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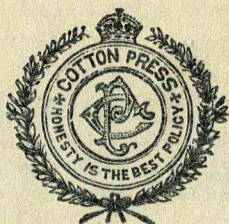
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PART I

PROGRESS OF INDIA UNDER BRITISH RULE



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CHAPTER I.

PRINCIPLES OF BRITISH RULE ; EARLIEST DECLARATIONS.

Introductory—Difficulties of Administration—Policies which might have been adopted—Policy which has been adopted—Conservation and Reform—Magnitude of the Empire—Population—Diversity of language—Diversity of race and religion—One rule—Common Rights and Duties—A uniform Political Status—Declaration of principles of British rule—Measures of Protection—Measures of reform—The Queen's Proclamation.

England, in governing India, has had to face a problem of rare and indeed unique difficulty. It is always difficult for one country to rule another from a distance, and the difficulty is greatly increased when the country to be governed is great in extent and is inhabited by a large population consisting of elements which differ from each other and from the ruling nation in race, religion, language and life. In the early days of British rule the area to be governed was smaller, the population less numerous, and the concerns of life simpler and less varied than they are now ; but communication between England and India, and between different parts of India, was not so swift and easy as it is now. The country was less known to the rulers, the rulers less known to the people, the governing body was much smaller, and there was the inevitable difficulty attendant on the beginnings of a new system of administration. The task of government, there-



fore, if it has become more difficult in some respects, has become more easy in others.

The English, when they found themselves possessed of ruling functions, might have adopted one or other of several policies. They might have established one law for themselves and another for the people of this country, reserving to themselves privileges in regard to taxation, trade, appointments, and the like, and subjecting the people to disabilities of various kinds. They might, as between the different races and sects of India, have established laws and institutions of a diverse character intending to favour some and depress others. To save themselves the trouble of thinking out new systems, they might have sought to introduce wholesale the laws and institutions of their own country, abolishing whatever they found in existence. With the same object they might have abstained from interference altogether and let everything remain as it was, thinking that institutions though repugnant to their own ideas were good enough for the people among whom they had grown. Or, if they permitted themselves to be carried away by ideas of symmetry and ideal excellence, they might, in disregard of the laws and institutions of this country and their own, have introduced a novel system which they considered perfect, and might have made it prevail in every part of their possessions, in entire ignorance or contempt of what was in existence, or what might be suited to different conditions. The policy which they adopted,—and no doubt this was one of the alternatives open to them—was neither one of wholesale revolution nor one of indiscriminate retention; it was inspired neither by ideas of abstract perfection, nor by a



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strong prejudice in favour of the institutions of their own land or against those of this country. It was a cautious policy of conservation and reform ; of slow, gradual, watchful adaptation and development. English rulers from the earliest days have aimed not so much at symmetry or uniformity as at practical usefulness. They have not scrupled to change every thing which they found to be morally wrong or practically useless or injurious, but they have made no innovations otherwise than on grounds of practical necessity. Certain general principles of justice and good government they have recognised as applicable to the entire country. Local laws and the details of the administrative system have been determined in different parts of the country by their varying needs. In a word, wherever possible, they have shown respect for indigenous ideas and institutions and have retained and sought to develop much that is old. At the same time, in obedience to their own ideas of progress and out of a desire to advance the best interests of the country, they have sought to introduce western ideas into schemes of legislation and administration and to engraft western institutions on the country as far as practicable. The progress of India under British rule has been accomplished by such preservation and such adaptation ; and the story of the progress will be fully told by noting the points on which, first, British rulers have maintained an unbroken continuity of Indian tradition, and on which, secondly, they have sought to re-fashion old institutions, and, where necessary, introduce absolutely new ones of a western type.

An idea of the extent of the Indian Empire may be formed from the fact that it contains 1,766,597 square



miles of country, and is therefore greater by 12,100 square miles than the whole of Europe, excluding Russia proper, Poland and Finland. The provinces under British administration comprise 1,087,204 square miles, or 61·5 per cent of the whole, the aggregate area of the Native States being 679,393 square miles, or 38·5 per cent. The largest British Provinces are Burma (236,738 square miles), somewhat smaller than Austria-Hungary; Bengal (189,837) and Bombay (188,825), both a good deal larger than Sweden; and Madras (151,695), about the same size as Prussia and Denmark taken together.¹

The population according to the latest census is 294,361,056, of whom 231,899,507 are enumerated in British territory and 62,461,549 in the Native States. The Native States, therefore, while embracing more than one-third of the area of the Empire, support considerably less than a quarter of the population. By far the most populous province is Bengal which contains nearly seventy-eight and a half millions of people. Next in order come the United Provinces of Agra and Oudh with forty-eight millions and a half, and Madras with nearly forty-two millions and a half. Bombay and the Punjab rank lowest among the large provinces and have each less than one-third of the population of Bengal.²

No less than 147 distinct languages have been recorded as vernacular in the Indian Empire. Most of these may be grouped under three large Families. The Indo-Chinese languages are found in the Himalayas, Burma, and North-

¹ Census of India, 1901. Vol. I. pp. 12 and 13.

² Census of India, 1901. Vol. I. p. 13. In this paragraph and the last, 'Bengal' is taken to include Eastern Bengal.



Eastern India ; the Dravido-Mundā ones mainly in the south and centre of the Peninsula ; and the Indo-European on the North-Western Frontier, in the Punjab, Bombay, Bengal, Assam, and the country between the State of Hyderabad and the Himalaya.¹

The people of the Indian Empire have been classified, from an ethnological point of view, into seven main physical types, or, roughly speaking, races.² The religions they profess have been classified under ten broad heads.³ The types as well as the religions admit of numerous sub-divisions.

Amongst a people so numerous, inhabiting a country so large, belonging to such a variety of races, and professing so many religions, there must be a diversity of life and thought, and a diversity and even a conflict of interests. For the first time in the history of India its varied people have been brought under one rule, namely that of England, and a common rule has brought with it common political rights and duties which tend to over-shadow and suppress the petty conflicts of racial or sectarian interests. The Hindu and the Mahomedan, for instance, and the Parsi and the Christian, may worship at different shrines according to different formulas, may pursue different methods of education, may observe different rules of social life, and these differences may breed little jealousies, but they all alike have the same political status, that is to say, they have been invested, as citizens of a state, with common

¹ Census of India, 1901. Vol. I. p. 248.

² For the names, characteristics, and geographical distribution of the types, see Census of India, 1901. Vol. I. Ch. XI.

³ Ibid. ch. VIII.



rights, and have been made, also as citizens of a state, subject to common duties. Each has religious and social freedom, and no one can interfere with another, however keen the animosity. As already observed, it was possible for England to have followed a different policy and introduced distinctions, but she has chosen to confer common rights on all and to place all under equal obligations.

As early as 1833, when the charter of the East India Company was renewed by 3 and 4 Will IV. C. 85, it was declared by section 87 of that statute that "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." Sir Courtenay Ilbert truly observes : "The policy of freely admitting natives of India to a share in the administration of the country has never been more broadly or emphatically enunciated."¹

Another section of the same statute, after reciting that 'the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide for any mischief or dangers that may arise therefrom,' requires the Governor-General in Council, by laws and regulations, to provide with all convenient speed, for the protection of the natives of the said territories from insult and outrage in their persons, religions, and opinions.

By the same statute also the Governor-General in Council was required forthwith to take into consideration

¹ The Government of India. P. 91.



the means of mitigating the state of slavery, and of ameliorating the condition of slaves, and of extinguishing slavery throughout the Indian territories as soon as such extinction should be practicable and safe, and to prepare and submit to the Court of Directors drafts of laws on the subject. In preparing these drafts due regard was to be had to the laws of marriage and the rights and authorities of fathers and heads of families.

A despatch¹ accompanying this statute, from the Board of Directors, East India Company, to the Government of India, elaborately discusses the principles and purposes of the measure and leaves no doubt as to the justice and generosity of the Parliament that passed the statute. The Board of Directors also give it an interpretation which shows their solicitude for the good government of the country and the improvement of the condition of the people.

The most systematic statement of the broad principles of British rule in India was made in a Proclamation by Queen Victoria on the assumption of the government of India by the crown from the hands of the East India Company after the Indian Mutiny. It was entitled a "Proclamation by the Queen in Council, to the Princes, Chiefs, and People of India" and was read out, and published in the *Calcutta Gazette*, on November 1, 1858. No comment is needed to emphasise and bring into prominence the just, impartial, beneficent spirit that pervades the Proclamation the full text of which is as follows :

¹ The Government of India, by Sir Courtenay Ilbert. Pp. 492-532.



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THE QUEEN'S PROCLAMATION.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, and of the Colonies and Dependencies thereof in Europe, Asia, Africa, America, and Australasia, Queen, Defender of the Faith.

Whereas, for divers weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, to take upon ourselves the Government of the territories in India, heretofore administered in trust for us by the Honourable East India Company.

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said Government ; and we hereby call upon all our subjects within the said territories to be faithful, and to bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the government of our said territories, in our name and our behalf.

And we, reposing especial trust and confidence in the loyalty, ability, and judgment of our right trusty and well-beloved cousin Charles John, Viscount Canning, do hereby constitute and appoint him the said Viscount Canning, to be our first Viceroy and Governor-General in and over our said territories, and to administer the Government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive through one of our Principal Secretaries of State.

And we do hereby confirm in their several offices, Civil and Military, all persons now employed in the service of the Honourable East India Company, subject to our future pleasure, and to such laws and regulations as may hereafter be enacted



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We hereby announce to the Native Princes of India, that all treaties and engagements made with them by or under the authority of the East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial possessions ; and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others.

We shall respect the rights, dignity, and honour of native princes as our own ; and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fill.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law ; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

We know, and respect, the feelings of attachment with which natives of India regard the lands inherited by them from their ancestors and we desire to protect them in all rights connected



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therewith, subject to the equitable demands of the state ; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen by false reports, and led them unto open rebellion. Our power has been shown by the suppression of that rebellion in the field ; we desire to show our mercy by pardoning the offences of those who have been misled, but who desire to return to the path of duty.

Already, in one province, with a desire to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, our Viceroy and Governor-General has held out the expectation of pardon, on certain terms, to the great majority of those who, in the late unhappy disturbances, have been guilty of offences against our Government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows :—

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy.

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators of revolt, their lives alone can be guaranteed ; but in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance ; and large indulgence will be shown to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the Government we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown and dignity, on their return to their homes and peaceful pursuits.



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It is our royal pleasure that these terms of grace and amnesty should be extended to all those who comply with these conditions before the 1st day of January next.

When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the government for the benefit of our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.



CHAPTER II.

THE WORK OF CONSERVATION.

Religious Toleration—Encouragement of Oriental Learning—
Respect for indigenous law and usage—Continuity in regard
to Land Tenures—Early Village police—Early system of
judicature—Punchayets.

Freedom of faith and worship was guaranteed to all classes by the Queen's Proclamation of 1858, and it has been seen that by the Charter Act of 1833 the Governor-General in Council was required to pass laws and regulations for protection of the people "from insult and outrage in their persons, religions and opinions." By the same Act it was declared that no man was to be held disqualified for any office by reason of his religion. Protection from insult and outrage in religion is given by the Indian Penal Code passed in 1860. Chapter XV (from section 295 to section 298) of that Code deals with offences relating to religion. "The principle on which it has been framed," says Mr. Whitley Stokes, "is this, that every man should be suffered to profess his own religion and that no man should be suffered to insult the religion of another. Most of the offences mentioned are in the nature of wanton insults to existing creeds."¹

There is complete religious toleration in India, for, in the first place, every one is at liberty to profess his own

¹ Anglo-Indian Codes. Vol. I. P. 32.



religion and to practise it; secondly, no one is disqualified for any office by his religion; lastly, in accordance with the directions of the despatch of 1854, no religious test or teaching is prescribed in schools or colleges established by Government.¹ For a full appreciation of this liberty it is necessary to remember that toleration is a recent blessing even in England. It was only in 1829 that the last Catholic Relief Act was passed, and it was not till 1858 that the Jewish Relief Act was passed. Religious liberty in England was attained after a struggle extending over three centuries. In India it has been the voluntary gift of the rulers; and it was an early gift. The Charter Act was passed only four years after the last Catholic Relief Act; and the Queen's Proclamation was issued in the very year that the Jewish Relief Act was passed.

Education largely determines the thought, character and life of a people. British rulers of India have never sought to interfere with the old, indigenous, national institutions for the imparting of education, namely the *tols* of the Hindus and the *maktabs* of the Mahomedans.² In recent years several of these institutions have been encouraged by the holding of examinations and the grant of scholarships to students, and salaries and stipends to teachers. Colleges and schools for the cultivation of oriental learning were established in different parts of the

¹ Imperial Gazetteer of India. Vol. IV. P. 447.

² For a brief description of indigenous systems of instruction see Imperial Gazetteer, Vol IV. Pp. 407—409. For figures concerning the number of *tols* in different parts of the country at different periods, See P. N. Bose's History of Hindu Civilisation, Vol III. P. 155.



country. The Calcutta Madrassa for Mahomedans was founded by Warren Hastings in 1782. A Sanskrit College was founded at Benares in 1791. The object of the institution is said to have been "the preservation and cultivation of the laws, literature and religion of the Hindus (and more particularly their laws) in their sacred city." All the professors, except the professor of medicine, were to be Brahmans. The discipline of the college was to be conformable in all respects to the Dharma Shastra in the chapter on education.¹ In the Charter Act of 1813 there was a clause that one lakh of rupees in each year should 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.' The grant was devoted mainly to the up-keep of the Oriental colleges, the payments of stipends to students, and the publication of works of Oriental literature.² A Sanskrit College was opened at Puna in 1821. Lord Amherst founded the Calcutta Sanskrit College in 1824. Stipends were formerly allowed to Brahmin students only, and the college was originally open to them alone. That restriction has now been removed, and Hindu students of all castes are admitted there. The Agra and Delhi Colleges were founded, between 1824 and 1825, on an oriental basis. English education, however, was soon grafted upon the original

¹ See P. N. Bose's *History of Hindu Civilisation during British Rule*, Vol III. P. 159, and the authorities there cited.

² *Imperial Gazetteer of India*. Vol IV. P. 409.



plan. Geography and Mathematics were included in the college curriculum. English classes were attached to the Sanskrit College of Calcutta and to the Agra College, while at Delhi and Benares district schools were formed for the teaching of the English language.¹

As in education, so in the administration of law, the object of the East India Company was to make as little alteration as possible in the existing state of things. A Regulation² passed by Warren Hastings in 1772 directs that in all suits regarding inheritance, marriage, caste, and other religious usages or institutions, the laws of the Koran with respect to Mahomedans, and those of the Shaster with respect to Gentoos³ shall be adhered to in all Courts in the mofussil. In a Regulation of 1781 it is further laid down that in all cases for which no specific directions are given, the Judges do act according to justice, equity and good conscience. By a Parliamentary Statute⁴ of 1781 it was declared that the Supreme Court was to have jurisdiction in all manner of actions and suits against the inhabitants of Calcutta, 'provided that their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined in the case of Mahomedans, by the laws and usages of Mahomedans, and in the case of Gentus by the laws and usages of Gentus; and where only one of the

¹ P. N. Bose's History, Vol. III. p. 164.

² Section 23 of the Judicial Regulations of the 21st August.

³ Dr. C. D. Field says 'Gentoo' is derived from Portuguese 'gentio' which means a gentile or heathen, and it came to mean a native of India, a Hindoo.

⁴ 21 Geo. III, C. 70, S. 17.



parties shall be a Mahomedan or Gentu, by the laws and usages of the defendant.'

It was further declared¹ that 'in order that regard should be had to the civil and religious usages of the said natives, the rights and authorities of fathers of families and masters of families, according as the same might have been exercised by the Gentu or Mahomedan law, shall be preserved to them respectively within their said families; nor shall any acts done in consequence of the rule and law of caste respecting the members of the said families only be held and adjudged a crime, although the same may not be justifiable by the laws of England.'

An eminent writer observes: "If we survey the whole field of law, as administered by the British Indian courts, and examine the extent to which it consists of English and native law respectively, we shall find that Warren Hastings' famous rule,² though not binding on the Indian legislatures, still indicates the class of subjects with which the Indian legislatures have been chary of interfering, and which they have been disposed to leave to the domain of native law and usage..... Within the domain of family law, including the greater part of the law of succession and inheritance, natives still retain their personal law, either modified or formulated, to some extent, by Anglo-Indian legislation. Hindus retain their law of marriage, of adoption, of the joint family, of partition, of succession. Mahomedans retain their law of marriage, of testamentary

¹ Section 18.

² Laid down in the Judicial Regulations of the 21st August 1772.



and intestate succession, and of *wakf* or quasi-religions trusts.”¹

Methods of land settlement will be described hereafter somewhat in detail. Here it is necessary only to observe that, in regard to these also, English administrators have shown, as far as possible or desirable, a spirit of conservation. ‘To the Native rule in its last stage of decrepitude, succeeded the government of the East India Company; but at first, whether owing to want of experience or other causes, no attempt was made to displace the existing system.’² ‘The whole system, originated in the palmy days of Mughal power, was now in its last decrepitude. There was then no other course but to continue to follow, at least in its general lines, the system which we found in existence.’³

In Bombay the raiyatwari system was the system of the Mahratta Government which preceded the British, and although this was not the case in Madras, still in many districts the facts of land-tenure were such that its adoption may be regarded as to some extent a necessary conclusion.⁴ Innovations have been made from time to time by Regulations and Acts, but except probably in the North-Western Provinces and the Punjab, the old Indian systems seem to have been the basis of land-tenures under English rule. The important branch of law relating to the tenure of land, as embodied in the Rent and Revenue

¹ The Government of India. By Sir Courtenay Ilbert, p. 401.

² A Manual of the Land Revenue Systems and Land Tenures of British India. By B. H. Baden-Powell. p. 114.

³ Ibid. p. 118.

⁴ Ibid. p. 126.



Acts and regulations of the different provinces, though based on Indian customs, exhibits a struggle and compromise between English and Indian principles.¹

The village police in the early days of British rule was not a creditable institution, but, such as it was, it was based on the old system. The village watchman and the village headman could not be dispensed with. 'With the decline of the Mughal power the system of police fell into great disorder, and the petty chiefs and Zamindars, no longer dreading punishment from above, used their adherents to ravage and plunder the lands of their neighbours. This evil example was followed by the village headmen and the village police. Most of the latter became thieves themselves, and many of the former harboured criminals and connived at crime for a share of the booty.....This was the state of things which the British found in the early days of their rule, and as a first step towards reform the Zamindars were relieved of their police duties, which were transferred to the District Magistrates, each district being divided into small police jurisdictions with an area of about 20 square miles. This formed the charge of a daroga who had under him twenty to fifty armed men, and was also given authority over the village watchmen.'² This system, however, proved a failure. Reform and re-organisation of the police have been going on ever since.

The earliest courts established by the Company were very largely made up of the sort of judicial machinery that

¹ The Government of India. By Sir Courtenay Ilbert. p. 401.

² The Imperial Gazetteer of India. Vol. IV. p. 386.



had existed under Mahomedan rule. In 1772¹ a Diwani or Civil Court, and a Foujdari or Criminal Court were established for each provincial division or Collectorship as it then existed. The Collector on the part of the Company presided over the Civil Court. The Kazi and Mufti² of the district and two Moulvis sat in the criminal court to administer the Mahomedan Law of crimes. It was the collector's duty to see that the proceedings were regular and the decision fair and impartial. An appeal lay from the Civil Court to the Sadr Diwani Adalat which consisted of the President and Members of Council, assisted by the native officers of the khalsa or exchequer; and from the Criminal Court to the Nizamat Adalat which consisted of a Chief Officer of Justice appointed by the Nawab Nazim, and the Head Kazi and Mufti and three eminent Moulvis. The proceedings of the Nizamat Adalat were subject to the control of the President and Council.³

Punchayets are an old institution of the country, and they have received legislative recognition in some parts of the country, for instance in Bengal and Madras. They are part of the indigenous self-governing machinery in villages. A punchayet,—which literally means a body of five men,—is an assembly of elders which has been accustomed from very old times to decide local disputes

¹ Under Regulations of the 15th August.

² In the Mahomedan régime it was the duty of the Kazi to decide claims of intertance or succession. The Mufti expounded the law for the Kazi.

³ C. D. Field's Introduction to the Regulations of the Bengal Code. § 191.



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of a social and even of a legal character. It is not now as widely prevalent an institution as it used to be. Government have never sought to extinguish it, but have on the contrary been ready to utilise its services wherever it has existed.



CHAPTER III.

POLITICAL PROGRESS.

Western ideas and institutions introduced and adapted as an agency of progress—Codes—Their Advantages and Purposes—Equality in the eye of the law—Rights of Citizenship—Abolition of Slavery—Open administration of Justice—Publicity of proceedings in Courts of law and Legislative Councils—Safeguards for the proper administration of Justice—Litigious system of criminal procedure—Safeguards of personal liberty—Facilities for defence—No conviction or sentence without a trial—A single exception to this principle—Trial by Jury—Its advantages—Local Self-government—Its relation to the Imperial Government—Distinction from Local Government—No taxation without representation, a distinctively English principle—Indigenous forms of Local Self-government distinguished from the modern—The elective system—Its gradual expansion—Progress dependent on success—Objects of Local Self-government—Method of development.

In the preceding chapters an attempt has been made to show how far British rulers from the earliest times have sought to maintain, as far as possible, out of a regard for the interests and wishes of the people, the laws and institutions they found existing in the country. But they have always aimed at progress, and they have therefore felt it necessary to introduce western ideas and institutions and to adapt them to the circumstances of the country. They have done so out of an honest belief that these ideas and institutions would really be an agency of progress, that is, that they would be a means of securing the moral and



intellectual advancement of the people and bringing to them an improved material condition and greater happiness.

