw upon the question under discussion. To ensure such an appeal I consider that the Local Government should address the Secretary of State in the form of a letter which would be transmitted through the Viceroy, who would be bound to forward it with such remarks as he deemed expedient, a copy of such remarks being furnished to the subordinate Government concerned. In order to check unnecessary delay a duplicate of the letter from the subordinate Government would be sent direct to the Secretary of State in a covering letter. The Secretary of State would thus be made aware of the matter under debate, he would take no decision until the reference reached him from the Viceroy, but he would be able to prompt the Viceroy to early action should the question from any cause rest too long in his hands.

5. The appeals to which I refer should be made as rarely as possible. If the subordinate Governments were fairly and fully represented in the Council and the Secretariat of the Supreme Government, and if the Supreme Government was detached from all local influences and placed in a truly imperial position, such appeals would probably altogether disappear. I trust I may affirm that this Government is not possessed with unfriendly spirit towards the Supreme Government. On the contrary, we shall all no doubt recognise, with Mr. Arbuthnot, the liberal tendencies which that Government under the present Viceroy has evinced towards the subordinate Governments, but the power of appeal is one which cannot yet be safely dispensed with. We desire to retain it, but in a form consistent with the dignity and authority of the Viceroy and with the convenience of public business.

NAPIER.

No. MINUTE by His Excellency the COMMANDER-IN-CHIEF.

I concur in the opinion expressed by His Excellency the Governor and the Hon. A. J. Arbuthnot.

F. P. HAINES.

I agree in the sense that the
 the proposal of the conference put forward
 actually involves the entire issue of the
 of the point of the principle
 which the fact of the admission to the
 the day, but subject of correspondence
 directly with the President at
 Home - and that our consideration of
 it must be based on this view of its
 tendency.

I must confess that I shall
 regard the withdrawal of this principle
 with regret - its dates from the first

Public 1871 Report

Minute by the Hon. J. P. McKim

dated 16 January 1871

No 1500

Minute by the Hon. Wm. McKim

President

dated 21 January 1871

No 1501

Minute by W. J. McKim

No 1502

On the subject of
 discontinuing third
 correspondence between
 the Secretary of State
 and the several
 Governments.

establishment of a Presidency
and no practical evil or inconvenience
has resulted from it as it was alleged.

The rule has always been
that copies of all dispatches to the
Pres. are simultaneously forwarded to
the Sec. of India and copies of all
replies to the Sec. of India are
forwarded to the Pres. [Certs.]
frequently the Sec. of India is kept copy
independent of all other papers he receives
the Sec. of India's comments and can
promptly interpose at any stage, if it
sees cause so to do. As a matter of fact
it will be found that this Pres. does not

use the privilege ^{by} and endeavoring
to anticipate or thwart the designs of
the Executive Pres. to nullify its action?
or make its control - how would the
Secretary of State tolerate any such
attempt? But in truth, if the Sec.
of India were capable of such dishonest
conduct, ^{any} such attempt ^{could not} be
successful ~~in dispatch~~ now a days.
No dispatch of ours can reach the
Secretary of State in less than
24 or 25 days - the copy of it reaches
the Sec. of India in half that
of time - and a telegraph to
Sec. of State dispatching him to

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Last the question
discovered
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MINUTE by the Hon. J. D. SIM, C.S.I., dated 4/7/1871.

I agree with Mr. Arbuthnot that the proposal of the Supreme Government virtually involves the entire withdrawal, at no distant date, of the privilege which the Governments of Madras and Bombay have always enjoyed of corresponding directly with Her Majesty's Government at Home, and that our consideration of it must be based on this view of its tendency.

2. I must confess that I shall regard the withdrawal of this privilege with regret. It dates from the first establishment of the Presidency, and no practical evil or inconvenience has resulted from it, or is now alleged.

3. The rule has always been that copies of all despatches to Her Majesty's Government are simultaneously forwarded to the Government of India; consequently the Supreme Government is kept cognizant of all that passes between the Local and Home Governments, and can promptly interpose at any stage if it sees cause so to do. As a matter of fact it will be found that this Government does not misuse the privilege by endeavouring to anticipate or thwart the designs of the Supreme Government to nullify its authority or evade its control; nor would the Secretary of State tolerate any such attempt. But in truth, if the Local Government were capable of such conduct, any such attempt could not be successful now-a-days. No despatch of ours can reach the Secretary of State in less than 24 or 25 days. The copy of it reaches the Government of India in half that space of time, and a telegram to the Secretary of State requesting him to suspend his decision would arrive before the despatch, while orders conveyed to us similarly or by post not to act on any reply to our despatch pending further communication from the Supreme Government would absolutely preclude all inconvenient action on our part. The injurious consequences of the privilege are thus purely imaginary. On the other hand, to us the privilege is one of considerable importance and value. Its possession affords us a certain degree of security against arbitrary action on the part of the Supreme Government, and adds to our dignity and status in the eyes of our subjects. Its withdrawal will lower us without raising the Imperial Government, nor can I see anything anomalous in the possession of this privilege. India is far too large a country to be governed from one source. In area it equals Germany, Prussia, Austria, Italy, and France combined. Its population equals that of all those countries united, except the last. That portions of so vast an empire should be constituted into comparatively separate Governments possessing the appliances of self-government and a considerable share of comparative independence in general subordination to the central authority, but with the right of addressing itself direct to the Parent Government to which that central authority is itself subordinate, seems to me a natural and rational, instead of an anomalous arrangement. Certainly there is nothing in it, to my apprehension, so anomalous as that these portions of the empire should have Governors and Councils with armies, powers of legislation and other like appanages of Government. If this petty privilege derogates from the dignity and authority of the Viceroy and Governor-General in Council, how much more must those? If the theory of my honourable colleague is sound, it should be carried to its logical conclusion, and Madras and Bombay should be shorn of all these gubernatorial and administrative powers and be entrusted to Lieutenant-Governors or Commissioners