The systematic bodies of laws called Codes or Acts that have been passed in this country embody modern ideas. It is not always nor in every country that laws have existed in the form of codes. But that form has this advantage that the law is expressed in a clear, definite, well-arranged manner, that it is published to all the world, and is capable of being easily ascertained and understood by students and practitioners, judges and magistrates, and even the general public. The English Parliament decided long ago on the necessity of having Codes for India. The Charter Act of 1833, already more than once referred to, recited¹ that it was 'expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period; and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted; and that all laws and customs having the force of law within the said territories should be ascertained and consolidated, and, as occasion may require, amended.' By the same Act the Governor-General in Council was directed to issue a commission to be known as the Indian Law Commission with the fullest powers 'to enquire and report on the

¹ Section 53.



existing laws and the judicial machinery.' The reports were to be laid before Parliament. Macaulay was the most prominent member of the first Indian Law Commission.

It should be noted that, according to the desire of Parliament, in the construction of the codes due regard was to be had to the rights, feelings and usages of the people, and that the existing laws, written as well as customary, were to be fully ascertained. In the next place the equality of all men in the eye of the law was declared in unequivocal language. 'All persons whatsoever, as well Europeans as natives,' were to be subject to a general system of judicial establishments and police; and such laws were to be enacted as might be applicable in common to all classes of inhabitants. In regard to their form the Indian Codes have been highly spoken of by competent authorities. A distinguished English lawyer¹ says they are "the best models yet produced." As to their substance it is enough to say that their basis is the law of England, stripped of its local peculiarities, and modified with regard to the condition, institutions and climate of India, and the character, religions and usages of the population.²

Equality in the eye of the law is a great blessing to a people. It means that there are no privileged classes or individuals, that the oppressor's wrong cannot go unpunished, that all enjoy equal and impartial protection of the law, that all have the same rights of citizenship. There

¹ Sir Frederick Pollock

² The Anglo-Indian Codes. By Whitey Stokes. Vol. I. General Introduction. P. xxvi.

is not in India any distinction of the *jus civile*¹ and the *jus gentium*,² as there was in ancient Rome. It has to be remembered that this principle of legal equality is altogether a creation of British rulers. It was declared by the Charter Act of 1833 and solemnly and emphatically repeated by the Queen's Proclamation of 1858. As regards the criminal law it finds expression in the Penal Code which declares³ that every person shall be liable to punishment under the Code and not otherwise, for violating its provisions in British India on or after the 1st January 1862.⁴ There was no equality in the Hindu Law. The distinctions recognised in social life between the castes were imported into the law, and in many matters there was one law for the Brahmin and another for the other castes, especially the Sudra.

There was no equality in Mahomedan Law either. There was one law for men, another for women, one for the followers of the Prophet another for those regarded as unbelievers. "There were portions of the Mahomedan [criminal] law which no civilised Government could administer. It was impossible to enforce the law of retaliation for murder, of stoning for sexual immorality, or of mutilation for theft, or to recognise the incapacity of unbelievers to give evidence in cases affecting Mahomedans"⁵

¹ Civil Law ; law applicable to the *civis* or citizen.

² Law applicable to the (conquered) races or nations.

³ Section 2.

⁴ A few of the highest officials are not subject to the jurisdiction of the Indian Courts and are triable only in England. These little exceptions may well be ignored ; so likewise a special procedure, in criminal cases, relating to European British subjects.

⁵ The Government of India. By Sir Courtenay Ilbert. P. 339.



It is English rulers that for the first time in the history of the country have established liberty and equality. They have abolished slavery and they have given the same legal rights to all,—to persons of every race, sect, and class, and to persons standing in any relation to each other in domestic or social life,—to husband and wife, father and son, master and servant, zemindar and raiyat, prince and subject. They began with a polite regard to old usages by which special authority was enjoyed by persons standing in a special relation to others. They have now established complete equality among all. It has become an accepted principle of the English system of administration that the law is no respecter of persons.

Justice is openly and publicly administered. The courts are open to the public not only for the purpose of instituting proceedings but also for the purpose of witnessing proceedings in any case whatsoever. The presiding officer may take steps to prevent over-crowding or disorder, but, generally speaking, any one has a right to go into a court and see how cases are heard. An opportunity is thus given to the public to judge for themselves how justice is administered. There is nothing to prevent the publication of proceedings in courts of law or in legislative councils. There have been periods even in the history of England when in the trial of certain classes of cases the proceedings have been secret; and the freedom of reporting debates in Parliament was recognised only in 1771 after a bitter and protracted struggle between the press and the magistracy on the one hand and the House of Commons on the other.



Cases have to be decided according to law and not according to the discretion or caprice of the judge. Every person that seeks justice may move the machinery of the courts. No case is decided without giving a full hearing to both parties through their advocates, or to themselves personally, if they cannot be represented. Evidence is openly given, of a character and under conditions that the law lays down. Each party has the right to test the evidence given by the other by cross-examination. In criminal cases no evidence is received against an accused person otherwise than in his presence. In all cases evidence has to be given on oath or solemn affirmation, and the penalties are serious for giving false evidence. Under certain circumstances it is an offence to decline to give evidence. In a word, every possible safeguard has been taken for the thorough investigation of facts in every judicial trial, and for the fair and impartial administration of justice.

The procedure applied to criminal cases is called, in technical language, "litigious", as opposed to "inquisitorial." That is to say, a criminal or rather an accused person is judged only by the evidence that is produced against him with reference to the particular crime with which he is charged; and it is the business of the complainant or prosecutor to offer evidence upon which a conviction is demanded. If no such evidence is forthcoming, the accused person is discharged. According to the inquisitorial procedure which obtains in France, an accused person is liable to have his private character and all his antecedents ransacked and if a suspicion could be



raised that he was a likely person to have committed the crime in question by reason of his character and past history, he would be called upon to prove his innocence. If he failed to give adequate proof he would be convicted. Obviously the prisoner is at a great disadvantage in the latter system.¹

The criminal law of a country is a measure of the personal liberty enjoyed by its inhabitants. In the English system safeguards have been taken that personal liberty may not be needlessly or unjustly imperilled. Where a person has committed or is believed to have committed a crime, a complaint has to be made against him. The party that gives information or makes a complaint is liable to be punished if his information or complaint turns out to be false. Then the person against whom a complaint is made or information laid, has to be brought before a court. Except in the case of the graver offences a man cannot be arrested without a warrant. At the trial an accused person may be defended by counsel and he cannot be convicted or punished before being heard in his defence. He is presumed to be innocent until his guilt is proved. He cannot be examined or cross-examined as a witness, but he is permitted to make a statement and offer evidence in his defence. These are great advantages to a prisoner; any greater could hardly exist. Some are special to the English system. They all indicate a great regard for personal liberty. Several of these are privileges that have made their appearance late in

¹ See Sheldon Amos's "Systematic View of the Science of Jurisprudence," pp. 349, 350.



English history. The criminal law of England has not always been as fair and generous as it is now ; on the contrary there was a time when it was extremely unfair to prisoners. "The deepest stain upon the policy of irresponsible government is to be found in the history of the criminal law. The lives of men were sacrificed with a reckless barbarity, worthier of an Eastern despot, or an African chief, than of a Christian state."¹ It was only in 1836 that after a contention of many years the privilege was secured to prisoners, on trial for felony, of being heard by counsel.

Only under some very special and exceptional circumstances a person may be placed under personal restraint otherwise than in pursuance of some judicial proceeding. The circumstances are set forth in Regulation III of 1818. For reasons of state the Governor-General in Council may issue a warrant of commitment directing that an individual should be placed under personal restraint, against whom there may not be sufficient ground to institute a judicial proceeding. The person so placed under restraint is not declared as convicted of any offence, nor has he to undergo any labour. Care is taken of the health and comfort of a state prisoner, and provision is made for his support according to his rank in life and to his own wants and those of his family.

The institution of Trial by Jury was introduced by the Code of Criminal Procedure of 1861. Prisoners who are tried in the High Courts are tried by a Judge and a Jury.

¹ The Constitutional History of England. By Sir Thomes Erskine May, Vol III. p. 393.



In the Courts of Session, prisoners are tried by Judges assisted either by Juries or Assessors. The Local Governments determine by notification the districts where trials are to be held with the aid of juries and those where trials are to be held with the aid of assessors. In any trial before a jury it is for the judge to decide questions of law and for the jury to determine questions of fact. The judge at the close of the hearing, sums up the evidence in his charge or address to the jury, interprets the law applicable to the case, and puts to the jury the question or questions of fact upon which their verdict has to be given. Trial by jury is in England a valued popular right and is an institution of very long standing. It is one of England's gifts to India. The advantage to the prisoner lies in the fact that questions of fact are determined not from a technical point of view by a lawyer, but from a broad, common-sense point of view by laymen. It is also an advantage that questions of fact are determined from an independent as distinguished from an official point of view.¹ That trial by jury may be a success, that is, may result in the efficient administration of justice, it is necessary that jurors should be intelligent and fairly well educated men, and, above all, honest or independent.

Political progress has been sought to be achieved not only by the passing of laws in accordance with advanced western ideas and by providing a machinery for their proper administration, but also by the introduction of a system of Local Self-Government. Self-Government is

¹ See Sheldon Amos's "Science of Law" (The International Scientific series). pp. 267-70.



only another name for independence. Where a country is independent it may be called self-governing; where it is self-governing it may be called independent. Independence, especially where an empire is under consideration, would be called Imperial Self-Government. Local Self-Government of any part of an empire is perfectly compatible with subordination of that part to the imperial Government. It only means that some or all the local concerns of that part are managed directly by local authorities. So far from its being inconsistent with recognition of the supreme authority of the imperial Government, it is itself the creation of the imperial Government, and it might be modified or extinguished at the pleasure of that Government. Besides, in nearly all cases of local self-government some powers of supervision and general control are vested in the higher Government. In regard to matters municipal there is said to be local self-government in Calcutta. That means that the municipal affairs of Calcutta are managed directly not by the Government of India nor by the Government of Bengal, but by the body called the Corporation of Calcutta which consists largely of the representatives of the rate-payers of the town.

A somewhat detailed account of systems of Local Self-Government in India will be given in a later chapter. It is necessary here only to explain the meaning of the phrase and indicate the purposes of the institution. Local Government is not always the same thing as local self-government. Local Government means the administration of a part of a country or empire by a local authority; sometimes



it means the authority itself. Local Government becomes Local Self-Government only where the local authority is popular or representative. The Government of Bengal is a Local Government, because it administers directly, and, to a large extent, independently, the provinces of Bengal, Behar and Orissa. But the authority that administers the provinces is official and executive, and is appointed by a higher authority. Therefore the government of Bengal is not an instance of local self-government. The corporation of Calcutta is called self-governing because it consists largely of representatives of the people.

One of the most important functions of Government is the imposition of taxes and the regulation of the public expenditure. A local self-governing body has the power to impose local taxes, and to spend on local purposes, in such ways as it thinks fit, the income so obtained. In England the principle has long been recognised that taxes can only be imposed by representatives of the people. The feeling in that country is that liberty cannot be said to exist where taxes can be imposed by others than elected representatives of the people. It has to be remembered, however, that this principle has not been universally recognised either in ancient times or modern, and that different nations have chosen to accept different tests of popular liberty.

The principle does not seem to have been so much as thought of in this country either in the Hindu or the Mahomedan period; and English rulers have not thought fit to give it a rigorous or unqualified application even in local self-government. Into the higher self-governing



bodies as now constituted they have introduced some officials representing the Government and some persons nominated by official authority, who, though they may represent in opinion and interests, some sections of the community not otherwise represented, are still not representatives in the sense that they have been elected by a popular constituency.

Local self-government of a certain kind is an ancient institution in India, but it scarcely appears to have gone beyond the rural or parochial type. Petty village disputes were decided by local bodies. The village police was locally constituted and was under local control. The *panchayet* decided social as well as legal controversies. It does not appear that these rural, self-governing bodies were constituted by any system of formal election, or that the principle of "no taxation without representation" was ever recognised. The system of local self-government introduced into India by British rulers, especially since the days of Lord Ripon, is of much larger scope and of a more formal constitution. It is based upon no such abstract principle as that there should be no taxation without representation. It is constructed with a view to practical efficiency. The objects sought to be attained are, first, that local concerns should be properly managed by men with local knowledge; second, that in this way the higher authorities should be relieved of a portion of their burdens; and, third, that the people should be gradually instructed in the arts of self-government. For the last of these purposes local officials are associated with elected representatives of the people. The whole



system is a tentative one, and, as it succeeds, it is being gradually extended and developed. That is to say it is being extended over a larger and larger area, the constituencies are being enlarged, and the elective system is being expanded. Apart from the constitution of local self-governing bodies, the elective principle is every day receiving wider recognition. Some of the Fellowships of the Calcutta University, for instance, are open to election. Committees, either of the Senate or of the Corporation, or, for that matter, of any other public body, are formed by election. Some public bodies elect members of the Local Councils, and the elected members of these Councils elect representatives to the Viceregal Council. From the example of the Government the people are coming to apply the elective principle more and more largely to such of their own concerns as admit of its application.

Systems of local self-government differ from each other in regard to their constitution, in regard, for instance, to the strength or proportion of the elective element and the degree of supervision or control reserved to superior authorities. Local self-government is opposed to central or centralised government. The policy of the rulers is gradually to decentralise Government or to extend local self-government. But in this as in other matters they guide themselves by no theoretical principle, but study the lessons of experience and proceed cautiously.

Self-governing institutions develop in the ordinary way from the smaller to the larger, and the capacity for self-government grows likewise from the management of the smaller bodies to that of the larger. Government



are ready to grant an extension of self-government only when it has succeeded on a smaller scale. The system of self-government has therefore gone on developing with the increasing fitness of the people. Further and extensive development has been promised. It may be expected to come in due course. It has only to be remembered that local self-government, however it may develop, must always retain its local character. Imperial self-government, as already observed, means national independence.



CHAPTER IV.

SUPPRESSION OF SOCIAL ABUSES.

Suppression of indecent, immoral and criminal practices—History of the practice of *Sati*—History of measures for its repression—Hook-swinging—History of measures for its repression—Attitude of the Government towards social evils—Infanticide—Immoral practices—Re-marriage of Hindu widows—Removal of the disabilities of converts—Female education—Laws in restraint of indecent and immoral practices.

As has already been observed, the religious and social usages of all races and sects have been respected under British rule. Such of them, however, as were of an indecent, immoral or criminal character, could not be tolerated. Those practices would be regarded as of a criminal character which would tend to the destruction of human life or to the infliction of injury on person or property. Whenever any usages have had to be repealed the rulers have proceeded very cautiously and have paid due respect to the opinions of the society concerned. They have in the first instance given a warning or taken only mild action, and have trusted to the accomplishment of reform by the society. It is only where warning has been unheeded, where mild measures have failed, and where a society has been unable or unwilling to effect the necessary reform, that the ruling power has had to exert its authority and uproot the evil by legislative or executive action.

A conspicuous instance of social reform accomplished by Government is the abolition of the Hindu practice



known to Englishmen as *Sati*, or, according to the older spelling, *Suttee*.

Sati means literally a chaste or virtuous woman. The practice known as *Sati* meant a woman's burning herself to death on the funeral pyre of her husband. The origin of the practice is unknown. It is said that the Vedas contain no authority for it. *Manu* has no reference to it. It was recommended by some later authorities, not apparently as the one course open to a woman who loses her husband but as one of the alternatives she might adopt. She might either live a life of *brahmacharya* or she might burn herself. The sacrifice, to be of any merit, was to be voluntary. In course of time the abuse grew up of practically compelling widows to perform *Sati*. Relations who would be entitled to any property on the death of a widow had an interest in getting rid of her. Priests expected to make money by the ceremony and they were entitled to the woman's ornaments melted in the fire. All these persons practised every art in many cases to persuade a woman to perform *Sati*. They would preach to her, they would coax her, they would frighten her with penalties in the next life and with social opprobrium in the present. They would indulge in sneers and gibes if she hesitated. They would get others to do the same. A woman therefore was very often goaded on to self-immolation at a moment when she was overcome with grief and had scarcely strength enough to judge, or courage enough to resist. It is said that sometimes she was drugged into giving consent. Another evil sometimes arose. A woman might jump out as soon as the fire touched her, and then



she would not be taken back into her home but would be carried off by one of the undertakers (*muddafarash*) and would have to live with him.

The evil had assumed such proportions in the early years of the nineteenth century that Government could not overlook it. The Government of Lord Wellesley in 1805 asked the appellate Judges "to ascertain how far the practice was founded on the religious opinions of the Hindus. If not founded on any precept of their law, the Governor-General hoped that the custom might gradually, if not immediately, be altogether abolished. If, however, the entire abolition should appear to the Court to be impracticable in itself or inexpedient, as offending Hindu religious opinion, the Court were desired to devise means for the prevention of the abuses, such as the use of drugs and the sacrifice of widows of tender age." The judges asked the pundits if a widow was "enjoined" by the Sastras to perform *Sati*. They answered that every woman of the four castes was permitted to burn herself except in certain cases. The judges in their reply to Government said "that they considered the immediate abolition highly inexpedient, although they thought it might be gradually effected, at no distant period." They also suggested the enactment of provisions for preventing the illegal, unwarrantable and criminal abuses which were known to occur in the performance of the rite.

In 1813 it was ordered that the *Sati* rite "should never take place without previous communication to the Magistrate or the principal officer of police, who was to ascertain that it was entirely voluntary: that the widow



was not under the influence of stupefying and intoxicating drugs ; and that she was not under the age of sixteen, and not pregnant." The rite was to be performed in the presence of the police who were to see that no intimidation or violence was employed. These measures did not prove effective. Raja Ram Mohun Roy vigorously protested against the practice. In 1823 Lord Amherst made illegal the burning of a widow with the body of her deceased husband. It was also laid down that widows intending to perform the rite should personally apply to a Magistrate, that families in which *Sati* took place would be disqualified for Government employment, and that all property belonging to the *Sati* and her husband was to be forfeited to the State.¹

Even these measures proved insufficient. It was reserved for Lord William Bentinck to extinguish the evil. Soon after his arrival in India he circulated a letter to some of the officers of Government calling for their opinions with regard to the abolition of the practice. Having obtained the opinions he decided to suppress *Sati* throughout British territory. On the 4th December 1829, Regulation XVII of 1829 was passed by the Governor-General in Council, "for declaring the practice of *Sati* or of burning or burying alive the widows of Hindus illegal and punishable by the criminal courts."

The preamble to the Regulation is worthy of study. It runs as follows : "The practice of *Sati* or of burning

¹ For a more detailed account see P. N. Bose's *History of Civilisation*, Vol II. ch. iii.



or burying alive the widows of Hindus is revolting to the feelings of human nature, it is nowhere enjoined by the religion of the Hindus as an imperative duty, on the contrary a life of purity and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up nor observed. In some extensive districts it does not exist. In those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor-General in Council is deeply impressed with the conviction that the abuses in question cannot be effectively put an end to without abolishing the practice altogether. Actuated by these considerations the Governor-General in Council—without intending to depart from one of the first and most important principles of the system of British Government in India, that all classes of the people be secure in the observance of their religious usages so long as that system can be adhered to without violation of the paramount dictates of justice and humanity—has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the territories immediately subject to the Presidency of Fort William.” The rules which follow, relating to the duties of Zemindars and the police when they receive information of an act of *Sati*, need not be here reproduced.



The abolition of hook-swinging is another though a less notable instance of social reform effected by Government. In the year 1856-57 the Calcutta Missionary Conference memorialised Government asking for the suppression of the cruelties, the acts of barbarism and suffering, which accompanied the celebration of the ceremony of the Charak Puja during the three principal days of the festival. "These devotees," it was said, "cast themselves on thorns and upraised knives; they pierce their arms or tongues by iron arrows, draw strings through the flesh of their sides, or fix thereto spikes that are heated by continually burning fire, while others swing on the *Charak* tree by hooks fastened through the muscles of their backs." After careful consideration Sir Frederick Halliday, Lieutenant Governor of Bengal, came to the conclusion that as the case was one of pain voluntarily undergone, the remedy must be left to the missionary and the school-master, and that, as stated by the Court of Directors, all such cruel ceremonies must be discouraged by influence rather than by authority.¹

When Sir John Peter Grant was Lieutenant Governor of Bengal (1859-1862) the Calcutta Missionary Conference again petitioned the Legislative Council on this same subject, and the petition was forwarded to the Secretary of State. Her Majesty Queen Victoria's Government were of opinion that every opportunity should be taken of discountenancing the practice, and they suggested the propriety of inserting, in all leases, for Government lands,

¹ Bengal under the Lieutenant Governors. By C. F. Buckland. Vol. i. p. 32.



a provision hostile to the celebration of the festival; of enlisting in the same direction the sympathies of the leading members of the native community, and of quietly making known the disapprobation with which such spectacles were regarded by Government. Sir J. P. Grant called for reports from Commissioners of Divisions and learnt that hook-swinging was confined to Bengal proper and Orissa. Where this practice existed as a long established custom the local authorities were directed, by using their personal influence, and by obtaining the co-operation of the Zamindars, to induce the people voluntarily to abandon the practice. Where *charak* swinging was not an established custom but a mere occasional exhibition, the Magistrates were authorised to prohibit its celebration as a local measure of police for the preservation of order and decency. The practice was reported to be gradually dying out.¹

In 1864-65 the subject came up again. Sir Cecil Beadon, Lieutenant Governor of Bengal, issued a resolution on the 15th March 1865, suppressing the cruel practices.² All magistrates of districts in the Lower Provinces were required to direct any person to abstain from the act of hook-swinging or other self-torture, in public, and from the abetment thereof, or take such order with property in his possession or under his management as might serve to prevent the commission of the act. Persons who disobeyed any such injunction were to be prosecuted and punished according to law.

¹ Ibid. Vol I. p. 177.

² Ibid. p. 312.



The history of these two reforms is interesting if only because it shows the unwillingness of Government to interfere with social and religious usages, the incapacity of society in these cases to effect the reform itself, and the determination of Government to suppress the evil where society proves itself unequal to the task. In both cases much-needed reforms were tardily carried out only because Government decided to let the society concerned have an opportunity of rectifying its own abuses. The evils of *sati* had existed for a long time, but since the attention of Government was called to them it took them about a quarter of a century to accomplish the reform. The policy of non-interference with matters domestic, social and religious, has been a marked characteristic of English rule, but an equally marked characteristic has been an intolerance of abuses. No action is taken in a hurry. Great forbearance is shown. But if ultimately the people are found unable to help themselves, Government are ready to use the strong arm of authority in protecting the weak against the strong, removing injustice and oppression and even saving people from the evils of their own social life.