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appointed by the Governor-General, and looking to him alone for their orders in all but the details of administration. True policy seems to me to indicate a contrary course: instead of being lowered, the status of the Local Governments should be improved and strengthened, and every measure adopted which is likely to increase their authority and influence over their people. In the troublous period of 1857-58, the temporary independence which the cutting off of communication with Calcutta gave the Punjab Government was the saving of the empire, and the comparative independence and isolation of Bombay and Madras were sources of strength. I would, therefore, deprecate the withdrawal of any privilege, not proved to be actually detrimental to the empire, which in any way enhances the dignity and elevates the position of these Governments in the eyes of the public or in their own estimation. Many men of the highest ability advocate federalism as the best system of Government for India, and decentralization is now the favoured policy. The Supreme Government have in some degree given the Local Administration powers of local government and taxation practically independent of control (save in some petty matters of account and appointments), and it seems to me at least inconsistent simultaneously to place these Governments, in other respects, in the position not merely of subordination, but of absolute subjection which my honourable colleague appears to advocate. His Lordship, while concurring in this, attaches to his concurrence certain conditions which seem to me a very effective condemnation of the scheme. That His Lordship's apprehensions may be proved unfounded, we have had some indications already, e.g., the absolute stopping of our despatch to the Secretary of State recommending an increased allowance to the ex-Zemindar of Deccan.

I do not think my honourable colleague has fully realized the enormous addition which his principle will make to the work now devolving on the Governor-General in Council. Our settlements of revenue, our relations with Travancore and Cochin—everything, in fact, above the merest routine and detail, will be dependent on the Supreme Government. The result will not only be delay and endless correspondence, but that Madras and Bombay will be practically governed by the Governor-General's Secretaries and subordinates, for it will be simply impossible for the Governor-General in Council personally to attend to such a mass of work.

I regret the allusion made to the Trichinopoly settlement in my honourable colleague's Minute. If our mission in India be to raise the largest amount of revenue possible, without actually impoverishing the people, then I admit that that settlement was a success; but it, as I think, the prosperity and contentment of the people should be our first consideration, then the Trichinopoly settlement has been a great success. The district really pays more now than it did before, and the improvement in the condition of the people has been most marked and satisfactory. This, however, is not the place for such discussions; it is enough for me to point out that my honourable colleague's argument is based on assumption. We have no reason to believe that the Supreme Government would have taken a different view from that of the Madras Government, or that if they had, the Secretary of State would have adopted it; while, on the other side, we know that the Supreme Government had copies of all the papers and could have interfered if they

had seen fit to do so. Moreover, the argument seems to me rather to tell in favour of reducing the powers of the Secretary of State than those of the Local Government. The other question referred to, viz., the duration of the assessment, was settled on exactly the same principle as that adopted in Bombay, the Punjab, and the North-West, so that there was really no occasion for any reference to the Supreme Government.

I cannot admit Sir W. Muir's argument that the possession of this privilege makes the Local Governments impatient of control. On the contrary, I think it very materially lessens the chances of collision.

When the Supreme Government is constituted in the manner indicated by His Lordship, such changes as are now proposed may be adopted with propriety and perhaps advantage. Meanwhile, I would let time-honoured customs and privileges, which at least have done no harm, continue undisturbed.

(Signed) J. D. SIM.

102.

Dep 13/7

Public Department.
No. 1035

To
The Secretary to Government
of India.
Home Department (Public)

Sir,

Referring to your letter
dated the 6th August 1870
No 3688 regarding the
rules which regulate the
correspondence between
the Governments of Madras
and Bombay and Her
Majesty's Government in
England, I am directed
to transmit copies of the
minutes recorded by the
President and Members
of Council on the subject
for the consideration of the
Sg. inf

ND
Sg. inf
Sg. inf

For Sg. inf
12 Jan 1871

Public 157 dated 13/7
S. & L. L. L.

Public 157 dated 13/7

Public 157 dated 13/7

[Redacted]

[Redacted]

minutes
of the
Council
of the
Government
of India

Full Statement

No.

To

The Secretary to the
Government of
Department

Dated

187

1234
1234

97-103

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8-8-12

27/1/15 BTT

6/1/14

July 12 1871

15-5-16

27-4-16

6-10-22/12

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97-103

Transmitting copies of minutes
recorded by the President or
members of family on the
subject of the rules which
regulate the Correspondence
between the G. of G. Master
and Bombay H. H. G. of
England