Infanticide prevailed in this country to an appreciable extent before the days of British ascendancy. Women consigned their new-born children to the *Gunga-saugor* or gave them up as a propitiatory offering to some god or goddess, in accordance with some vow they may have taken, or as the price of some blessing which they sought. In some parts of the country, especially in the Punjab, the United Provinces and



Rajputana, it was not an uncommon practice to kill female children as soon as they were born, for the expenses would be great in marrying them, or because they might bring dishonour on their family. Those inhuman practices have now been killed out by the general criminal law of the country, by special laws for the registration of births and deaths, and by administrative arrangements for supervision of criminal practices.¹ Under the Indian Penal Code, to cause the death of any human being, whatever his or her age, with the intention of causing death, constitutes the offence of murder, or as it is technically called, culpable homicide amounting to murder, and is punishable with death or transportation for life. By the same Code it is specifically provided, by way of explanation, that it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.² It is also provided that whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be liable to be seriously punished. If the child die in consequence of the exposure the offender may be tried for murder or culpable homicide.³ A certain class of ascetics sometimes thought it necessary for some of their religious ceremonies to offer human sacrifice, and

¹ For a detailed statement of fact and authorities see Strachey's "India," 3rd Edition, pp. 395-400.

² Section 292. *Explanation.*

³ Section 317.



for this purpose they killed human beings or procured the killing of them. It is not possible for them to indulge in that practice now without making themselves liable to be tried for murder or the abetment of it. A law may not be able to extinguish a crime. Infants may still be killed and human sacrifices made, but these acts can no longer be performed openly and as of right, even on any supposed ground of religion. They can only be perpetrated as crimes, in secrecy, and, when detected, they will be punished under the law.

Some immoral practices still continue unchecked because probably they have not come to the notice of Government, or because probably it is expected that social opinion and action will check them. Such, for instance, is the practice which prevails in a certain part of the country, of dedicating unmarried girls, under the name of *Devi-Dasi*, to the service of a goddess. These girls, when they grow up, live an openly immoral life; they are almost driven to it by the conditions in which they are placed. But though there may still be found subsisting in unexplored corners of social life practices of a grossly immoral and even criminal character, there can be no doubt that under British law the sanctity of the person has been universally respected. No one can with impunity violently lay his hands on another. Amongst some of the lower classes in certain parts of the country the idea has prevailed that where a woman was adulterous her husband had the right to cut off a portion of her ears or her nose. Any action taken in accordance with that idea would now be treated as criminal and would be punishable. Where



a married girl was unable to please her husband or her mother-in-law, they may in some cases have felt that they were at liberty to punish her in any way they thought proper, by branding her, for instance, with a piece of hot iron. Any such treatment would be punishable to-day. The law has given equal protection to all. The person is inviolable alike of prince and peasant, Brahmin and pariah.

A certain class of reforms that Government have accomplished is in the nature of an enlargement of the liberty of individuals in social life. Hindu society had never tolerated the re-marriage of widows belonging to the higher castes. That is to say, a widow belonging to any of these castes, could not, even if she was her own mistress, contract at her option a marriage that would be recognised as legally valid. Nor could the guardians of a widow who was legally a minor, give her away in marriage if they chose. These restrictions on the liberty of widows and their guardians have now been removed. Pundit Iswara Chandra Vidyasagara started a movement in favour of the reform, wrote tracts to prove that re-marriage was sanctioned by the *sastras* in certain cases, and submitted petitions to Government praying for a law to remove the disability of widows to remarry. Government were convinced of the necessity of the reform; and they decided to have a permissive or enabling law passed. In 1856 a Bill was brought in by Sir J. P. Grant as Member of Council, and passed as Act XV of that year, to remove all legal obstacles to the marriage of Hindu widows.¹ The first clause of the Act was: "No marriage

¹ Bengal under the Lieutenant Governors, Vol. i. p. 22.



contracted between Hindus shall be invalid and the issue of no such marriage shall be illegitimate by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation of Hindu Law to the contrary notwithstanding."

Another instance of reform in the way of a removal of disability, is that with reference to the legal rights of Hindus converted to Christianity. Converts were at one time supposed to be incapable of inheriting any property, to which, but for their conversion, they would be entitled, and they were supposed also to be liable to forfeit rights and property they already possessed. This incapacity was removed by Act XXI of 1850 which declared that 'so much of any law or usage now in force within the territories subject to the government of the East India Company as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.'

There was no indigenous system of female education in this country. The system as it now exists was called into being by Government. In 1849 Lord Dalhousie informed the Bengal Council of Education that henceforth its functions were to embrace female education, and the first girls' school recognised by Government was founded



shortly afterwards by a committee of Indian gentlemen. The despatch of 1854 directed that female education should receive the frank and cordial support of Government, as by 'this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men.' The Education Commission of 1882 advised that female education should receive special encouragement and be treated with special liberality. The Government accepted this view ; and state funds are more freely used, and state management more largely resorted to for this object than what is considered desirable in the case of the education of boys.¹

In the interests of social well-being Government have thought fit to pass laws with regard to decency and morals. Such laws are to be found in various Police Acts and in the Indian Penal Code.² There are laws, for instance, in restraint of gambling, the keeping of disorderly houses, indecent behaviour in public, the singing of obscene songs in public places, the sale of obscene books, and such other acts calculated to outrage and debase the moral sense of people. It may be generally observed that anything said or done in public which offends the sense of decency or morality, or which tends to corrupt the morals of the people, or to lower their moral standard, has been discouraged. No attempt has been made forcibly or harshly to put down such public exhibitions or demonstrations as offend a sense of decency and are yet

¹ The Imperial Gazetteer of India. Vol. IV p. 431.

² Chapter XIX.



associated with some religious festival, but the police are required to be on their guard in keeping such displays within proper limits, and there is observable a decline in the vitality of these vulgar manifestations.



CHAPTER V.

EDUCATIONAL WORK.

Education, in the widest sense, England's mission—The educative value of political institutions—Spontaneous gift of privileges—Academic education—Primary—Secondary—Higher—Technical Education—Elementary—Higher—Medical education—Legal education—Normal Schools—Agricultural Colleges—Education in Art—Principles of academic education—Contraversion between anglicists and orientalist—The Education Despatch of 1854—Education open to all—Institutions for special classes—Religious neutrality in education—Various methods by which intellectual culture is promoted.

Education in the broadest sense of the word may be described as England's mission in the east, her highest aspiration. It is certainly the chief work to which she has devoted herself. The laws that have been passed, the institutions that have been established, have had as their object not merely the satisfaction of practical needs, but also a training of the people to new ideas and modes of life. In very few cases have they come as an answer to the demands of the people. They have generally been in advance of the ideas of the people. They have awakened in men a sense of their rights by conferring the rights. They have taught men to appreciate blessings by giving them blessings. In a word, men have been educated or are in course of being educated by laws and institutions to feel new wants and to be conscious of rights and advantages. Trial by Jury was introduced into India not to meet a demand of the



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people, nor even to satisfy a pressing want. The object was not merely to secure a better administration of justice but also to accustom the people to the institution and teach them to perform new duties by the bestowal on them of new rights. So well have the people been educated by the institution to appreciate the new rights that they are now making a demand for the extension of it to new districts. When, again, the earliest measures of local self-government were introduced or suggested, it was not because there had been a popular agitation for them. They brought blessings which the people were strangers to, but which, it was expected, they would gradually learn to appreciate, and which, it was also expected, would teach them to perform new duties by the exercise of new rights. Their value was mainly educative. So greatly has the object of the rulers been realised that now there is a wide-spread popular demand for the extension and development of local self-government. It is not necessary to multiply instances. It will be found upon an examination of history that while in England popular institutions have been established generally in answer to popular demands, sometimes violently urged, in India they have been the spontaneous gift of the Government, and their purpose has been not merely an improved administration but also and mainly a political education of the people. The reforms to be described in the next three chapters, classed under the headings, economic, material, and civic, while no doubt they have been meant to achieve progress in some direction or other, have all, at the same time, been directed to an education of the people. The desire of the



rulers has been to place before the people new ideals, to accustom them to new habits of thought and life, and to develop their capacity in various directions. The political and social work of England in India has also been educative, but in a chapter specially devoted to education it is well to take formal notice of the fact that that single word comprehends nearly all that Government have done or can do in this country. And it has to be remembered that the education of the people means also the elevation of the people.

This chapter is devoted to academic education, to the principles upon which it is founded, and the institutions through which it is imparted; and also to the facilities provided for intellectual, mechanical, and æsthetic training. In regard to the subject matter of instruction, education may be classified as literary, scientific, technical, and artistic. In regard to degree or extent, education may be classified as primary, secondary, and higher; and those are exactly the terms used in India in describing the different parts of the educational system.

Primary schools are those in which the most elementary instruction is given. The courses of study are not the same all over India, nor is the management everywhere the same. The type of primary school varies from the primitive village *patshala* or *maktab* to the modern form of schools in which instruction is more advanced and systematic. Generally speaking, all that a primary school attempts is to teach the child to read and write his own language; to enable him to do easy sums and understand simple forms of native accounts and the village land-record



papers; and to give him a rudimentary knowledge of common objects, geography, agriculture, sanitation, and the history of India.¹ This is the standard in towns; in rural schools the course is more elementary. A comparatively small number of primary schools is now managed directly by Government; most are administered by municipalities and district boards, or by private persons or bodies. In Bengal and Burma the majority are under private management. They are indigenous schools which have been brought to conform to the requirements of the Education Department; others are schools of a more modern type started by native proprietors; others belong to various missionary societies. In Bombay, municipal and district board schools greatly outnumber the private establishments. In Madras the system is akin to that of Bengal, and in the United Provinces and the Punjab the system is similar to that of Bombay.²

The special obligation of the Government towards the vernacular education of the masses was declared by the Court of Directors in 1854, and it has been accepted by the Government of India. The obligation has been discharged on an ever increasing scale; still the progress of primary education has not been nearly as great as could be wished. At the present moment Government are pledged to a policy of free education of the masses. From the popular side a suggestion has been made for free and compulsory education of the masses.

¹ The Imperial Gazetteer of India. Vol IV. p. 419.

² Ibid. pp. 417-418.



There are three classes of secondary schools,—the vernacular middle schools, the middle English schools, and the high schools. The vernacular middle school course is a prolongation of the primary course. In the middle English schools English is taught as a language and is also used as a medium of instruction. The range of studies is about the same as in a middle vernacular school. The high schools, or, as they are called in Bengal, higher English schools, teach up to the standard of the matriculation. They generally provide a course of instruction that begins with the most elementary. Boys who have received their early education elsewhere may be admitted into the class for whose course of studies they may be found fit.

Higher education is given, through Universities, in colleges affiliated to them. There are five Universities, and they are situated in Calcutta, Bombay, Madras, Lahore and Allahabad. The first three of these were founded in 1857. The Punjab (formerly Lahore) University College was incorporated as the University of the Punjab in 1882. The University of Allahabad was established in 1887.

The law relating to universities in British India is now embodied in an Act¹ passed in 1904. Under that Act a university has the power to make provision for the instruction of students, to appoint university professors and lecturers, to hold and manage educational endowments, to erect, equip and maintain university Libraries, laboratories and museums, to make regulations relating

¹ Act VIII of 1904.



to the residence and conduct of students, and generally to do all acts which tend to the promotion of study and research. A university consists of the Chancellor, (in the case of the University of Calcutta, also the Rector), the Vice-Chancellor, the ex-officio Fellows, and the Ordinary Fellows. The ex-officio Fellows are a number of high officials whose number is never to exceed ten. The Ordinary Fellows include those nominated by the Chancellor, those elected by the Faculties, and those elected by registered graduates, or by the Senate. The Ordinary Fellows hold office for five years. In the universities of Calcutta, Bombay and Madras, their number shall not be less than fifty, nor exceed one hundred. The Governor-General is Chancellor of the Calcutta university. In the case of the other universities the Chancellor is the head of the Government of the Province in which the university is situated.

The senate may institute and confer such degrees, and grant such diplomas, licenses, titles and marks of honour in respect of degrees and examinations as may be prescribed by regulation. The University may affiliate or disaffiliate colleges and maintain colleges of its own. The opinions recorded by the Senate in regard to the affiliation or disaffiliation of a college, have to be submitted to the Government of India who will pass final orders. Regulations made by the Senate are subject to the sanction of the Government. All the Universities grant degrees in Arts and Law ; all except Madras have separate science schools ; and all except Allahabad give degrees or diplomas in Medicine and Engineering.



So far a sketch has been given of the system that exists for providing a liberal education. There exist institutions also for various special kinds of education. The subject of technical education early attracted the attention of Government. In Bengal, in 1863, Sir Cecil Beadon induced the Government of India to sanction, as a Government Institution, the Industrial School of Arts which had been founded in 1854 by a number of gentlemen designated the Society for the promotion of Industrial Art, as the school had become practically dependent on Government. The object of the school was to introduce among the people an improved taste and appreciation of the true principles of Art, in matters both of decoration and utility, and to supply draftsmen, designers, engineers, modellers, lithographers engravers &c, to meet the demand for them in this country.¹ During the Lieutenant-Governorship of Sir Richard Temple, technical education was advanced by the foundation of survey schools at Hugli, Dacca, Patna and Cuttack. Technical education was not at first popular in this country. Such of it as existed, consisted in the instruction given to their own children by handicraftsmen belonging to the artisan castes. A carpenter brought up his son as a carpenter, and so on. Industrial education of a systematic, academic kind was not appreciated. Of late, however, it has grown in popularity, and institutions for imparting it are rapidly on the increase. A committee appointed to investigate the subject in March, 1902, prepared a list of 123 industrial institutions, most of which are of recent origin.

¹ Bengal under the Lieutenant Governors. Vol. I. p. 289.



A few of the more important are managed by Government, some have been established by municipalities and local boards, and others are maintained by missionary societies or private benefactors.¹ The question of improving the system of industrial education has lately been under the consideration of the Government, and provision has been made for sending a certain number of advanced students to obtain technical training in Europe or America.²

Technical education of a higher and scientific kind is given in colleges of engineering. There are such colleges in Madras, Bombay, Bengal, and the United Provinces. The colleges at Roorkee in the United Provinces and at Ranchi, are the largest. The Victoria Jubilee Technical Institution in Bombay is an institution for the training of engineers, mechanics and draftsmen.

Medical education is given in colleges established for the purpose at Calcutta, Madras, Bombay and Lahore, and in twenty-two Medical Schools,—all Government institutions. The Calcutta and Madras colleges were founded in 1845 and 1860. In consequence of religious prejudice there was in the old days a repugnance to the European system of medicine, and the student of the Calcutta Medical College who first performed an act of dissection of a dead body was regarded as having accomplished a bold feat. To attract students to that college, stipends had to be given to them.

¹ The Imperial Gazetteer of India. Vol. IV p. 406.

² Ibid p. 438.



Legal education is given in central law colleges established in Madras, Bombay and Lahore. In Bengal and the United Provinces law classes have been a section of what are mainly Arts Colleges. It has now been proposed to establish a central law college in Calcutta.

It is enough barely to refer to such special institutions as normal colleges and schools for the training of teachers, all Government institutions, and the schools that are springing up, or the classes that are being established, for giving commercial education to boys. The latter class of institutions is most developed in Bombay.

For the teaching of agriculture, colleges or sections of colleges have been established in Madras, Bombay, the United Provinces, and the Central Provinces. In Bengal there were formerly agricultural classes at Sibpur near Calcutta; but these have now been replaced by a Central Agricultural College for the whole of India, provided with an agricultural research institute, and an experimental cultivation and cattle-breeding farm, at Pusa in the Darbhanga District of Behar.¹ An agricultural college for Bengal has been established at Sabour in the district of Bhagalpur.

Each nation has its own artistic sense, its own special type of art. Science is the same for all countries, but the art of a nation is peculiar to itself. It so happens, however, that the Schools of art which exist in Calcutta, Madras, Bombay and Lahore, are Government institutions. The Madras School was opened in 1850, the Calcutta School in 1854, the Bombay School in 1857.

¹ The Imperial Gazetteer of India. Vol. IV. P. 440.



X Apart from schools and colleges there have been established such institutions as libraries and museums for the purpose of promoting learning and encouraging research. The Imperial Library in Calcutta is a Government institution. Libraries of respectable dimensions are attached to many Government colleges. Aid is given by Government to some libraries owned by learned societies, and for the purposes of collecting and cataloguing rare or ancient works.

X The Economic Museum in Calcutta was established by Sir George Campbell, Lieutenant Governor. Realising the importance of obtaining an adequate knowledge of the products of the country he was inclined to favour the idea of an economic survey. As a first step he thought it well to provide a place in which specimens of the economic, vegetable and other products of the country might be placed and made accessible to the public. The Economic Museum came to be such a place. It now forms an annexé to the Indian Museum. Both raw materials and manufactures are collected and classified in this institution. There is an economic museum at Lucknow and there is another in Bombay.

The work that is being done in regard to education not only in the way of establishing, reforming or extending the scope of schools and colleges, but also in the larger sense of providing facilities for intellectual culture, is so rapidly progressive that it is scarcely worth while giving any details as to figures. The figures of any particular time would not be the same six months after. But it is essential that the principles which underlie the



educational work of England in India should be fully grasped. It has already been observed how the indigenous, that is, the oriental system of education was not only continued but encouraged and developed in the early days of British rule. In a short time it came to be considered if that system was by itself sufficient to supply the intellectual needs of the people and give them the best and the most useful culture according to modern standards. A controversy arose and two parties were formed. It was generally recognised that vernacular education should be extended. The Orientalists contended that this was to be supplemented by a study of the classical languages of the east, because the indigenous laws, literature and religion were enshrined in those languages. The Anglicists argued that higher education was to be given through the medium of English, because apart from the merits of the language itself, it would be a key to the treasures of western thought. Among them were many leading members of the native community, the most conspicuous of whom was Raja Ram Mohun Roy. The battle was decided in favour of the Anglicists. The success of that party was due mainly to the ability and determination with which Lord Macaulay, Legal Member of Council and a member of the Council of Education, pressed their case. Lord William Bentinck accepted the views of Macaulay as expressed in his famous Minute of 1835, and, soon after, his Government issued a Resolution announcing their decision in favour of a western education. It is in consequence of that decision that English has continued up to the present day as the medium of advanced

instruction and has produced the most momentous changes in the life and thought of those who have received it, and, through them, of a large portion of the Indian people. It has brought the Indian mind into contact with the most advanced western thought, has quickened it with a new life, and has not only developed intellectual and practical capacity but has bred high aspirations, intellectual and political.

Schools and colleges were now established in various parts of the country by Government, by Christian missionaries and by enlightened members of the native community. But the progress of education up to 1853 was not very rapid. In 1854 a new impetus was given. Sir Charles Wood (afterwards Lord Halifax) being President of the Board of Control, the Court of Directors decided that the Government should afford assistance 'to the more extended and systematic promotion of general education in India,' and addressed the Governor-General in Council in a memorable despatch which sketched in outline a complete scheme of public instruction, controlled, aided and in part directly managed by the state. The principles then laid down were re-affirmed in 1859 after the transfer of the administration to the Crown, and still guide, in the main, the efforts of the Government for the better education of the people.¹ The despatch prescribed among other things the constitution in each province of a Department of Public Instruction and the institution of universities in the Presidency towns.

¹ The Imperial Gazetteer of India. Vol. IV. p. 413.



For the first time in the history of India, education, from the most elementary to the highest, has been open to all castes, races and sects. In the indigenous system of the Hindus the instruction given in the *tols* was confined to the higher castes. The indigenous Mahomedan schools appear to have been open to Hindus, but few Hindus would find such institutions congenial; and the higher instruction, including a large element of religion, was necessarily confined to Mahomedans. It is in the British period that schools and colleges have been thrown open to all classes, whatever their race, religion, caste or position in life might be. As in law so in education the principle of equality is recognised. It is a principle which has resulted not only in the spread of education among all classes, but has in an indirect way largely influenced the modes of thought of the Indian people, tending to make them indifferent to the distinctions of race, religion and social position.

In addition to the schools and colleges open to all, special institutions have been established for the benefit of particular classes. There are special schools, for instance, for the education of low-caste children and for the education of Europeans and Eurasians. These schools have been established mostly by private bodies, particularly Christian missionaries, but they have received encouragement from Government, and it is only British rule that has made them possible. Several Chiefs' Colleges, all Government institutions, have been established, of which the most important are at Ajmere, Rajkot, and Lahore. The object is to give young chiefs and nobles an education worthy of their position.



On general principles of toleration, and in consequence, in particular, of schools and colleges being open to men of all races and religions, the rulers have observed the principle of religious neutrality in all educational institutions. That principle, it has already been stated, was definitely declared in the despatch of 1854. There is nothing to prevent the authorities of private institutions from giving to their students such religious instruction as they may wish, but in no Government school or college can there be any religious teaching. Government could not conscientiously teach any religion but their own; but that religion they cannot teach to those who do not profess it; nor can they allow any other religion to be taught in a school which is not professed by all its students.

The work of Government in the field of education, or rather for the promotion of the intellectual culture of a people, could not be more varied or extensive than it is in this country. They conduct the largest portion of academic education,—primary, secondary and higher; vernacular and English. They have established numerous scholarships. They have not only their own schools and colleges, but they grant aid to many institutions. They have to take charge of special kinds of education,—industrial, scientific, artistic. Female education is mainly in their hands. They have to look after the education of special classes,—aborigines and low-caste men on the one hand, nobles and chiefs on the other. It is under their auspices and by their encouragement that learned societies grow up and libraries are established. They start and maintain museums. To guide administrators in the



future and to make it possible for histories to be written, they preserve records. They encourage meritorious authors by purchasing numerous copies of their books. They establish their own systems of research and they give help and encouragement to individuals and private bodies in carrying on research. When occasion arises they keep their officers on deputation to conduct some special research. They have authorised Universities to take steps for promoting research. The central laboratory at Kasauli near Simla is an institution for research. The different scientific surveys to be referred to hereafter are in the nature of research. The census operations conducted from time to time come under the same category.

Much of the work here described would in advanced countries be taken up by private agency. From very early times the Christian missionaries have done valuable work in the way of establishing schools and libraries, producing text-books and publishing other literature, vernacular and English, but though they may have done such work independently of Government patronage of any kind, it has to be remembered that they are here in such numbers mainly because the Government is English; and their work has been in pursuance of the policy of Government. If Government had not decided to give English education few English books would have been written. In recent times some portion of the burden of education has been borne by private native enterprise, but Indian gentlemen have only followed the foot-steps of the Govern-



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ment. The main brunt of the work of education has been borne by Government; and they have certainly led the way from the beginning.



CHAPTER VI.

ECONOMIC PROGRESS.

Agriculture—Chief objects of cultivation—Food-grains—Rice, wheat and millet—Jute—Sericulture—Tea, Coffee and Cinchona—Indigo—Services of Government to Agriculture—Need of self-help—Free scope for enterprise—Exhibitions—Protection of inventions—Free Trade—Customs duties—Their history in India—Loans to agriculturists—Agricultural Banks—Savings Banks—Tenancy Laws—Famines—Causes—Measures of prevention and relief—Development of foreign trade.

The chief Indian industry is and has been for ages Agriculture. The chief objects of cultivation at the present day are rice, wheat, millet, maize, barley, oats, pulses, oil seeds, sugarcane, date-palm, cotton, jute, indigo, opium, tobacco, mulberry, tea, coffee, cinchona. Rice is more largely grown than any other article. The deltas of the great rivers of Lower Burma and Bengal, the deltas of the Godavery, the Krishna and the Kaveri, the long narrow strips of land fringing the coast, and the lowlands of Travancore, Malabar, Kanara and Konkan, present all the conditions of successful rice cultivation, and constitute the great rice-growing area.¹ Throughout the remainder of the country rice is a subordinate if not a rare crop. Millets take the place of rice in the interior, excepting Assam. Sir William Hunter writes: "Taking India as a whole it may be broadly affirmed that the staple food-grain is neither rice nor wheat but millet."

¹ P. N. Bose's History of Hindu Civilisation. Vol. II. P. 175.



Jute is almost exclusively cultivated in Bengal, especially northern and eastern Bengal. It grows best in the deltas of the Hugli, the Brahmaputra and the Megna. The development of jute cultivation and of jute industry is entirely the product of British rule. With the increase of the British trade in grains, especially wheat, grew up the demand for gunny bags, and this gave an impetus to jute cultivation.¹ The large profits of the trade in jute have been tending to enlarge the area of jute cultivation and limit that of rice cultivation.

Sericulture is a very old industry in India. But it is almost certain that neither the mulberry nor the silk-worm was indigenous in India. When the East India Company established their trade marts in Bengal they found the silk industry in a declining state, and took great pains to revive it. As Bengal has always been the chief seat of mulberry cultivation they established several factories with numerous filatures in each, to which the cultivators brought their cocoons. They brought in 1769 a company of Italian reelers to teach the Italian system of reeling to their factory hands. Bengal silk soon became an important article of trade and superseded all other silk in the European market. The palmy days of Bengal silk industry lasted till 1833, from which year the Company abandoned the trade on their own account and it fell into private hands. Sericulture has ever since been steadily declining. The imports of raw silk into India now exceed the exports. The silk of Japan,

¹ Ibid. p. 189.



of China, and of the countries bordering on the Mediterranean Sea, now controls the European market.¹

Tea, coffee and cinchona are crops with which the peasantry of India have little or no concern. These agricultural industries are almost exclusively financed by European capitalists, supervised by European skill, and, except in the case of coffee, were introduced into India under the auspices of the British Government.² The cultivation of oats was also introduced into India under English auspices.

The development of the cultivation and manufacture of indigo in Bengal is solely due to the enlightened policy adopted by the East India Company who began by importing good planters from the West Indies and subsidising their enterprise with advances. Similar attempts were made to import sugarcane planters from the West Indies and establish sugarcane plantations in India on the lines of the indigo plantation, but these attempts utterly failed.³

A well informed writer thus sums up the services of Government to agriculture :⁴

“Attempts to improve and expand the indigenous agriculture have been made by Government ever since the time of the East India Company, as is well shown by the history of the silk industry in Bengal ; of the introduction of Carolina paddy, American cotton, tea and cinchona ; of the extraction of fibre from hemp ; and of the formation

¹ Ibid. pp. 198-199.

² Ibid. P. 200.

³ Ibid. P. 192.

⁴ P. N. Bose's History of Civilization. Vol. II, pp. 208-209.



of sugarcane plantations on the model of those in the West Indies.

“But there existed no organization for this purpose previous to 1872, when a Department of Revenue, Agriculture and Commerce was established under the Government of India. * * * The department was subsequently abolished, but revived by Lord Ripon by whom the scope of agricultural improvements was considerably enlarged. * * *

“Demonstration or Model Farms have been established in different provinces, all under Departmental supervision, some financed by Government, and some by local Zemindars and Rajas. In Bengal there are the Sibpur Government Farm,¹ the Burdwan Raj farm and the Dumraon Raj farm, the two latter being maintained by the two Raj estates respectively ; in the North-Western Provinces and Oudh,² the Cawnpore Experimental farm maintained by Government ; in Madrás, the Saidapet Government Farm ; in Bombay, the Government Farms in Khandesh ; and in the Central Provinces, the Government Farm at Nagpur. Besides, there are some minor farms in the Punjab, Assam and Burma.”

What Government have done in the way of promoting agricultural education has already been noticed. They appreciate so well the value of agriculture in this country that the idea of its improvement is never absent from their mind. Their services have not only been rendered in the past but are continuing. At the present moment

¹ Now closed.

² Now called the United Provinces of Agra and Oudh.



it is in contemplation to introduce into India the cultivation of Egyptian cotton. Government officers have been making a study of the diseases of cattle and pests of plants, and of the merits of particular kinds of manure. Already good results have been achieved on these subjects, and there is expectation of more. While this chapter is being written one of the latest announcements is the establishment by the Government of Bengal of some scholarships tenable by graduates and undergraduates of the Calcutta university who will prosecute agricultural studies under certain conditions.

Industry, trade and commerce constitute a sphere of life in which, pre-eminently, the people must help themselves. Labour and capital are essential to the growth of industry, but it may be said generally that for the industrial and commercial progress of a nation there are needed also certain intellectual, moral and social qualities,—technical knowledge and skill, for instance, a spirit of enterprise or adventure, honesty, mutual confidence, capacity of organisation, power of associated action, and what may be called generally habits of business. It is not possible for Government to render any direct assistance to the industries of the people by advancing capital or supplying labour. Government cannot carry on a business in partnership with the people. The relation of ruler and subject excludes the notion of business partnership. This must be especially so in India at the present day, for government is now vested not in a trading company but in the crown. But Government can give indirect help, and that help has been liberally given in this country.



As has been shown in a previous chapter, they have been giving industrial education to the people, and at the present moment there are schemes for a great expansion of it. Wherever possible they purchase stores in the local market, giving a preference to the products of Indian industry. In trade, commerce and industry they do not give to Europeans any facility which they deny to the people of this country. They offer a fair field to all and show no favour to any class. No higher privilege could be expected from Government than free scope for commercial and industrial enterprise, and that the people have obtained. The indigo enterprise which was at one time a monopoly of Europeans has now been passing into the hands of the cultivators and Indian capitalists, especially in Madras. Tea planting also was at one time a purely European industry; recently, however there have been tea companies composed entirely of Indians. Mining business also is now to some extent in the hands of Indians. Mills and factories are coming to be established with purely Indian capital. Government have never stood in the way of this development of native industrial and commercial enterprise.

Industrial exhibitions help the growth of industries by spreading a knowledge of them, suggesting new ideas to observers, and widening the markets for articles of the kinds exhibited. Government have always held such exhibitions in favour and have often given help and encouragement to the parties organising them.

Under the laws of the country the authors of inventions, that is, machines or other contrivances of a useful



character which are original in design, are encouraged by securing to them the fruits of their originality. When the articles are patented no one is at liberty to produce one like it by imitating the original design. If such a protection were not given men might produce copies of the contrivance and sell them at a cheaper rate than the original. The inventor would thus make no gain out of his original design, and all incentive would be taken away from creative genius. The protection of inventions stimulates originality and is a help to industrial progress.

Customs duties have an important bearing on trade. England accepted long ago the principle of what is called Free Trade; that is, she decided to impose no duties either on her exports or imports. The principle has reference only to foreign and not to internal trade. In India exports as well as imports were subject to duties until recent times. The duty on imports was much higher than that on exports. Exemptions from export duty were made from time to time, and in 1875 the only exports still taxed were rice, indigo and lac. English cotton goods were among the articles on which import duties were imposed. In 1876 the Secretary of State decided on a repeal of those duties, and in 1877 the House of Commons passed a resolution affirming that policy. In India effect was given to that policy in the two succeeding years by the repeal of duties on many articles and on several kinds of manufactured cotton goods. In 1882 import duties on all articles, with only two exceptions, were repealed. They were retained on salt and liquors, because those articles are subject to an



internal excise duty. Arms and ammunition were afterwards on political grounds subjected to a duty. A small import duty was imposed on petroleum which comes from Russia and America. The principle of Free Trade in regard to imports was thus for a time very largely established in India. England, however, maintains duties on Indian tea and coffee. An export duty remains, that on rice, chiefly grown in Burma. It is levied at the rate of three annas per maund.

In 1894, in consequence of financial pressure the Government of India changed their policy. The principle of Free Trade was broken in upon. "The tariff of 1875, under which, with the exception of the precious metals, almost every thing imported into India was subject to a duty of 5 per cent, was with some modifications restored."¹ Silver bullion was included among dutiable articles, and cotton goods then excepted were afterwards included. In 1896 cotton yarns were freed from duty. A duty of $3\frac{1}{2}$ per cent ad valorem was imposed on cotton manufactured goods imported from abroad and a corresponding excise duty at the same rate was imposed on goods manufactured at mills in India.² The Indian import tariff now comprises nearly 400 specified articles, but the actual number of dutiable articles is much larger. Most of the articles yield very little income. The most important source of revenue is cotton goods. Next in importance are spirituous liquors, petroleum, sugar and metals, including silver.

¹ India. By Sir John Strachey, p. 183.

² Ibid., p. 184. See Chapter XII generally.



Government have adopted several measures to help the agricultural classes and in particular to relieve them of indebtedness. One of the most important of these is the practice, which is now in common force, of the grant to cultivators, of Government loans, often made on the joint and several responsibility of the villagers, for agricultural improvements and the purchase of seed, cattle &c. An experiment is also being made in the way of introducing co-operative credit societies on the lines of the 'agricultural banks' of European countries. The principal objects of these societies are the encouragement of thrift, the accumulation of loanable capital, and the reduction of interest on borrowed money by a system of mutual credit. The experiment has been started on a small scale in Madras, the United Provinces, Bengal and the Punjab.¹

Another institution intended to encourage habits of thrift, is the Savings Bank. Until 1882-3 the savings-bank business was carried on in the three cities of Calcutta, Madras and Bombay by the Presidency banks, and in other places at the Government treasuries. This system did not prove successful. The business grew slowly. The establishment of savings-banks in the post offices was followed by a rapid change, and the number of deposits and the total of the deposits have largely increased. The banks were not started specially for the benefit of agriculturists. They are extensively patronised by other classes of the community.²

¹ The Imperial Gazetteer of India. Vol IV. p. 523.

² Ibid. p. 524.



Amongst measures for the benefit of ryots may be mentioned various tenancy laws that have been passed. These are different in different parts of the country, varying according to local conditions and the kind of tenure prevailing. But they all have tended in one direction, namely to free the ryot from the chances of irregular exaction and other kinds of oppression, to fix his rights and liabilities, to provide simple methods of payment of rent, at the same time to allow the landlords every reasonable facility for realisation of rent and for the protection of their own rights.

Famines are one of the great scourges of the country. They are occasioned by failure of the food crops; and failure of crops is occasioned by bad seasons, such as one of drought or flood. In consequence of failure or deficiency the price of food-grains rises high, and not only agriculturists but all other poor people, such as petty artisans or traders, greatly suffer. The extreme poverty of these classes, occasioned not only by the smallness of their gains even in good seasons, but also by the growth of their families, their habits of thriftlessness, and sometimes of litigation, makes them live from hand to mouth in ordinary times. In seasons of scarcity they are unable to fall back upon any savings, and distress is the result. Even when there is food in the country these classes have not money enough to buy it with, and, if not aided, they may die of starvation or of diseases resulting from a condition that approaches it. The dearth of food stuff in the country, caused by failure or excess of rain or other natural calamities, is aggravated by exports to foreign



countries. The people are uncomplaining and it is not till the situation is acute that their want comes to be generally known. Relief then comes from the Government, from the people of the country, and, in extreme cases, from the people of England and of other foreign countries.

It is necessary here only to refer to the measures which Government have been taking to prevent famine as far as possible, and which they habitually take to combat it when it arises. Amongst preventive measures may be mentioned Irrigation Works to supply the deficiency of rain, and Railways for the ready conveyance of food to the affected area. When famine has actually broken out, Government distribute food as charity to some classes, and open what are called relief works for other classes. Relief works are works of public utility, roads for instance, upon which able-bodied men accustomed to labour are employed. Complete or partial remissions of the revenue payable by distressed men, are granted where the occasion demands such a favour. Government may also permit or encourage the raising of public subscriptions here and in England in aid of the distressed.

India suffered from three great famines during the last quarter of the nineteenth century. The period opened with the famine of 1876-8 in southern India and closed with those of 1896-7 and 1899-1900. The total direct expenditure on famine relief since 1876 amounts to an average of one crore a year. The actual cost to the state is much greater, including loss of revenue and indirect expenditure. In 1878, during the Viceroyalty of Lord Lytton it was decided to allot annually a sum of $1\frac{1}{2}$ crores of



rupees for famine insurance. The actual relief of famine in years of scarcity has always been the first charge on the grant. At first the balance was devoted to the construction of 'productive' public works the cost of which would otherwise require to be met by loan. In 1881 protective public works which were calculated to mitigate or prevent famine in the areas served by them, were made the second charge on the grant.

The actual distinction between protective and productive works became obscured, and railways which formed part of the general system and were not constructed specially for famine purposes, were assisted from the 'protective' works portion of the famine grant. At the end of 1899 a stop was put to this practice. The expenditure on 'protective' works was limited to three quarters of a crore, and only railways and irrigation projects actually undertaken for famine purposes were allowed to be included in the category.¹

Sir John Strachey wrote in 1903: "The development of the foreign trade of India during the last half century has been very great, and it affords remarkable illustration of the increase in the material wealth of the country. In 1840 the total value of the sea-borne trade was about £20,000,000; in 1857, the year before the transfer of the Government to the crown, it was £55,000,000; in 1877 it was £114,000,000; in 1900-01 it was nearly £152,000,000. The foreign trade of India is now larger than that of the united kingdom in the middle of the last century."²

¹ The Imperial Gazetteer of India, Vol. iv. Pp. 188-189.

² India. By Sir John Strachey. p. 186.



ECONOMIC PROGRESS

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The rapidity of growth may be judged from the fact that the total sea-borne trade in 1906-07 was about £230,000,000.¹

¹ Moral and Material Progress and Condition of India, 1906-07.
p. 167.



CHAPTER VII.

MATERIAL PROGRESS.

Constructive works—Duties of the Government and the people—Roads—Railways—Telegraph lines—Surveys—Trigonometrical—Magnetic—Topographical—Forest survey—Frontier and transfrontier surveys—Revenue surveys—Topographical—Village—Cadastral—Survey of India Department—Special surveys—Marine—Geological—Botanical—Archæological—Mills and factories—Industries of Bengal—Mineral resources—Reclamation of waste lands—Tanks and wells—Fortifications—Dockyards—Harbours—Landing places—Bridges—Preservation of Forests—Irrigation works—Measures for Sanitation—Hospitals—Dispensaries—Lunatic Asylums—Medical relief for women—Leper Asylums—Prevention of epidemics—Medical research—Vital Statistics—Vaccination.

The most palpable of England's gifts to India are the material works, the constructive works of public utility with which this country has been endowed. Many of the works which in advanced countries like those of the west, are constructed by the people, have had to be done in India by the Government. John Stuart Mill has observed ; "In the particular circumstances of a given age or nation, there is scarcely anything really important to the general interest which it may not be desirable or even necessary that the Government should take upon itself, not because private individuals cannot effectually perform it, but because they will not. At some times and places there will be no roads, docks, harbours, canals, works of irrigation, hospitals, schools, colleges, printing presses, unless



the Government establishes them ; the public being either too poor to command the necessary resources, or too little advanced in intelligence to appreciate the end, or not sufficiently practised in conjoint action to be capable of the means. This is true, more or less, of all countries inured to despotism, and particularly of those in which there is a very wide distance in civilisation between the people and the Government, as in those which have been conquered and are retained in subjection by a more energetic and cultivated people."¹ Mill was probably thinking of India when he wrote this, and it is certainly true that the situation which he describes has arisen in India. Government have felt it necessary to undertake works which in countries differently circumstanced have been done by the people.

Before the days of British rule there were practically no roads in India. "No Native prince made a road. Before the establishment of our Government there was hardly a road deserving the name in all India. Under the Native Governments that preceded us (I am quoting from the Indian Famine Commissioners of 1880), nothing more was done than to plant trees along each side of the track used as a road, and occasionally to throw up earth on it when it passed through a depression ; such bridges as existed were made at the private expense of civil magnates or governors desirous of leaving a name behind them."² Throughout a great part of India it was only in the dry season that travelling was possible without diffi-

¹ Principles of Political Economy. Vol. II. p. 551.

² India. By Sir John Strachey. p. 212.



culty, and, during three or four months of the year, trade, excepting where water-carriage was available, came altogether to a 'stand-still.'¹ During the Viceroyalty of Lord Dalhousie great progress was made towards remedying the evil. Metalled roads, bridges and other useful works were constructed in the North-Western Provinces and in the Punjab. The construction of the Grand Trunk Road was commenced. The Ganges Canal, a magnificent irrigation work, was opened in 1854. At the close of the Viceroyalty of Lord Canning, in 1861--62, there were in Bengal 11 Imperial Trunk Roads existing or under construction, extending over 1994 miles, with Imperial branch roads aggregating 1145 miles. The Grand Trunk Road from Calcutta to the Karamnassa was then nearly completed.²

The subject of railway communication in India was first laid before the Government of India by Mr. Macdonald Stephenson in 1843. In 1849 the East India Company engaged in a contract with the East Indian Railway Company, for the construction of an experimental line at a cost not exceeding one million sterling. In 1851 a line was surveyed between Burdwan and Rajmahal. Next year the survey was continued to Allahabad. In 1853 the Government of Lord Dalhousie submitted to the Court of Directors their views upon the general question of railways for the Indian empire. The Court was advised to encourage the formation of railways in India to the utmost.

¹ Ibid. p. 213.

² Bengal under the Lieutenant Governors. By C. E. Buckland. Vol. 1. p. 29.



Lord Dalhousie wrote his final minute on the subject in 1856. The East India Railway was opened in 1858, and it was gradually extended to Benares (541 miles) in December 1862.¹ Two other great lines were opened about the same time : the great Indian Peninsular Railway and Madras Railway, starting respectively from Bombay and Madras, and running through Western and Southern India. These lines were constructed by private companies, under a guarantee from the Government of a minimum return of 5 per cent on the capital expended.²

Telegraph lines were also first laid during the rule of Lord Dalhousie. They are now very largely concurrent with Railway lines all over the country.

For different purposes and from different points of view the country has been subject to surveys of various kinds. They have been systematic investigations yielding accurate knowledge of a geographical, economic and scientific character. They have all been made during the British period of Indian history. The record that was made in the time of Akbar, during the latter half of the sixteenth century, of the revenue, population and produce of the portion of the country he governed, and the descriptive and statistical account of the different *subahs* or provinces, embodied in the *Ain-i-Akbari*, may be said to represent the first attempt at a survey, but it had little of the accuracy or thoroughness of modern operations in the same direction. The earliest attempt at a modern and accurate map of India,—for the results of Akbar's in-

¹ Ibid. Pp. 29-30.

² India. By Sir John Strachey. p. 215.



quiries had never been embodied in a map,—was made by the French geographer D'Anville in 1751-2, in accordance with the information then available. The knowledge thus furnished was extended by Major James Rennell who had served under Clive and who has been called the 'Father of Indian Geography.' His *Bengal Atlas*, based on his own personal work in surveying, was published in 1781, and his *Memoir of a Map of Hindoostan* in 1788. Two maps of India, one in the form of an atlas by Col. Call of Madras and the other by Col. Reynolds of Bombay, were completed towards the closing years of the eighteenth century, but they were never published and they are not now in existence.

In the year 1800 Col. Lambton with the permission and under the patronage of the Government of Madras introduced a new method of geographical survey of southern India. The Trigonometrical Survey of India,—a survey by a system of triangles,—was actually commenced in 1802. In 1818 the survey was brought under the control of the Governor-General, and the headquarters removed to Calcutta. Colonel Lambton died in 1823, but the work he initiated has been continued ever since. The principal operations of the Great Trigonometrical Survey have furnished data for investigating the figure of the earth.

A survey of a purely scientific character is the Magnetic survey of India and Burma, initiated by Professor Rücker, F. R. S., through the Royal Society in 1897. The work was commenced in 1901.

Topographical (or descriptive) Surveys have now been carried out throughout India except certain tracts in



Madras, and through the greater portion of Burma. But a survey of this kind is not older than the nineteenth century. It was begun about the same time as the great Trigonometrical survey, by Col. Colin Mackenzie, in southern India. The Trigonometrical survey was an aid to the Topographical. The earliest surveys were generally accompanied by '*Memoirs*' which contained statistical, historical and descriptive details for the area embraced in the map. The Surveys have been a thing of slow growth. The earlier operations were carried out in the Native States and the non-regulation British Provinces. They were hardly systematically performed before the middle of the nineteenth century, and they have been especially active for only about thirty years. In recent years Indians have learnt the work of survey, and survey parties now include an Indian element. 'The Survey of India', like other departments, is now divided into an Imperial and a Provincial branch. The former is as a rule recruited from the Royal Engineers or the Indian Army; the latter consists of men enlisted in India, to whom some of the higher posts of the department are open. There is also a subordinate, and practically native, branch.¹

A special Forest Survey branch (of the Topographical Survey) was constituted in 1872, and was in 1900 amalgamated with the Survey of India.

For purposes of geographical exploration and the delimitation of frontiers, surveys have sometimes had to

¹ The Imperial Gazetteer of India. Vol iv. P. 494.



be carried out beyond India. Such were the surveys carried out during the Afghan Wars of 1878-80, and in the course of the operations of the Afghan Boundary Commission. Frontier and transfrontier surveys are made by small survey detachments or single officers attached to boundary commissions or frontier expeditions. 'Their range may be said to extend from Nyassaland, Uganda, and Abyssinia in Africa, through Persia and Afghanistan, with a break for the greater part of Tibet and Nepal, over the northern and eastern limits of Burma.'¹

'The plan of training natives in the elements of surveying with a view to their employment in exploration, and for the purpose of acquiring geographical information of countries beyond the Indian frontiers into which no British officer could penetrate, originated with Captain Montgomerie while engaged on the Kashmir Survey. His idea was to employ Pathans for explorations in the Hindu Kush, the Oxus Valley, and Turkistan, and Bhotias or Tibetans for work in Tibet and on the borders of the Chinese Empire.'²

Revenue surveys naturally form the basis of all settlement operations and of the entire revenue administration of the country. They were commenced in 1822, west of the river Jumna, in the Delhi, Panipat and Rohtak districts. Surveys of the Punjab, Oudh, Sind, the Central Provinces, and Bengal, were executed during Col. Thuillier's administration of the revenue survey which lasted for thirty years commencing from 1847. There are three

¹ Ibid. P. 497.

² Ibid. P. 499.



classes of professional revenue-surveys, namely, first, the topographical surveys, second, the village surveys, and third, the cadastral surveys, namely descriptive surveys showing the different properties of a district and giving other statistical information. These last were introduced in 1871. In several provinces and districts of India, settlement operations have sometimes been based on surveys carried out by local native agency of a non-professional character. The revenue surveys under the Government of India are divided into Upper and Lower circles, the former comprising the Punjab, the United Provinces, and Sind, the latter comprising Bengal, Eastern Bengal and Assam, Behar, Orissa and Burma. The Madras and Bombay presidencies have carried out their revenue surveys with separate establishments. The three survey branches, Trigonometrical, Topographical and Revenue, were at first separate departments. They were amalgamated in 1878 under the designation of the Survey of India, whose officers were to be available for any description of survey work that might be required of them, and were all placed under the orders of the Surveyor-General.

There have been some other surveys than those that are included in the work of the Survey of India Department. These are : 1. The Marine Survey. 2. The Geological Survey. The first object of the Department which conducts this survey is the preparation of the geological map of India. 3. The Botanical survey. Various plant collections have been made by or on behalf of this survey. Other work that has been taken in hand includes the improvement of Indian wheat, a study of sugar-cane diseases, and experimental cultivation of



cotton. 4. The Archaeological Survey. The Department which presides over this survey looks to the preservation of ancient monuments, carries out excavations, copies inscriptions, and does such other work. In 1905-06 about 1200 inscriptions were copied and about 3 lakhs of rupees were spent on the preservation of the Moghul monuments at Agra, Ajmir, Delhi and Lahore.¹ The preservation of ancient monuments was especially insisted on by Lord Curzon as an official duty and has been recognised as such since his time.

Mills and factories are a comparatively recent institution in India. Before 1851 there were no cotton mills in this country. Recently, however, a great many have come into existence, especially in Bombay, and their number and the scale of their operations are ever growing. Their products are sold not only in India but in Japan, China, and other countries of Asia. The jute mills of Bengal are also on the increase and are an instrument of an extensive industry. There are large and increasing exports of raw and manufactured jute from Calcutta. The mills that produce woollen goods in northern India are concerns of growing prosperity. The paper mills are a flourishing concern; and rice and timber mills in Burma are increasing in number and the extent of their business. The growth of mining and manufacturing industries has been rapid and extensive in recent years. It is observed in an official memorandum: ²

¹ Moral and Material Progress and Condition of India for 1906-07. pp. 54-55.

² By Mr. L. P. Shirres, of the Indian Civil Service, quoted in Strachey's "India," P. 188.



“Great as has been the expansion of foreign trade at the ports of Bengal, it is altogether eclipsed by the outburst of mining and manufacturing activity, which is converting the metropolitan districts into a vast industrial tract. No mere enumeration of figures can convey the impression that would be derived from a voyage up the Hoogly, where the banks are studded with tall chimneys and every new reach of the river discloses a fresh vista of factories.....The total number of mills and works, exclusive of those connected with tea, classed as large industries, increased from 891 in 1891-92 to 1718 in 1900-01, or by 927 per cent.....These are classed under some fifty different heads, among these being bone-crushing mills, cement works, lac factories, oil mills, potteries, tile factories, sugar factories, tanneries, rice and flour mills, silk mills and works, rope works, &c.”

The most recent and the most comprehensive account of the industries of Bengal is to be found in a report by Mr. J. G. Cumming of the Indian Civil Service.¹ The writer observes:

“The factories requiring extensive machinery, most of which are worked by European capital and under European supervision, are principally those in the vicinity of Calcutta on both sides of the Hooghly. Government is itself in Bengal a large employer of labour and a manufacturer on a large scale: of arms at Ichapore, of ammunition at Dum-Dum, of shells at Cossipore and Ichapore, of railway plant at Kanchrapara, Balliaghata, Sealdah and

¹ Published as a supplement to the Calcutta Gazette, August 26, 1908.



Chitpur, of steamers at Kidderpore, of clothing at Alipur, of telegraph stores at Bhowanipore, of opium and opium boxes at Patna, and of Canal stores at Dehri-on-Sone, Midnapore, Cuttack and Calcutta."

"It is not realised what an enormous variety of industrial activity exists at present in Bengal, with part of which Indian capital might be more associated than it is. The Department of Commercial Intelligence takes as a standard for statistical purposes any factory which employs 50 workmen or more. Even on this standard we find the totals for Bengal in 1905 as tabulated in the Financial and Commercial Statistics of British India for 1907, under many diverse heads.

"I. *Textiles*. Ginning mills, Cotton mills, Jute mills, Jute presses, Rope Works, Silk filatures.

"II. *Minerals*. Coal mines, Iron ore mines, Mica mines, Mica splitting factories, Saltpetre refineries and brass foundries.

"III. *Transport*. Dockyards, Railway Workshops, Tramway works.

"IV. *Miscellaneous*. Bone-crushing, Cement works, Chemical Works, Brewery, Dairy Farm, Flour mills, Ice and aerated water factories, Sugar factories, Gas works, Indigo factories, Kerosene tin works, Lac factories, Oil mills, Paper works, Pottery works, Printing presses, Soap factories, Tanneries, Tile factories, Miscellaneous private factories, Government factories."

The mineral resources of India include gold, coal, petroleum, salt, saltpetre, manganese ore, mica, ruby, sapphire, spinel and a few other things.



The Indian Mines Act, 1901, extends to the whole of British India and regulates all mineral workings. The number of mines of all kinds coming under the Act in 1906 was about 750, of which more than 300 were coal mines, situated chiefly in Bengal.

Mining, particularly, coal-mining, is a comparatively new industry in India. Until recently, the workers have seldom depended solely upon mining for their livelihood. This period in the development of the industry is now passing away. There are signs that the evolution of a mining caste or class has already begun, and the Indian seems to be capable of acquiring considerable skill in most mining operations.¹

From the very commencement of British rule steps have been taken for the reclamation of waste lands. Encouragement has been given in various ways to all who reclaimed such lands.

Tanks and wells for the supply of drinking water to the people have been constructed not so much by the Government as at the instance of the Government. Their construction by private individuals has been encouraged and has sometimes been enforced on local bodies.

Fortifications, as a necessary work of military defence, have been set up in all places open to attack by land or sea. There are dockyards in Calcutta and Bombay. There are harbours in those towns as well as in Madras, and there is the Diamond Harbour, a few hours' journey

¹ The Moral and Material Progress and Condition of India during 1906-07. P. 115.



from Calcutta to the south. Jetties have been constructed in all the ports for convenience of landing. Facilities for landing have also been constructed at river-side stations which never had them before. Magnificent bridges exist already, such as the Sone bridge, the Jumna bridge, the Jubilee bridge at Hooghly, the Dufferin bridge at Benares. More are in course of construction and under contemplation.

Among the most beneficent measures of Government in regard to the material resources of the country are those for the preservation of forests. Laws have been passed and a Department of Government established for the purpose. Until the middle of the last century the Indian forests were subject to no care or supervision, with the result that in those parts of the country whence timber could be brought to market, a wasteful spoliation of them was carried on by private speculators. In other parts the firing of grass in jungle tracts to prepare the ground for crops, caused a wholesale destruction of timber while in some of the sub-Himalayan tracts the denudation of the mountain slopes, by the impetus given to floods, wrought great injury to the plain country at their base. About forty years ago a remedy began to be applied to this waste, and now the process of destruction has been arrested, and a very efficient system of forest conservancy and improvement established throughout the country.¹

Irrigation works are grandest in that part of the country where they were most wanted, namely Northern

¹ *Indian Polity*. By General Sir George Chesney, 3rd Edition. P. 160.



India. The Doab, lying between the Ganges and the Jumna, in the United Provinces, is protected by canals of great magnitude which distribute the water of those two rivers. Two large canals distribute the water of the Ganges, and three of smaller dimensions distribute nearly the whole of the water brought by the Jumna from the Himalaya. These canals are of larger magnitude than any that exist anywhere else in the world. In Behar the irrigation works are taken from the river Sone. There are minor works in Bengal which does not so much need artificial irrigation as northern provinces. In Orissa there are important irrigation canals. In the Punjab the Sirhind canal distributes the water of the Sutlej, and there is also a canal from the Chenab. In central and southern India large portions of the country are supplied with water from lakes or reservoirs. In the Madras Presidency a method has been employed for utilising the waters of the Godaveri and Kistna, different from that followed in the United Provinces and the Punjab. "At the head of each of the deltas formed by the rivers before they reach the sea, a great weir, or as it is locally called, an *anicut*, is thrown across the river, which is diverted into irrigation canals and distributing channels, some of which are also used for navigation."¹ A similar method is followed in Tanjore, in the delta of the Kaveri. In British India the total length of canals and the irrigation works is about 43,000 miles, and the area irrigated by them is about 20 million acres. Irrigation is a subject which is still engaging the attention of the Government,

¹ Ibid. P. 221.



especially in consequence of the stimulus given by Lord Curzon, and a great development of the system is expected.

Government have taken it upon themselves to improve the sanitation of the country, that is, to make arrangements for the protection and improvement of the public health. For this purpose they have organised the Medical and Sanitary Department. Hospitals, Dispensaries and Lunatic Asylums have been established. Arrangements have been made for the collection of vital statistics, for general sanitation and vaccination, for medico-legal, bacteriological and other scientific investigations. To prevent the introduction of disease from foreign or distant places arrangements have also been made for the protection of the health of the ports and the control of the landing of the passengers and the crew of ships. Institutions for medical relief were established at an early date in the Presidency towns. In Madras a General Hospital was established in 1679 and four other hospitals between 1800 and 1820. In Calcutta the Presidency General Hospital was founded in 1795 and the Medical College Hospital in 1852-3. During the first half of the nineteenth century, the Government of Bengal aided the foundation of hospitals and dispensaries in places of importance, where the inhabitants were ready to help in this work, provided that a medical officer was available to take charge of the new institution. Later, the Government consented to supply officers of a rank depending on the amount of local subscriptions, and to furnish instruments and medicines. Since the creation of municipalities and of district boards, local



authorities have taken an increasing share in the provision of medical relief. In 1902 British India contained, outside the Presidency towns, about 2400 public hospitals and dispensaries under Government control, nearly 500 independent private institutions, and more than 500 special institutions in connexion with police, railways &c.¹ Except in Bombay, Upper Burma, and the Central Provinces, the Government maintain very few hospitals; in almost all Provinces the great majority of medical institutions are supported by municipal and district boards. In some cases the Government assist by supplying officers, making contributions, and in other ways, and generally the officer in charge is lent by the Government and paid from the local fund.² The total of the returns for all classes of dispensaries shows that about 26½ million persons obtained medical relief in 1902. But this figure does not imply so many separate individuals, for one person may obtain relief several times in the course of the year.³ Special arrangements have been made for the education of lady doctors and subordinates, and for the training of native midwives, in local hospitals. Extensive work has been done in this direction by the 'National Association for supplying Medical Aid to the Women of India' founded by the Countess of Dufferin in 1885. It is supported by voluntary contributions and occasional grants from Government, and it maintains about 260 hospitals, wards and dispensaries, officered by women. Nearly two million women

¹ The Imperial Gazetteer of India Vol. IV. P. 462.

² Ibid. Pp. 462-463.

³ Ibid. P. 464.



and children received medical aid in those hospitals, or at their homes, during 1901. A sum of almost 7 lakhs of rupees was collected by Lady Curzon in 1901-2 for the training of native midwives.¹

Lunatic asylums are administered under an Act of 1858 which provides for the admission and release of insane persons and the control of the institutions by visitors. All lunatic asylums are under Government management. It has recently been decided to establish central asylums, under whole-time officers, in Madras, Bombay, Bengal, the United Provinces, and the Punjab, and to reduce the number of smaller institutions. In the Indian Census of 1901, 66,000 persons were returned as insane in a population of 294 millions. During the five years ending with 1900 the average lunatic asylum proportion was 4,600.²

Asylums for the accommodation and treatment of lepers are maintained in a number of places. The subject of leprosy in India was investigated by a Commission in 1890-1. As a result of consideration of their report it was held desirable to take legal powers to deal with paupers wandering about exhibiting their sores in order to move pity, and to prohibit lepers from following certain callings connected with food and other bodily requirements, and from using public tanks and wells.³

¹ Ibid. P. 465.

² Ibid. Pp. 465-466.

³ Ibid. P. 466.



To deal with outbreaks of epidemic disease is an important part of the work of the Medical and Sanitary Department. On the occurrence of a serious outbreak of cholera, small-pox, or epidemic fever, special officers are sent to the locality to tend the sick, to supervise preventive measures, and to investigate the cause and history of the epidemic.¹ Measures have been taken for combating the disease known as bubonic plague. Institutions have been established for medical and bacteriological research. The Indian Pasteur Institute which exists at Kasauli and provides treatment of persons bitten by rabid animals, is aided by Government. A system of registration of births and deaths has been established in all the advanced parts of the country. For protection against small-pox, vaccination has been rendered compulsory in the greater part of the country.



CHAPTER VIII.

CIVIC RIGHTS.

Rights of citizenship—The Indian Civil Service—Divisions of the Civil Service—Strength of the English and the Indian element—Indians in particular high offices—The Medical service—The Engineering service—The professions—Law, Medicine and Engineering—Honorary offices—Rights of Petitioning and Public Meeting—Limitations of the Rights—The Press—Its freedom—Growth of the Press—Conditions of its freedom—Conditions of the enjoyment of civic rights.

The civic rights of natives of India are, with insignificant exceptions, as large as those of Englishmen. In any scheme of election the Englishman as such has no greater voting power than a native of India. In judicial trials the Englishman has no advantage, that is legally recognized, over the Indian.¹ For admission to the professions and services Englishman and Indian are governed by the same rules. For the exercise of the rights of freedom of thought and speech Englishman and Indian are equally placed. For the ventilation of public grievances and the conduct of constitutional agitation, Englishman and Indian have the same freedom. Not only do Englishman and Indian stand on the same level as regards the rights of a citizen, but as a matter of fact those rights are nearly as large as those of Englishmen at home, and they are on the whole larger than those of the people of any other country.

¹ The one exception that exists has already been referred to.



The highest civil appointments are held by members of what is called the Indian Civil Service. Until 1853 the first appointments to that service, called until recently the Covenanted Civil Service, were made by the Directors of the East India Company. In that year the right was withdrawn from the Directors and the appointments were thrown open to public competition. The competition is open to all natural-born subjects of the crown, in which class, of course, are included natives of India. Lord Macaulay was a member of the Commission which recommended the opening of the Service to competition, and he pleaded strenuously as well for replacing nomination by competition as for the right of Indian youth to offer themselves for competition. An English statute¹ mentions the offices which are to be reserved to the service. It includes the offices of the Secretaries to Government, the Head of the Account Department, the Civil and Session Judges, Magistrates and Collectors of Districts in the Regulation Provinces, Joint and Assistant Magistrates and Collectors, Members and Secretaries of the Board of Revenue, Commissioners of Revenue, and some others.

The entire Civil Service, that is, the Service holding civil appointments of every class, is now divided into three branches, namely the Indian Civil Service, recruited in England; and the Provincial and Subordinate services recruited in India from among natives of India. The Provincial services, called the Bengal civil service, and so on, hold all the important executive, judicial and administrative offices next to those held by members of the Indian

¹ 24 & 25 Vict. c. 54. [1861]. The offices are mentioned in the Schedule.



Civil Service. The minor posts are held by members of the subordinate service.

Roughly speaking, about 1,200 Englishmen, including military officers and others, are employed in the Civil Government of 230,000,000 people, and in the partial control of 60,000,000 more. In the time of Lord Cornwallis the native agency was notoriously inefficient and corrupt, and his reorganization of the public service entrusted all offices of importance to Europeans. The spread of education, and the example and control of British officials, have worked a change in the native civil service which is one of the most satisfactory results of British rule. With the growth of their efficiency and probity the natives of the country have been given an ever-increasing share in the task of government, and they now fill by far the greater number of the executive, magisterial and judicial posts.¹

Sir John Strachey writing in 1903, observes : " Excluding 864 civil charges ordinarily held by members of the Indian Civil Service, and excluding also all posts of minor importance, nearly all of which are held by natives, there are about 3,700 persons holding offices in the superior branches of the executive and judicial services, and among them there are only about 100 Europeans... Native officers manage by far the greater part of the business connected with all branches of revenue and with the multifarious interests in land. Natives dispose of the greater part of the magisterial work. The duties of the civil courts throughout India, excepting the courts of appeal, are

¹ Imperial Gazetteer of India. Vol. IV, p. 42.



almost entirely entrusted to native judges. Native judges sit on the Bench in each of the High Courts.....With possibly the exception of England, there is no country in Europe in which judicial and executive officers receive salaries equal to those given in the (superior) Native Civil Service of India.”¹

Recently, some Indian gentlemen have been appointed under-secretaries to Local Governments, and to the Government of India, in some of their Departments. A Bengalee gentleman was appointed a Member of the Board of Revenue. Two Indian gentlemen are now sitting as Members of the Council of the Secretary of State.

The officers of the Medical and Sanitary Department in British India are drawn from five sources: the Indian Medical Service, Civil and Military Assistant Surgeons, and Civil and Military Hospital Assistants. The Indian Medical Service, the highest branch of the service, is open to natives of India. It is primarily a military service and its members are commissioned officers of the army. Its duties are confined to the Native army. The Military Assistant Surgeons are mostly Europeans or Eurasians. Civil Assistant Surgeons and Hospital Assistants of both classes are mostly natives of India.

There is nothing in the laws of the country to exclude natives of India from any branch of the Engineering Service. The highest offices however have been filled by men of superior qualifications brought from England, namely Royal Engineers, or Civil Engineers brought up in Cooper's Hill College which has now been abolished. The

¹ *India*. 3rd Edition, pp. 83—4.



Chief, Superintending, Executive, and Assistant Engineers form the permanent Engineer establishment, or superior staff of the Department, for Buildings and Roads, Irrigation and Railways. Men trained in Indian colleges have held some of the offices on this establishment. The next class consists of Provincial Engineers, all trained in India and recruited from the Indian Engineering Colleges. Its members may rise to the positions ordinarily held by the higher service. Subordinate Engineers and Supervisors are recruited entirely in India from the local Engineering Colleges.

Lawyers, medical men and engineers may not only hold professional appointments but may practise their professions independently. Government have not only allowed free practice of the professions but have offered encouragement for the adoption of them. Reference was made in a previous chapter to the prevailing unwillingness, at one time, to receive medical education ; and at the present day encouragement is necessary to attract young men to the study of engineering.

The legal profession consists of several branches, namely the members of the English bar, the Vakils of the High Courts, the Pleaders of the lower courts, and Mukhtears. The English bar has always been open to natives of India, and from early times provision has been made for the training of members of the other branches of the legal profession.

The medical profession is open not only to duly trained and passed and certificated medical men, but to various classes of practitioners of indigenous systems of



medicine, of unascertained qualifications. Both medical and engineering work in India may be done by men who have received no license for the purpose.

There are some offices, which, though they may not bring any income, serve to confer on the holders a certain status or respectability. Such are honorary magistracies memberships of self-governing bodies, memberships of legislative councils, fellowships of universities. All these are equally open to all citizens, though of course some qualifications are always expected.

The right to address petitions to official authorities for the redress of grievances or the acquisition of rights, and the right to meet in public for the same purpose, or, generally, for the consideration of matters of public importance, are valued rights. The English people had to make struggles to obtain them in their own country. In India the rights have not been so much conferred or acquired, as assumed to exist, both by the Government and the people. In the absence of anything to the contrary they are presumed to exist. Certain conditions are specified under which the rights may be restrained or altogether withheld. The inference may be fairly drawn that in all other circumstances the rights may be freely exercised. For instance, a meeting may be prohibited which is called for an unlawful purpose, or which is disorderly, or is likely to lead to a breach of the peace. A petition may not be entertained which is not couched in proper language, or which does not come through the proper channel, or is not addressed to the proper party. Such conditions are no diminution of the right itself,

namely the right to express opinions on public topics in a public meeting and to state wants in a petition and pray for their removal.

No newspaper seems to have existed in India before the days of British rule. British rule in fact was far advanced before the newspaper came into existence. This means that in the pre-British era there was scarcely any organised opinion, and no organ for the discussion of public affairs or for a criticism of the measures of Government. British rule and the example of British public life at home furnished the inspiration for a newspaper press. The journalist is an outcome of that very rule which he criticises. That the people have a right to sit in judgment over their rulers and to give public expression to their judgment, is an idea that has been borrowed from the English. And the first example was set by Englishmen. The first newspaper ever printed in an Indian vernacular was issued in Bengali by the Christian Missionaries at Serampore, on the 31st May, 1818.¹ The Governor-General of the time, Lord Moira (Marquis of Hastings,) encouraged it by allowing it to be circulated at one-fourth the ordinary rate of postage. He showed the same liberal spirit towards the English press and removed the censorship which Lord Wellesley had imposed on it. He laid, however, severe restrictions on the editors regarding the subjects or personages they were allowed to touch, any infraction of which was to be visited by the penalty of deportation. But the Supreme Court on the occasion of the first applica-

¹ The Life and times of Carey, Marshman and Ward. Vol II (1859), P. 163; quoted in P. N. Bose's "Hindu Civilisation", Vol iii. P. 49.



tion, in the case of the *Calcutta Journal*, refused to grant a criminal information, and the Governor-General was unwilling to incur the odium of deporting an editor for criticism of his administration. The restriction therefore virtually became a dead letter and the press became practically free.¹ Entire liberty to the press, however, was not granted until 1835 when the power of deporting offending journalists was taken away from the Government of India by Sir Charles Metcalfe, Governor-General, in consequence mainly of Lord Macaulay's strenuous pleading for abolition of restrictions. During Lord Lytton's rule, by an Act of 1878, the Vernacular Press was made liable, under certain circumstances, to be dealt with by the executive, and a newspaper might have its press and plant confiscated under the orders of the Local Government if it was found to be seditious in tone. This Act was repealed by Lord Ripon.

The press is now a large and powerful institution in India. In 1901-2 the number of newspapers published was over 700, and the number of other periodical publications was nearly 600. The number is constantly on the increase. And the press is free. By freedom of the press it is not meant that one is at liberty to print and publish, through the press, any allegation or opinion that he may choose to make or express. Liberty of the press like every other form of liberty is and must be subject to some limitations, if any regard is to be paid to justice and social order. Even the most advanced, that is, the most

¹ Mill and Wilson's *History of British India*, Vol. VIII. p. 415; quoted in P. N. Bose's "*Hindu Civilisation* Vol III. p. 50.

liberal of modern philosophers have not made a larger claim for individual liberty than this: that every person may do all that he pleases, provided he does not encroach upon a right or liberty of another; in other words, every person's liberty should be limited by a regard for the liberty of others. Liberty to write must be limited, for instance, by a regard for the liberty of others to enjoy their reputation, or preserve their character. A man cannot claim freedom to defame another. Nor can he claim freedom to give an incitement to murder, for if he must have liberty to write, others have at least an equal right to live. So likewise, in the interests of social order, no man is permitted to excite ill feeling or revolt against the Government. If such limitations on liberty did not exist, there would be no social well-being, possibly society itself would not exist. If A claims the right to incite a murder of B, B might claim the same right against A, for all citizens should have equal rights, and the result would be anarchy. When, therefore, it is stated that the press in India is free, it is only meant that it is subject to no unfair restrictions. The freedom is not unbounded. Limitations are to be found in the Indian Penal Code and some special Acts. But there is no censorship of the press.

With regard to civic rights a general principle has to be borne in mind. A right is granted, sometimes unasked, when the people are found worthy of it. It is liable to be curtailed or withdrawn altogether if the people abuse that right and show themselves unworthy of it. That has been and will be the history of civic rights not only in this



country, but in every other, even in England where freedom flourishes most. A right is conferred on people to be held by them not eternally and unconditionally but only so long as legitimate use is made of it. If public meetings are habitually riotous, the right of public meeting will be restricted here as anywhere else. The same is true of other rights. New offences evoke new laws, and an abuse of rights leads to a restriction of them. Rights are not meant for the benefit of individuals or classes, if they conflict with the interests of other individuals or classes. They are meant for the general good of the state. They will not be tolerated if they are used in a way which imperils the general well-being.



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CHAPTER IX.

GENERAL CHARACTER AND RESULTS OF THE ADMINISTRATION.

Peace—Security of Life and Property—Value of Order—Repression of Thuggi and Dacoity—A high standard of administration—Extraordinary variety of the work of the Government—Effect on the people—Stimulus to Life and Thought—Awakening of a national life.

It will have been seen from the preceding chapters how varied and comprehensive the work of the British Government has been. The most manifest and probably the greatest advantage which English rule has brought to India is Peace. If any of the peoples of India helped the English in the establishment of their sovereignty, it may be presumed that they were all moved by a desire to secure that advantage. They felt the want of a strong, just and stable Government which should be able to give them Peace. Not only was British rule established with the aid of some of the peoples themselves, but there never was a sign of insurrection even when the country was governed by a handful of Englishmen, with an insignificant army, and when communication with England was extremely slow and difficult. Evidently the people were contented and thankful that they had at last got a Government which with their aid was strong enough to protect them and which was able to give them Peace, that is, security of person and property. When peace has prevailed for a long time and has become customary, men may think as



little of it and of the conditions which make it possible, as they do of the forces which keep up the magnificent economy of nature. But in the one case as in the other, order is the result of definite causes. A man goes out on business or on a pleasure trip, leaving his family and some of his property at home. He comes back home after some hours, or, it may be, after some days or months, and he finds everything all right at home ; no person has been injured, no property removed, the house not invaded. A man or a woman goes from one place to another, either on foot or in a conveyance, carrying money and wearing costly articles. The journey is safely performed ; and person and property are touched by no intruder. People in the humblest and most insecure dwellings go to bed every night with the assurance that every thing about them will be safe. In all these cases what is it that accounts for the safety of person and property and for the sense of security which people enjoy ? It is the strength and the justice of the Government. Laws and administrative arrangements exist, under which any person that commits an offence will be seized, tried and punished. Therefore, all except violent and desperate characters are deterred from making criminal attempts. If the laws were inadequate, the administrative machinery inefficient, the courts perverse or incompetent, or if in the community the criminal population was predominant, peace and order could not be maintained.

Some idea has already been given of the spirit in which laws have been passed, and an account will hereafter be given of the machinery provided for their administration.



It is enough to observe here that a condition of social order is indispensable to progress of any kind. If the members of a community live in perpetual fear of assaults on their persons or invasions of their property, they become incapable of any intellectual exertion or any energetic work. The mind is unnerved, industry is paralysed, the very motives to exertion are taken away. The community can therefore make no progress, intellectual, moral, religious, economic or political. Before a man can think, or act, or develop his capacities, he must be in peace of mind. The same is true of peoples: order is the first condition of progress; disorder is fatal to progress of every form and kind.

Some forms of crime are common to all countries. In this country there were two special crimes of a very serious order, namely thuggi and dacoity. Thugs were organised gangs of men and women, who, either individually or in groups, strangled persons to death or otherwise killed them and then removed any property found on their persons. The victims were generally solitary travellers. The usual device of a thug was first to win the confidence of the intended victim by conversation of a pleasant and sympathetic character, and then to surprise him or her by putting a handkerchief or napkin round the neck and tightening it till life became extinct. This species of crime has been practically extinguished. "The honour of suppressing *thagi* must be shared between Lord William Bentinck and Captain Sleeman. *Thags* were hereditary assassins, who made strangling their profession.* * * *

By the evidence of approvers, these abominable brother-



hoods were gradually stamped out.”¹ Dacoity is not yet extinguished but it has greatly declined. At one time it was called by some the normal crime of Bengal. Dacoits are men who in batches of five or more commit robbery, or theft with violence. In the course of a dacoity, murders may be committed. A special department of Government existed for dealing with Thuggi and Dacoity, and there was at one time an officer specially appointed called Commissioner in Dacoity, who was concerned exclusively with the repression of that crime.

Not only have violent and dangerous crimes been repressed,—not by extinction, for no law can extinguish crimes,—but by measures for their detection and punishment, and not only have order and peace been established throughout the country, but an administration has been set up which is distinguished by a high standard of honesty and efficiency. The details of the administration will be given in the succeeding chapters. It is necessary here to observe that the *morale* of the administration and the energy and ability with which it is conducted, constitute one of the distinguishing features of British rule. The result has been not only much useful and beneficent work and general progress of the country, but an elevation of the ideals of the people. Men have been trained to notions of system and punctuality, and have acquired habits of subordination and organised work. It has been seen already how much the Native Civil Service has improved not only in consequence of the education its members have received but also by force of the example set by

¹ *The Imperial Gazetteer of India*. 1886. Vol. VI, P. 405.



European administrators. It may be added that the entire body of the people has been so accustomed to the high standard of administration set up before their eyes that it will tolerate no other. The people have come to accept English methods of administration as their own. They seek to apply those methods to their own concerns. They demand improvements in accordance with English methods and models. The English administration, therefore, has been to the people a great educating agency.

Scarcely anywhere in the world has a Government had to take upon itself so much work and such a variety of work as it has had to do in India. It has had to do every thing for the people, from teaching them the means of earning a livelihood to giving them a sense of political rights and public duty. It has had to provide schools for agriculture and the industries; to establish banks for saving cultivators from usurers; to pass laws for saving them from grinding money-lenders and oppressive landlords; to protect forests above the soil and work mines underneath it; to teach the people laws of public hygiene and to attract them to medical education and sanitary measures like vaccination or the provision of a pure water-supply; to establish colleges for teaching the people not only western arts and sciences but their own ancient literature, philosophy and religion; to construct roads, bridges and irrigation works, at the same time to abolish slavery and infanticide; to survey the country in all its aspects and make maps, at the same time to give political education to the people by institutions like trial by jury and local self-government; to establish factories; to carry



on scientific research; to preserve ancient monuments; at once to teach the people to educate women, and to protect cattle and plants from diseases and insects.

This many-sided activity of the Government has had its effect on the people. Some have received the formal education, general, professional or technical, given in schools and colleges. Some have had their practical capacities developed by the discharge of public duties. A good many more have been stimulated by the example of British administrators and the principles of British administration. All have had opened to them a world of new ideas. Ideas of comfort have risen and standards of living have improved. The sense of legal and political right has been created. The humblest peasant, the poorest coolie or servant, has learnt to feel that he too has rights, and he can insist on them when he chooses. He can resent oppression and avail himself of legal remedies when his personal liberty is encroached upon or his rights under a contract withheld. A sense of individuality has been developed. With it has come a spirit of questioning and criticism in every department of life and thought.

From a social point of view it is sometimes observed that the new spirit is not altogether healthy or practically desirable. It is not necessary to express an opinion on that point. But it is unquestionable that as a matter of fact the horizon of the people's thought and the spheres of their activity have been considerably enlarged under British rule. The literature, the philosophy, the science of the west, have stimulated the mind and roused intellectual energy and aspiration in many directions. The services and the pro-



essions, the ever-increasing trade and industries of various kinds and degrees, have been opening out fresh fields of remunerative work. And public life, altogether the creation of British rule, is expanding every day, offering new opportunities of work and distinction, in Councils and on Boards, in Senates and on Cabinets, in the Press and on the Platform. Moral and Social Ideals of a new order, the result of contact with western life and thought, have shaped themselves before many minds which are fired with the ambition of purifying and regenerating social life.

The crowning result of a century and a half of British rule seems to be the awakening of aspirations for a national life. That is a result on which rulers and the people may alike congratulate themselves. For centuries the people of India have been composed of different races, professing different religions, speaking different languages, and possessed of different traditions. The diversity has not disappeared. But common systems of education,—all conducted through the medium of the English language,—common laws, and common methods of administration through the whole of British India, have developed to a large extent common ideas, sympathies and aspirations. Those that have received English education, and those that have otherwise come under the influence of English ideas or have felt the influence of English institutions, now constitute, in spite of social differences, a homogeneous body, at any rate on a political platform. When they meet on such a platform they cannot but feel a thrill of national life. English education, in the widest sense of the word education, has unified them. They feel also



that by the strength of that education they will be able to uplift the sunken masses, so that ultimately the nation may be one, the social differences not being strong enough to break the political union. Whether a Nationality properly so called can be built up by political sympathies and a community of political interests, without a unification of race and religion, is a question on which opinions may differ. It is certain, however, that if the educating influences of British rule continue, the sense of unity that has arisen will go on developing. With a progressive expansion of Local Self-Government the political capacity of the people will develop; and if mutual confidence between the rulers and the people goes on increasing, there is no reason why the people should not in course of time be as largely employed in military work as they have been in civil. England and India, working hand in hand, will then have made this country one of the powers of the world, in arts and in arms. The social problems of Indian life, as regards the growth of a homogeneous people, are not to be solved by a foreign Government. The people are free to pursue their own ways. But if in the political sphere, the people, westernised in their aspirations, yearn for a national life, then, when the quickening comes, England should feel her mission fulfilled and India her destiny achieved.



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PART II

ADMINISTRATION OF INDIA



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CHAPTER I.

INTRODUCTORY.

Administration—Meaning of—Conditions of—Ends of—Divisions of—Civil—Military—Ecclesiastical—Subdivisions of the Civil—Legislative—Judicial—Executive—Fiscal—Ministerial.

The administration of a country is also called its government or its constitution. It means the arrangements that exist in the country for maintaining order and securing progress or development. No country can be said to have an administration or government which does not possess a supreme political authority capable of enforcing its orders and upholding its arrangements. The supreme political authority may be an individual or a group or groups of persons. It may make its arrangements either directly or through subordinate authorities to which it may delegate some of its functions. The country must recognise the authority, accept its arrangements and submit to its orders. A competent political authority on the one hand and obedience or submission to it on the other, are the conditions of government. The word constitution is sometimes used in a limited sense to mean the nature and extent of the powers of the governing authority, and, where the governing authority consists of several parts, of the relation of the different parts to each other.

The administrative system of a country does not grow up in a single day and can hardly ever be said to attain absolute fixity. It has continually to be adapted to the



needs of the country and to the character, the capacity and the life of the people. It grows in complexity as the people expand and their concerns multiply. It is therefore best studied in its historical aspect. In this little treatise, however, a brief sketch will be given only of the existing administration, and historical references will be brought in only when they are especially interesting or when they serve to throw light on the present system. The maintenance of order, it has already been said, is the end of every administrative system, but it is not by the mere maintenance of order that a system can be judged. Order may be maintained as well under an arbitrary and grinding despotism as under a generous and responsible Government. In judging of the merits of a system, therefore, attention has to be paid to the character of the order which is maintained and the conditions under which it is maintained. It has to be seen how far the political machinery is fitted to meet the demands of peace and security, individual and social liberty, justice between man and man, economic prosperity, and, generally, the development of the country and the happiness of the people. In the earlier part of the book the policy and the measures of the Government towards the attainment of these ends have been dwelt upon. In the present an account will be given of the mechanism of the administration which has been slowly built up to give effect to that policy and those measures.

The Administration of India, as indeed of every other country, may be broadly divided under two heads, namely Civil and Military. In countries where there is an estab-



lished church, there would be another division, namely the Ecclesiastical. The civil branch of the administration may be subdivided under three main heads, the Legislative, the Judicial, and the Executive. It is the function of the Legislative branch of the administration to make and promulgate Laws; that of the Judicial to interpret and apply the Laws to the cases that come before the courts, and so to administer justice; that of the Executive to do all acts necessary for government and for the maintenance of order. Administration of the Revenue system may be classed either under the head, Executive, or separately as Fiscal. Another branch which cannot be brought under the three main heads, is very important in this country. It may be called the Ministerial. It includes the work of the Departments and of Secretariats. Executive work is largely done through these agencies, but they have also functions of their own in the way of conducting such special work, as education, registration and the like.



CHAPTER II.

THE MILITARY ADMINISTRATION.

The Indian Army—Growth of—Bengal, Bombay, Madras Armies—Contingents—Punjab Frontier Force—Changes in the military organisation after Transfer of the Government to the Crown—Increase in strength in 1885—Military authorities—Territorial Commands—Administrative changes in 1906—The Army Department and the Department of Military supply—The latter now abolished—The Active Reserve—The Auxiliary Forces—Army of the Native States—Officers of the Indian Army—Position of natives of India affected by the Mutiny—Defensive works—Forts and Harbours—The Royal Indian Marine.

Of the military administration of India only a very brief and general account need be given. The Indian Army has been an institution of slow growth. Its strength and constitution have varied according to the demands of exigencies. The East India Company's '1st European Regiment' was formed at Bombay under a charter of 1669. It consisted of such of the King's officers and soldiers as were then on the island and as volunteered their services. The establishment of the Company's Indian Army may be said to date from the year 1748, when a small body of sepoys was raised at Madras, after the example set by the French, for the defence of that settlement during the course of the war which had broken out between France and England in 1744.¹ At the same time a small European force was raised. Major Stringer

¹ Chesney, *Indian Polity*. 3rd edition, p. 205.



Lawrence who was appointed to command these forces has been called 'the father of the Indian Army'. An Act of Parliament of 1781 authorised the Company to enlist soldiers, and an Act of 1799 gave the Company further powers for raising European troops and maintaining discipline among them.¹ In course of time there grew up three distinct armies in the three presidencies of Bengal, Bombay and Madras. In addition to these there were several contingents, as they were called, maintained for the protection of Native States and at their expense. The Bengal Army did not include any natives of Bengal, and only a small part of it was ever stationed in Bengal. In 1856, the year before the Mutiny, it was more numerous than the other two armies put together. It was mainly recruited from the Brahmans and Rajputs of Oudh, and to some extent from the North-Western Provinces. A part of the Bombay army and of the contingents was obtained from the same sources. The Madras army was recruited from the Madras presidency. The Punjab Frontier Force consisted of irregular cavalry and infantry locally raised. The greater part of the artillery in India was manned by native soldiers. In the year 1856 the Company's forces in India consisted of 39,000 Europeans and 215,000 natives of India, besides the contingents already referred to.

In 1857 nearly the whole of the Bengal army revolted. The Punjab Frontier Force not only remained faithful but rendered magnificent service in the suppression of the Mutiny. The Hyderabad contingent, and the Madras

¹ Ilbert, Government of India, P. 63 & P. 74.



and Bombay armies with few exceptions, remained steadfast. When the Government was transferred to the crown the whole military organisation was changed. The Bengal army had already ceased to exist. The local European army was abolished and the place of the European infantry was supplied by British regiments of the line. The artillery became almost wholly British. The total strength of European troops was increased to 62,000, and that of the native army was reduced to 135,000. Before the Mutiny, however, the native army largely did the work of the police, and as the police were now reorganised, the reduction in the strength of that army does not represent a corresponding reduction of effective military strength.¹

Three distinct armies were still maintained under the old names. As time has gone on steps have been taken to improve military efficiency. The system of class regiments has been extended to the infantry of the Bengal army and each battalion of this force is now composed of men of one race,—Brahmans, Jats, or Rajputs as the case may be. In consequence of an apprehension of a Russian invasion the entire military position was re-considered in 1885, and a considerable addition was made to the strength of the European as well as the native army. In 1900 the total strength was nearly 223,000 officers and men of all arms, of whom rather more than 76,000 were British.²

Supreme authority over the army in India is vested by law in the Governor-General in Council. The Military

¹ Strachey, *India*, pp. 437—438.

² *Ibid*, pp. 440, 445.



Member of Council has charge of what was called the Military Department. Subject to the administrative control of the Governor-General in Council the chief executive officer of the army is the commander-in-chief of his Majesty's Forces in India. The armies of Madras and Bombay had formerly a local commander-in-chief. By an English statute of 1893 the offices of the provincial commanders-in-chief were abolished, and the powers of military control vested in the Governments of Madras and Bombay were transferred to the Government of India. The administrative arrangements under this Act came into force on the 1st April, 1895.¹

By the Act of 1893 India was divided into four territorial commands. Speaking generally, the Punjab command covered the Punjab and what is now called the North-West Frontier Province; the Bengal command included Bengal, Eastern Bengal and Assam, the United Provinces, and parts of the Central Provinces and Central India; the Madras command comprised the Madras Presidency, the British garrisons in Hyderabad and Mysore, and Burma; and the Bombay command included the Bombay Presidency (with Aden), Baluchistan, Rajputana, and parts of Central India and the Central Provinces. The troops in these commands comprised the British soldiers stationed therein and the native troops naturally belonging to the areas or specially attached thereto. Each command was placed under a Lieutenant General. The whole is under the direct command of the Commander-in-Chief.²

¹ Ibid, pp. 446—448.

² Imperial Gazetteer, Vol. IV, p. 354.



The next great change in the administration took place in 1906. The supreme authority is still vested in the Governor-General in Council, subject to the control of the crown, exercised by the Secretary of State for India, but in place of the old Military Department there have been established (1) The Army Department, and (2) The Department of Military Supply.¹ The former, in charge of the Commander-in-Chief, deals with all affairs concerning the army except those specially allotted to the other Department, and also disposes of business connected with cantonments and the volunteers. The latter, which is in charge of an Ordinary Member of Council, deals with matters connected with important army contracts, and the supply and registration of transport animals; and also controls the working of the departments of Ordnance, Remounts, Military Works, Army Clothing, and the Royal Indian Marine, as well as the military work of the Indian Medical Service.²

The strength that has been mentioned of the army in India is exclusive of the active reserve, consisting of men who have served with the colours in the Native Army from five to twelve years, and of the volunteers. In

¹ While this Chapter is about to pass through the press it is announced in the papers that a Despatch has arrived from the Secretary of State abolishing the Department of Military Supply. It is said that under the new arrangements the Ordnance Department and Military Works Department become Divisions at Army Head quarters, the Remount Department is absorbed in the Quarter Master General's Division, and the Marine is placed under the Army Department, the staff of the latter being increased by two officers. Very little is at present known of the details.

² Imperial Gazetteer, Vol. IV, p. 360.



addition to these may be mentioned as auxiliary forces, the militia, levies, the military police, and the Imperial Service troops which are under the control of the Native States furnishing them, and are commanded by native officers, subject to the supervision of British inspecting officers. Besides these last, the Native States maintain local military forces. These number collectively 93,000 in all, with many guns, but with some exceptions they are of little military value. The Sikh and Rajputana States have the best material. Next to them in regard to quality of troops are Gwalior, Hyderabad and Kashmir.¹

The British officers of the Native Army were formerly called the Indian Staff Corps. A staff corps for each of the three armies of Bengal, Madras and Bombay was established in 1861, when the Native Army was reorganised. In 1891 the three staff corps were amalgamated into a single body. In 1903 the name 'Indian Staff Corps' was changed into 'Officers of the Indian Army'. Their number in that year was about 2700. They are employed not only in the Native Army and in military appointments on the staff, but also in a large number of civil posts. They hold the majority of appointments in the Political Department, and many administrative and judicial offices in non-regulation provinces.²

The Mutiny has greatly affected the position of natives of India in the army. Not only has the number of native soldiers been reduced, but high-caste men are seldom enlisted, and the prospects of native officers are extremely

¹ *Ibid*, pp. 372, 375.

² Strachey, *India*, P. 443



limited. General Sir George Chesney writes: "In one important respect the [Indian Army] organisation remains unchanged and defective. While the judicial service has long been mainly filled by natives, who are represented also on the bench of the highest courts, and while under the most recent changes every branch of the service, judicial and executive, has now been thrown open to them, the army, save with a very few exceptional cases, continues to be what it has always been—an army of peasants, or a class little removed above them; an army of native soldiers commanded by English officers. * * * * In the cavalry the position of the native officer has ever gone back, for whereas formerly he could rise to the command of a squadron, the squadrons are now commanded by British officers, the most junior of whom takes precedence over the oldest native officer. So far then as the army is concerned, the Queen's Proclamation on assuming the direct government of India is a dead letter. * * * * To a very large number of a most important class of Indian gentlemen, descended in many cases from ancestors who held high military office under former rulers, the only palatable, and indeed the only form of public service practicable and possible for them is the military, and that is closed to them. While this is the case it cannot be said that the promise held out in the proclamation is fully acted upon."¹

Apart from the organisation of the Army, measures have been taken to add to the military strength of the country by the construction of defensive works. All

¹ *Indian Polity*. Third Edition. P. 268.



points on the north-western frontier at which attack seems possible are guarded by strongly fortified positions, and connected with the railway system of India. The principal forts have been fortified and armed with modern guns, and the defence of the harbours is secured by a flotilla of turret-ships, torpedo gunboats and torpedo boats.¹

In a critical period of Indian history, namely during Warren Hastings's rule, the British Navy successfully kept command of the seas against the French. The ships of the East India Company, soon after that body came into existence, became vessels of war as well as of trade. The armed naval force of the Company was created by the charters of Charles II and James II, but it was not till 1829 that the Bombay fleet was united with that of Calcutta and became the Indian Navy which has often done good service. The Indian Navy was abolished in 1862, for reasons of economy, and because it was thought that the naval defence of India should be entrusted to the Royal Navy. The Bombay Marine was then created, and was eventually amalgamated with the Bengal Marine in 1877 under the title of 'Her Majesty's Indian Marine,' changed in 1892 to 'Royal Indian Marine.' Its duties were to be the local transport of troops and stores, the guarding of convict settlements, the suppression of piracy, marine surveys, and the protection of the ports. In 1891 the turret ships, torpedo vessels, and gun-boats belonging to the Indian Marine were transferred to the Admiralty. Its officers are appointed by the Secretary of State. Arma-

¹ Strachey, India, p. 347.



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ments are available for the equipment of the vessels for war and service. There are dockyards at Bombay and Calcutta. India pays a subsidy of £100,000 annually for the upkeep of certain ships of the East India squadron, which are not to be employed beyond particular limits except with the consent of the Government of India.¹ As already stated, the Royal Indian Marine is administratively under the Military Supply Department of the Government of India.

¹ Imperial Gazetteer. Vol IV. pp. 382-383.



CHAPTER III.

THE HIGHER EXECUTIVE AND THE LEGISLATURE.*

The Secretary of State—His Council—The India Office—The Governor-General—His Council—The Executive work of the Government of India—Divisions of—The Legislative Council of India—Constitution under the Act of 1892—Powers of the Council and of individual members—Divisions of British India—Meaning of “Presidency”—Local Governments—Executive Councils of the Governors—Provincial Secretariats—Local Legislative Councils—Constitution of the Bengal Legislative Council—Powers of the Councils and of members.

By the “Act for the better government of India” passed in 1858, the government of India was transferred from the East India Company to the Crown, and it was provided that all the power of the Company and of the Board of Control, should be exercised by a Secretary of State, in concert, in certain cases, with a Council. The Secretary of State for India is like other Secretaries of State appointed by the Crown. He is the constitutional adviser of the Crown in all matters relating to India. As a member of the English Cabinet he is responsible to and represents the supreme authority of, Parliament which is supreme over India as over all the dominions of the British Crown.

The Secretary of State’s Council called the Council of India originally consisted of fifteen members. Under an

* While this Chapter is passing through the press a Bill is pending in Parliament which seeks to amend the Indian Councils Act and materially alter the constitution of the Legislature.



Act of 1889 the number is capable of being reduced to ten. The members are appointed by the Secretary of State. Three of the members 'having professional or other special qualification' may be appointed for life. The others hold office for a term of ten years, with a power of re-appointment under special circumstances for a further term of five years. At least nine members of the council must be persons who have served or resided in British India for not less than ten years, and who have left British India not more than ten years before their appointment.

The duties of the Council of India are to conduct, under the direction of the Secretary of State as President, the business transacted in the United Kingdom in relation to the government of India and the correspondence with India.

In certain matters, including the expenditure of the revenues of India, orders of the Secretary of State are required by law to be passed with the concurrence of a majority of votes at a meeting of his council. But in all other matters the Secretary of State can overrule his council, subject to a right on the part of any dissentient member to have his opinion, and the reasons for it, recorded. The council is thus a consultative body, without any power of initiation. It can give no opinion on any question, however important, until it has been laid before it by the Secretary of State. Even on questions of expenditure, where they arise out of previous decisions of the Cabinet, as would usually be the case in matters relating to peace or war, or foreign relations, the Secretary of State has the practical power to overrule his council.



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The India Office is the establishment of the Secretary of State. It is, so to say, his Secretariat. It is divided into departments, each under a separate permanent Secretary. The council itself is divided into committees which are so formed as to correspond to these departments.

At the head of the Government in India is the Governor-General, who is also Viceroy, or representative of the Sovereign. He is appointed by the Sovereign, and usually holds office for a term of five years. He has a council, commonly called the Executive Council, which at present consists of six ordinary members, besides the commander-in chief, who may be, and in practice always is, appointed an extraordinary member. The Governor of Madras or Bombay is also an extraordinary member of the council whenever it sits within his province.

The ordinary members of the Governor-General's council are appointed by the crown, in practice for a term of five years. Three of them must be persons who, at the time of their appointment, have been for at least ten years in the service of the crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, of not less than five years' standing.

If there is a difference of opinion in the council, under ordinary circumstances the opinion of the majority prevails, but, under exceptional circumstances, the Governor-General has power to over-rule his council. The meetings are private, and the decisions arrived at are termed Orders in Council.

The official acts of the central Government in India



are expressed to run in the name of the Governor-General in Council, often described as the Government of India. The executive work of the Government of India is distributed among the following Departments.

(1) The Foreign. It transacts all business connected with external politics, with Frontier tribes, and with Native States in India.

(2) The Home. This is concerned with the work of general administration, and deals with internal politics, law and justice, jails, police, education, hospitals, public health, municipalities and local boards, and a number of other subjects.

(3) Revenue and Agriculture. Its main functions are the administration of the land revenue, agricultural inquiry, agricultural improvement, and famine relief.

(4) Finance. This deals with the general administration of Imperial and Provincial finance; with questions relating to the salaries, leave, and pensions of public officers; and with currency and banking.

(5) Commerce and Industry. This was formed in 1905 to facilitate the disposal of questions affecting the trade and manufactures of the country.

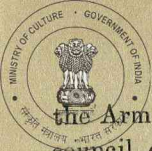
(6) The Legislative. This is responsible for all matters connected with the conduct of legislation in the Council of the Governor-General.

(7) Public Works.

(8) Army.

(9) Military Supply.

The Governor-General himself administers the Foreign Department. The Commander-in-chief holds charge of



the Army Department. Of the six ordinary members of council, one is in charge of the two Departments of (1) Revenue and Agriculture, and (2) Public Works ; and the other five are in charge of the remaining Departments, one each. At the head of each of the Departments is one of the Secretaries to the Government of India. Minor questions are settled departmentally. Questions involving a difference of opinion between two departments, or raising any grave issue, are brought up to be settled in council.

For the purposes of legislation, Additional Members are nominated to the Council that has been so far referred to, and a Legislative Council is thus obtained. It is formally described as "The Governor-General in Council at meetings for the purpose of making laws and regulations." "The Legislative Council," says Sir John Strachey "is often spoken of as if it had a separate existence, but this is a mistake ; only one Council is known to the law." The Additional Members join the Council when it meets for legislative purposes. They are nominated by the Governor-General in accordance with regulations made by the Governor-General in Council with the approval of the Secretary of State in Council. Under an Act of Parliament passed in 1892, their number should not be less than ten nor more than sixteen. Under the rules framed in pursuance of the Act there are sixteen Additional Members, of whom six are officials appointed by the Governor-General in Council, and ten are non-official. Four of the latter are appointed by the Governor-General on the recommendation of a majority of the non-official additional members of the provincial legislatures, each of



these bodies recommending one member, and a fifth member is appointed on the recommendation of the Calcutta Chamber of Commerce. The Governor-General can, if he thinks fit, decline to accept a recommendation thus made, and in that case a fresh recommendation is submitted to him. The remaining five members are nominated by the Governor-General in the exercise of his discretion. The additional members hold office for two years.

Under the rules, now in force, the annual Financial Statement must be made publicly in the Council; every member is at liberty to make any observations that he thinks fit, and the Financial member of Council and the President have the right of reply. Questions may also be asked in the Council. They must not be put in argumentative, hypothetical or defamatory language, nor is discussion permitted in respect of an answer given on behalf of the Government. The President may disallow any question which in his opinion cannot be answered consistently with the public interests.

Every Act requires the Governor-General's assent. The assent of the Crown is not necessary to the validity of an Act, but the Crown can disallow any Act that has been passed.

Under the Indian Councils Act of 1861 the Governor-General, in cases of urgent necessity, can, on his own authority, and without reference to his Council, make Ordinances which have the force of law for six months.

Certain Acts of Parliament under which the Government of India is constituted cannot be touched, and no



law can be made affecting the authority of Parliament or allegiance to the Crown, but with these exceptions the legislative powers of the Governor-General in Council over the whole of British India are unrestricted.

British India, or the territory under the control of the Governor-General in Council, is divided into eight large Provinces and five lesser charges, each of which is termed a Local Government. The eight major Provinces are the old Presidencies of Madras and Bombay; the five Lieutenant Governorships of Bengal, Eastern Bengal and Assam, the United Provinces of Agra and Oudh, the Punjab, and Burma; and the Chief Commissionership of the Central Provinces. The minor charges are the North-West Frontier Province, British Baluchistan, Coorg, Ajmeer-Merwara, and the penal settlement of the Andaman Islands. The Provinces of Madras and Bombay comprise the territories which were originally attached to those Presidencies. Sind was added to the latter Province a short time after its conquest in 1843.

“Presidency” is a word which has scarcely any significance at the present day. In the earlier times of the East India Company, the affairs of the three principal settlements in Bengal, Madras, and Bombay were, in each case, administered by a President and a Council composed of servants of the Company, and the term “Presidency” was applied to the whole tract over which their authority extended. The phrase “Presidency of Fort William in Bengal” came to include not only Bengal, Behar, and Orissa, but the whole of the British conquests in northern India, that is, all the territories administered from Fort



William, the official headquarters in Calcutta. Bengal, strictly speaking, is not a Presidency, but is the Bengal division of the Presidency of Fort William.

All the local Governments alike are under the superintendence and control of the Governor-General in Council. They must obey orders derived from him, and they must communicate to him their own proceedings. But the head of each Local Government, including a Chief Commissioner, is the executive head of the administration within the Province.

The provinces of Madras and Bombay are each under a Governor and executive Council appointed by the crown, in practice for a term of five years, the Governor being usually an English statesman, and the council consisting of two members of the Indian Civil Service of twelve years' standing. The Governors of Madras and Bombay retain their privilege of communicating directly with the Secretary of State and have the same power as the Governor-General, of overruling their councils in cases of emergency.

The Lieutenant-Governors have no executive councils. They are appointed by the Governor-General, with the approval of the crown. They are in practice appointed from the Indian Civil Service, and they hold office for five years. The Lieutenant-Governor stands alone at the head of the local administration.

The Secretariats of the Provincial Governments are divided into departments, each under a Secretary with subordinate officers, as in the case of the Supreme Government. The principal executive departmental heads,



outside the revenue and general administrative departments, are much the same in all the large provinces. In Bengal they are the Inspectors-General of Police, Jails and Registration, the Director of Public Instruction, the Inspector-General of Civil Hospitals, the Sanitary Commissioner, and the Superintendent of the Civil Veterinary department. There are also Chief Engineers, for Irrigation and Marine and for Buildings and Roads, who are likewise Secretaries to Government.

The Legislative Councils for Madras and Bombay consist of the Governor and his executive council, enlarged for the purpose of legislation by additional members. The additional members must not be less than eight and not more than twenty in number, and must include the advocate-general of the province, and at least one-half of them must be persons not in the civil or military service of the crown. They are nominated by the Governor in accordance with rules framed by the Governor-General in Council and approved by the Secretary of State in Council. Under the rules framed in pursuance of the Act of 1892, their number both at Madras and at Bombay, is fixed at twenty, of whom not more than nine may be officials. The system prescribed by the rules is intended to give a representative character to the members nominated under them.

In the five Lieutenant-Governorships, the Legislative Councils consist of the Lieutenant Governor and of persons nominated by him in accordance with certain statutory requirements and with rules framed by the Governor-General in Council and approved by the Secretary of

State in Council. These rules have been framed on the same general principles as those for the nomination of additional members of Council in Madras and Bombay.

In Bengal thirteen of the twenty members of the Legislative Council are to be nominated by the Lieutenant-Governor, of whom not more than ten are to be officials of the Government; the nomination of the remaining seven is delegated as follows :—The municipal corporations of the cities and towns in the province will recommend two members; the district boards of the province will nominate two; one nomination each has been given to the Corporation of Calcutta, the Chamber of Commerce, and the University of Calcutta. For the purposes of election, the municipalities and district boards are grouped in eight divisions, corresponding with the geographical charges of the official Commissioners of Divisions into which the province is divided, and two groups of each class, or four groups in all, will elect one member each. A seat in the Council being held for two years, each group will thus get its turn once in eight years.

In regard to all Local Legislative Councils the Governor or Lieutenant-Governor is authorised to regulate the asking of questions and the discussion of the provincial budget subject to the same conditions as in the case of the Governor-General's Council. The right to discuss the budget and to put questions has been granted to every Local Council but has not yet (1907) been entrusted to the councils of the Punjab and Burma.

Acts passed by Provincial Councils require the assent of the Governor General, and may be disallowed by the Crown.



CHAPTER IV.

THE SUBORDINATE EXECUTIVE.

Territorial Subdivisions—Regulation and non-regulation Provinces—Districts—District Magistrate and Collector—Provincial Police—Military Police—Village Police—Railway Police—Criminal Intelligence Department—Local Self-Government—Municipalities in Presidency Towns—Their constitution, functions, and sources of income—The Calcutta Corporation—District Boards—Sub-district Boards—Their constitution, functions and sources of income.

The executive administration of the country so far as it is conducted by the Government of India and the Provincial Governments, has been described. An account of the Legislative Councils associated with those Governments came in fitly in the same connection. It remains now to complete the account of executive administration by referring to its subordinate branches. It is necessary, in the first place, to say a few words about territorial subdivisions.

The division of the provinces of India into Regulation and Non-Regulation provinces is an old one. The Regulation provinces were governed by regulations formally made by the Governor-General in Council under the Charter Acts. The Non-Regulation provinces were governed not by laws made in accordance with the forms prescribed by the Charter Acts for legislation, but by executive orders of the Governor-General in Council. The non-regulation provinces differed from the regulation 'presidenc-



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ies, both as to the system of law under which they were governed, and the form and composition of the administrative agency. The distinction has now become obsolete, but traces of it remain in the nomenclature of the staff,—an instance of which is given in the next paragraph,—and in the qualifications for administrative posts. The schedule of appointments reserved by 24 & 25 Vict. C. 54 to members of the covenanted civil service, does not apply to the old non-regulation provinces. The old regulation provinces are Madras, Bombay (excluding Sind), Bengal and Agra. The principal non-regulation provinces were the Punjab, Burma, Oudh, the Central Provinces, and Assam. But Oudh is now a part of the United Provinces, and Assam has been placed under the same administration as Eastern Bengal. These two provinces therefore have ceased to be non-regulation provinces.

A Province is to be regarded as consisting of a collection of Districts, which are usually split up into subdivisions and these again into smaller circles. The most important unit of administration throughout British India is the district, at the head of which is an officer called in the old regulation provinces Collector and Magistrate, and in the non-regulation provinces Deputy Commissioner. British India contains more than 250 districts. The average area of a district is nearly 4,500 square miles, and the average population over 930,000.

The District Magistrate, that is the Collector and Magistrate of the District, is the head of the Police which is one of the chief departments of executive administration. The system under which the police is administered



differs in different provinces, but its general organisation throughout India is based on a law passed in 1861, and the manner in which its duties are to be performed is laid down in the Code of Criminal Procedure. A re-organisation of the Police was suggested by a Commission recently appointed by the Government of India, and certain orders have been issued by the Government on the report made by that body, but no law has yet been passed embodying the new system.

The police establishment under each Local Government forms in most Provinces a single force. The Provincial police is under the general control of the Inspector-General. Police administration throughout a district is under an officer styled the District Superintendent. He is responsible for the discipline and internal management of the force, and is subordinate to the District Magistrate in all matters connected with the preservation of peace and the detection and suppression of crime. Each district is subdivided for police purposes into sections under Inspectors. In most provinces there are subsidiary police stations known as outposts. At the headquarters of each district a reserve is maintained under the command of an Inspector. This reserve serves to strengthen the police in any part of the district where disturbance may be apprehended or other emergency may arise.

A force of military police is maintained in unsettled frontier tracts in Bengal, Assam, and Burma, and in the North-West Frontier Province.

Each police station has within its jurisdiction a number of villages, and for each village there is a *chaukidar* or



watchman. The foremost duty of the *chaukidar* is to report crime, but he has many other functions. In towns there is a system of police stations, outposts and beats, with arrangements for night patrol.

The railway police is organised separately from the district police, but acts in co-operation with it. It is, as a rule, concerned with the maintenance of law and order and not with keeping guard over railway property, which is provided for by the railway administrations.

The Thuggee and Dacoity Department which had existed for many years was abolished in 1904 and its place taken by a Department of 'Central Criminal Intelligence' working under the Home Department of the Government of India. The object of this department is to collect and communicate information regarding such forms of organised crime as are committed by offenders operating along the railway system, and by criminal tribes, wandering gangs, organised bands of dacoits, and the like, whose operations extend beyond the limits of a single province.

Local Self-Government is now an important element of executive administration. It is a system of comparatively recent growth. The institutions through which it is administered may be classed under two broad heads, namely Municipalities and Boards of different orders. The constitution of both is determined by various local Acts and is therefore not uniform all over India.

First, of Municipalities. The system of election of representatives of the rate-payers was first established in Bombay, Calcutta and Madras by Acts passed in the years 1872, 1876, and 1878 respectively. In 1881-2 the Govern-



ment of Lord Ripon issued orders which had the effect of greatly extending the principle of local self-government. The inhabitants of both town and country were given a more real and important share in the management of local affairs than they had hitherto possessed. A wide extension was now given to the elective system, and independence and responsibility were conferred on the committees of many towns by permitting them to elect a private citizen as Chairman in place of the executive officer who had hitherto filled the post.

The municipal government is vested in a body corporate composed of municipal commissioners, or, as they are called in Madras and Bombay, municipal councillors. In the great majority of municipalities some of the commissioners are elected, the remainder being appointed by name or office under the orders of the Local Government. The Chairman or president of the municipal corporation is sometimes nominated under the orders of the Local Government, but more often elected by the commissioners from among themselves. Control is exercised through the Collector of the District and the Commissioner of the Division. The Government may provide for the performance of any duty which the commissioners neglect, and may suspend them in case of incompetence, default or abuse of powers. Special control is exercised over finance and appointments.

Municipal functions are classified under the heads of public safety, health, convenience, and instruction. Within these heads the duties are many and varied. In order to enable them to carry out their functions, various powers are conferred on municipal bodies by the municipal Acts



and the bye-laws framed under them. The principal heads of taxation are octroi; taxes on houses and lands, animals and vehicles, and professions and trades; tolls on roads and ferries; and water, lighting, and conservancy rates.

In the Calcutta corporation the number of commissioners is fifty, of whom twenty-five are elected (one by each ward) and twenty-five are appointed as follows: fifteen by the Local Government, four each by the Bengal Chamber of Commerce and the Calcutta Trades Association, and two by Commissioners of the port. Government of the affairs of the corporation is vested in three co-ordinate authorities, namely the corporation itself, the Chairman, and a committee of twelve of the commissioners, called the General Committee. The Chairman is appointed by the Local Government. He is the chief executive officer of the corporation, and he also presides at its debates. In the municipalities of all the three presidency towns, some degree of financial and executive control is reserved to the Government.

Under the orders, already referred to, of Lord Ripon, issued in 1881-2, boards have been established all over the country for the transaction of local business. The Madras organisation, which provides for three grades of boards, most nearly resembles the pattern set in the original orders. Throughout the greater part of the province important villages or groups of villages are organised as 'unions,' each controlled by a body to which the time-honoured name of *panchayat* has been applied. These unions levy a light tax on houses, mainly for sanitary purposes. Next in degree come the *taluk* boards, which form the agency for local



works in the administrative sections into which the districts are divided. Finally there is a District Board with general control over the local administration of the District. In Bengal and other provinces the law requires a District Board to be established in each District, but leaves the establishment of subordinate local boards to the discretion of the Local Government. They have been established in thirty-four districts in Bengal. The Bengal Act authorises the establishment of Village Unions, but this provision has not been largely used.

The degree to which the elective principle has been introduced varies greatly in different parts of India. In the Bengal districts throughout which sub-district boards have been constituted, these boards are entitled to elect not less than half the members of the District Board. Two-thirds of the members of each sub-district board are elected in the more advanced districts, in others all the members are nominated. The Local Government has to decide whether the chairman of the District Board shall be elected or nominated. In no province has election been permitted and the office is still in general held by the Magistrate.

The primary duty of the boards is the maintenance and improvement of the means of local communication. Other important functions are the maintenance of hospitals and dispensaries; the provision of drainage and water-supply; general sanitation; education, especially in the elementary stages; the construction and maintenance of markets; and the relief of the population in times of famine.



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The income of the boards is chiefly derived from provincial rates. The other main sources are contributions from provincial revenues, receipts from pounds and ferries, and fees and other payments connected with educational and medical institutions.



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CHAPTER V.

THE JUDICIARY.

High Courts—Their jurisdiction—Who may be High Court Judges—Chief Courts—Inferior civil courts—Criminal Courts—Grades of—Powers in regard to sentences—Juries and Assessors—The Prerogative of mercy—The Judicial Committee of the Privy Council.

The highest judicial tribunals in India are the High Courts and the Chief Courts. By an Act of Parliament called the Indian High Courts Act, passed in 1861, the Crown was empowered to establish High Courts of Judicature for Bengal, Madras, and Bombay. The judges were to be appointed by the Crown, and to hold office during the pleasure of the sovereign. A high court judge must be either a member of the English or the Irish Bar, or of the Faculty of Advocates in Scotland, of not less than five years' standing; or a member of the civil service of India, of not less than ten years' standing, and having for at least three years exercised the powers of a district judge; or a person having held judicial office not inferior to that of a subordinate judge, or judge of small cause court, for not less than five years; or a person having been a vakil of a high court for not less than ten years. A High Court was to consist of a chief justice and of as many judges, not exceeding fifteen, as the sovereign might think fit to appoint. Not less than one-third of the judges, including the chief justice, must be barristers or advocates, and not less than one-third must be members of the civil service



of India. Each high court was to be vested with administrative superintendence of all subordinate courts and with the framing of rules, subject to the sanction of the Governor-General in Council, for the conduct of business.

In pursuance of these provisions charters were issued in 1862, and re-issued in 1865, to constitute the High Courts of Bengal, Madras, and Bombay, and in 1866 a similar charter created a High Court at Allahabad. The High Court of Fort William at Calcutta has jurisdiction in Bengal as well as in Eastern Bengal and Assam. Its civil jurisdiction may be classified as follows :

(1) Ordinary original jurisdiction in respect of suits of every description, except small causes, within the Presidency town of Calcutta.

(2) Extraordinary original jurisdiction, by which it may remove and try any suit on the file of a subordinate court.

(3) Jurisdiction as a court of appeal from District Judges and in some cases from Subordinate Judges.

(4) Jurisdiction in regard to the persons and estates of infants, idiots and lunatics.

(5) Jurisdiction as a court for the relief of insolvents.

(6) Admiralty, ecclesiastical, testamentary and intestate jurisdiction.

(7) Jurisdiction in matters matrimonial between Christian subjects of the Government.

The criminal jurisdiction of the court may be divided under the following heads :

(1) Ordinary original jurisdiction in respect of cases committed to the sessions by Presidency Magistrates.



Trials are always held with the aid of juries.

(2) Extraordinary original jurisdiction in respect of offences committed outside the limits of the Presidency town, and brought before the court under special circumstances.

(3) Jurisdiction as a court of appeal, reference and revision.

The High Courts of Bombay and Madras have powers similar to those of the Calcutta High Court. The Allahabad High Court exercises no ordinary original jurisdiction except as regards criminal proceedings against European British subjects.

There are two Chief Courts, one for the Punjab, established at Lahore in 1866; and one for Lower Burma established at Rangoon in 1900. They are framed on the model of the High Courts, but they derive their authority from the Indian legislature, and are composed in each case of a chief judge and judges appointed by the Governor-General in Council. In each of the other provinces the place of a High Court or Chief Court is taken by one or more Judicial Commissioners who are appointed by the Government of India.

The constitution and jurisdiction of the inferior civil courts in each province are determined by special Acts or Regulations. In Bengal, Eastern Bengal and Assam, and the United Provinces of Agra and Oudh, there are the following classes of civil courts, namely the court of (1) the district judge, (2) the additional judge, (3) the subordinate judge, and (4) the munsif. The jurisdiction of district judges, additional judges, and subordinate



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Judges, extends to all original suits for the time being cognizable by civil courts. The jurisdiction of the munsif is ordinarily limited to suits of which the value does not exceed 1,000 rupees. In the Presidency towns as well as in the mofussil there are Courts of Small Causes for the trial of petty cases.

Ordinarily one District and Sessions Judge is appointed to each administrative district. Apart from his judicial functions, original and appellate, he has administrative control over, and the distribution of business among, all other civil courts within the district. For these offices, members of the Indian Civil Service or of the Provincial Civil Service alone are selected.

The arrangements for the administration of justice in criminal cases by courts subordinate to the High Courts, are briefly as follows. In every province there is a certain number of divisions,—each division consisting of one or more districts—in each of which a court of sessions is established, presided over by a sessions judge. Additional, joint, and assistant sessions judges may be appointed. To each district a Magistrate called the District Magistrate is attached. Any number of subordinate Magistrates that may be required,—either joint magistrates, assistant magistrates, deputy magistrates or sub-deputy magistrates,—are appointed in the district, subject to the general control of the District Magistrate. In the towns of Calcutta, Madras, and Bombay there are magistrates called Presidency Magistrates. In regard to the degree of power or authority in the infliction of sentences, Magistrates are divided into three classes, and they are



called Magistrates of either first class powers, second class powers, or third class powers.

A High Court may pass any sentence authorised by the Penal Code or other law. A Sessions judge may pass any sentence authorised by law, but sentences of death are subject to confirmation by the High Court. Trials before courts of session are conducted with the aid either of assessors who merely assist but do not bind the judge by their opinions, or of jurors, according to the general orders of the Local Government. The Sessions Judge, if he considers that a jury has returned a wrong verdict, may submit the case to the High Court which is empowered to set aside or modify the finding. A jury consists of nine persons in trials before a High Court, and, in other trials, of such uneven number up to nine, as may be prescribed by the Local Government.

The prerogative of mercy may be exercised in India by both the Governor-General in Council and the particular Local Government concerned, without prejudice to the superior power of the Crown.

The Crown has by prerogative an inherent general power, controlled and regulated by Acts of Parliament, to hear appeals from its subjects beyond the seas; and that power is now exercised through the Judicial Committee of the Privy Council under a statute of 1833. To the Judicial Committee the sovereign may refer any matter whatever for advice; but, apart from this, the conditions of appeal from India are regulated by the Charters of the High Courts, supplemented as to civil cases by the provisions of the Code of Civil Procedure. In criminal



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cases a right of appeal is given—subject to the opinion of the High Court that the case is a fit one for appeal—from any judgment, order, or sentence of a High Court made in the exercise of original jurisdiction, or in any criminal case where a point of law has been reserved for the opinion of the High Court. But the Judicial Committee may if they think fit give special leave to appeal, independently of the provisions of the law of British India.



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CHAPTER VI.

REVENUE AND FINANCE.

Land revenue no tax—Settlements classified,—Permanent, Zamindari or Talukdari, and Ryotwari—Their incidents—Sources of revenue other than taxation—Land revenue—Opium—Forests—Tributes and Contributions—Post Office, Telegraphs, Railways, Irrigation Works—Taxes—Salt—Excise—Customs—Stamps—Provincial Cesses—The Income Tax—Registration Fees—Chief Heads of Expenditure—Civil Departments—Miscellaneous Civil Charges—The Post Office, Telegraphs and the Mint—Irrigation—Civil Works—Interest on Public Debt—Military Expenditure—Extraordinary Charges—Character of the Home Charges—Control of Indian finance—Decentralisation—Boards of Revenue.

Revenue in India is derived partly from taxation and partly from sources other than taxation. The most important of all the sources of revenue is the Land revenue, and this, according to many eminent English writers, is not derived from taxation properly so called. From time immemorial, says Sir John Strachey, the ruling power throughout India has been entitled to a share of the produce of every acre of land, unless it has transferred or limited its right, and this share is the so-called land revenue. By far the largest item in the public revenue of India, says J. S. Mill, is obtained virtually without taxation, because obtained by the mere interception of a payment which if not made to the State for public uses, would generally be made to individuals for their private use; that is, Govern-



ment takes from the people as revenue what they otherwise would have paid as rent to private landlords.

The land revenue of modern India, says another writer, is a form of public income derived from the immemorial custom of the country. As the several Provinces came under British control, their assessments under the Moghal rule were gradually reduced to order. "The history of of Government in India has been a continued series of reductions of taxation."

Settlements of land revenue in India are broadly classified under two heads: 1. Permanent settlements; 2. Temporary settlements. The latter fall under two heads: 1. Zamindari, in some provinces called Malguzari or Talukdari; 2. Ryotwari.

Permanent Settlement of the Land Revenue was created in Bengal in 1793. Government found a class of middlemen, called Zamindars, who collected the land revenue and the taxes, and Government declared them to be proprietors of the land. The land revenue, representing the share of the produce or rental to which the state was entitled, was fixed and made unalterable for ever. It was the intention of the Permanent Settlement not only to fix for ever the land revenue of the Zemindars, but, at the same time, secure to the ryot fixity of tenure and fixity of rent. The permanently settled districts cover the greater part of Bengal, parts of the United Provinces and Madras, and a few other isolated tracts.

In Zamindari Settlements the landlord or proprietary group pays the land-revenue to the State, whether the land is cultivated by the revenue payers themselves or by



their rent-paying tenants. The village, and not each field or block, is the unit of assessment. Government has usually no dealings with individual cultivators. These settlements exist mainly in the United Provinces, the Punjab, the Central Provinces and Orissa. In the Punjab and the Central Provinces, the ordinary term of settlement is twenty years, and in the other provinces thirty years.

In a Ryotwari Settlement the ryot holds his land in proprietary right, subject to the payment of the assessed revenue, which is fixed for a period of thirty years. He has the option of resigning his entire holding, or any individual field, at the end of the agricultural year. His improvements cannot be made a ground for increasing his assessment at the time of the periodical settlement. He can sell, mortgage, or let his land to any one without requiring the consent of the Government, and at his death the land descends to his children according to the rules of inheritance. He is a peasant proprietor, and the engagement of Government is with him. This kind of settlement exists in Bombay, Burma, Assam and Berar, and in the greater part of Madras.

In the Zamindari areas the amount of the periodical assessment is generally rather less than one-half of the ascertained or assessed rental enjoyed by the proprietors. In the Ryotwari tracts the incidence varies in different provinces from one-fifth to one twenty-fifth of the gross value of the produce.

Opium is next among the sources of revenue other than taxation. The opium revenue is raised partly by a monopoly of the production of the drug, and partly by the



levy of a duty on all opium exported from Native States by sea or introduced from them into British India. Though the poppy will grow in most parts of British India, its cultivation in British territory, with the exception of insignificant tracts, is permitted only in parts of Bengal and the United Provinces. In these two provinces the crop is grown under the control of a Government department which determines the total area to be placed under the crop in each year: the cultivator of opium in these monopoly districts has to take out a license. The license fees and the duty already mentioned are the main sources of the opium revenue.

Next may be mentioned Forests. The forest revenue is almost entirely derived from the sale of timber and other forest produce. Before the transfer of the Government of India to the Crown, practically nothing had been done towards the preservation of the forests of India, which are very extensive and valuable. They cover altogether some 200,000 square miles, and are now looked after by the Forest Department.

Tributes and contributions from Native States are another source. They are paid chiefly in lieu of former obligations to supply or maintain troops, and form a small return for the duty undertaken by the Supreme Government in ensuring the peace of the country.

Other sources of income under the general head, sources other than taxation, are the Post Office, Telegraphs, Railways and Irrigation Works.

The following are the main sources of revenue obtained by taxation.



1. Salt. The salt revenue is raised by a duty on all salt imported into or manufactured in India. The rate of duty has in past times ranged from one-fifth of a rupee in Burma to $3\frac{3}{4}$ rupees in Bengal per maund. The present duty is one rupee per maund everywhere. The greater part of the salt which is produced in Burma pays a duty of 8 annas per maund. Successive reductions of duty have led to a large increase in the consumption of salt throughout India. Salt is not only imported from beyond the sea but is manufactured in different parts of India and is obtained from pits of Rajputana, and the salt mines of the Punjab. The duty is levied at the place of manufacture or at the port of importation.

Some of the salt sources belong to, or are worked under the direct control of the various Governments in whose jurisdictions they are located; others are owned by private individuals. The salt supply of India is not therefore a Government monopoly, and the importation of salt from foreign countries is freely permitted. Manufacture is not allowed where the circumstances are such as to render proper collection of the duty impracticable, as, for instance, in the sea-coast districts of Bengal.

The duty on salt is the only obligatory tax which falls upon the masses of the population.

2. Excise. The excise revenue is derived from intoxicating liquors, hemp drugs, and opium consumed in the country, and is levied in the form of duty on manufacture and fees for sale licenses. The revenue under this head generally shows a steady increase, and it is said that



the sole cause of the increase is improved administration and the suppression of illicit distillation and sale.

3. Customs. The customs revenue is mainly derived from (1) the general import duty of 5 per cent on the value of the goods, (2) special import duties, such as those on arms, liquor, sugar and petroleum, and (3) an export duty on rice and rice-flour at the rate of 3 annas per maund of unhusked rice. All cotton yarns and thread whether imported or manufactured in India, are free from duty, but a uniform duty of $3\frac{1}{2}$ per cent *ad valorem* is imposed on all woven cotton goods imported from abroad or manufactured in India at power mills. The products of the hand-loom industry are exempted. The Government of India have power to impose countervailing duties on goods (sugar, for instance) which have received a bounty.

4. Stamps. The stamp revenue is derived partly from stamps on commercial papers, such as bonds, cheques, bills of exchange, receipts, and the like; and partly from fees levied by means of stamps on plaints, petitions and other documents filed in courts.

5. Provincial Rates or Cesses. Most of these are imposed on land for local purposes, such as cesses for expenditure on roads, schools, hospitals, canals, village service, patwaris, and the like.

6. The Income Tax. This is what is called a direct tax, that is, a tax paid directly as money. An indirect tax is a tax imposed on goods, such as a tax on salt or liquor or cotton goods. Every person who purchases a taxed article really pays a tax, for the price is higher by reason of the tax imposed on it. The tax being included in



price is not paid directly and separately as a tax, in the form of money. A poll-tax is a direct tax because it has to be paid directly as tax in the form of money. A license tax is of the same description. An income-tax is also a direct tax because it has to be paid directly in the form of money by the person who receives a taxable income, or a deduction is made from the amount of the income by the person who gives it. In purchasing taxed salt a person is not conscious that he is paying a tax, and in such a case he is said to pay an indirect tax.

Income derived from salaries and pensions, or from interest on securities, if amounting to Rs. 2,000 per annum, should pay 5 pies in the rupee, and if less than Rs. 2000, 4 pies in the rupee. Companies have to pay 5 pies in the rupee on their net profits. Income derived from other sources should pay according to a graded scale. All incomes of less than Rs. 1,000 a year are exempted from payment of the tax. The tax is not levied on profits or incomes derived from agriculture, or on military salaries of less than Rs. 6,000 a year.

7. Fees for the registration of instruments. These constitute a small source of income.

The chief heads of state expenditure, are as follows.

1. Civil Departments. These include (1) General Administration, (2) Courts of Justice, (3) Police, (4) Marine, (5) Education, (6) Medical, (7) Political, (8) Ecclesiastical, (9) Minor Departments, such as the Survey of India, the Botanical and Geological surveys, the Meteorological and other scientific departments, experimental cultivation, emigration and various other heads.

The charge for general administration represents the cost of the whole administration down to the grade of Commissioners of Divisions. It includes charges in England and in India on account of the Secretary of State, the Viceroy, the Governors, Lieutenant-Governors, Councils &c.

2. Miscellaneous Civil Charges. These include territorial and political pensions, stationery and printing, &c.

3. The Post Office, Telegraphs, and the Mint.

4. Irrigation.

5. Civil Works. These include mainly roads and buildings.

6. Interest on the Public Debt. The Public Debt includes an Ordinary Debt and a Public Works Debt or Debt which is incurred for constructing or carrying on Public Works.

7. Military Expenditure. This includes the cost of maintaining the army and carrying out military works.

8. Extraordinary Charges. These include :

(1) Military operations.

(2) Special defences.

(3) Famine relief.

(4) Construction of railways from revenue.

(5) Construction of railways and irrigation works from the famine insurance grant.

What are called Home Charges have already been included under some of the heads enumerated. The greater part of them consists of payments on account of capital and materials supplied by England, and belong to a commercial rather than an administrative class of transactions.



A portion represents furlough and pension payments ; other chief items are : Railway revenue account ; interest and management of debt ; stores ; army effective charges ; civil administration ; marine.

Final responsibility for the control of the finances of India has been placed by Parliament on the Secretary of State in Council. The Secretary of State has delegated to the Government of India large powers under which it can sanction fresh expenditure and create new offices of minor importance. In cases of emergency there is practically no limit to the financial powers which the Government of India exercises.

An efficient system of public accounts and of strict financial control throughout India was established in 1860 by Mr. James Wilson, the first financial member of the Governor General's Council under the Crown. The whole of the revenues from all the provinces of British India were treated as belonging to a single fund, expenditure from which could be authorised by the Governor-General in Council alone. The Provincial Governments were allowed no discretion in sanctioning fresh charges.

This system was found extremely inconvenient and to remedy its defects Lord Mayo in 1871 introduced the system of making a fixed grant to each Local Government for the administration of the Provincial services, requiring it to provide for any additional expenditure by the exercise of economy and the imposition, where necessary, of local taxes. This system has been known as financial decentralisation. The revenues from land, stamps, excise, assessed taxes and some minor sources, are shared



in varying proportions between the Imperial and Provincial Governments. Revenues from all the other larger sources are appropriated exclusively for imperial purposes. An arrangement is made under which each Provincial Government receives for a specified term, usually for five years, certain revenues from which it has to meet certain charges. These charges have to be incurred, generally, in respect of civil administration, collection of land revenue, courts of justice, jails, police, education, medical services, civil buildings and roads, and several other heads. The Local Governments have the power to manage the revenues assigned to them; they get the benefit of any economies they may effect; and they receive either the whole or a share of any increase of revenue that may arise during the period of the arrangements.

India pays no tribute to England; nor, on the other hand, does she receive any financial aid from England in the administration of her concerns. The entire cost of the maintenance of the Indian Empire,—including the cost of the British army by which India is garrisoned, and the charges for the India Office,—is borne by India herself.

In Bengal, the United Provinces, and Madras, the revenue departments are administered, under the Local Government, by a Board of Revenue. In Bengal the Board consists of two members. In the Panjab and Burma, functions of the Board are exercised by a single officer called the Financial Commissioner. There is now a separate Board for Eastern Bengal and Assam.



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CHAPTER VII.

THE NATIVE STATES.

Native States—Their number, character and origin—How classified—Powers and duties of the British Government—Authority of Native States how limited—Doctrine of Lapse—Abandonment of the principle—Arrangements in case of failure of heirs of native ruler.

The expression 'India' includes not only the territories comprised in British India, that is to say, the territories governed by the Crown through the Governor-General of India or any officer subordinate to him, but also the territories of Native Princes or Chiefs under the suzerainty of His Majesty. The number of Native States, as these latter territories are called, is, at the present day nearly 700. Their area and population, according to the latest Census Report, have been given in an earlier part of the book. The phrase 'Native States' is apt to convey the idea that they are Indian nationalities existing in the midst of a great foreign dominion. "No supposition" says Sir John Strachey, "could be more contrary to fact. When, after the death of Aurangzib in 1707, Moghal empire was breaking up, a scramble ensued for the fragments, and this lasted through the greater part of the eighteenth, and the earlier part of the nineteenth century. The chief competitors during the struggle were the Marathas, the Mohammedan powers of southern India, and the English. The larger share of gain fell to the English, but the other competitors had no better titles than our own. All alike were foreigners



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in the countries for which they were contending." "It would be easy to prove," says Sir Alfred Lyall, "that one important reason why the English so rapidly conquered India was this, that the countries which fell into our hands had no nationalities, no long-seated ruling dynasties or ancient aristocracies, that they had, in fact, no solid or permanent organisation of the kind. * * * On the other hand, where indigenous political institutions of long standing still exist, it is the English who have saved them from destruction."

Native States may be broadly divided into three classes, namely, first, States in direct political relations with the Government of India; second, States under Agents to the Governor-General; third, States in political relations with Local Governments.

The States comprised in the first group are the most important. They are (1) Nepal, (2) Hyderabad, (3) Mysore, (4) Baroda, (5) Kashmir and Jammu.

Nepal stands by itself. It is independent in respect to its internal administration. Its foreign relations are, however, controlled by the Government of India; it is bound to receive a British resident; and it cannot take Europeans into its service without the sanction of the Government of India.

The states comprised in the second group are next in importance and are classed under three Agencies, namely (1) the Central India Agency, (2) the Rajputana Agency, and (3) the Beluchistan Agency. The most important of the States included in the first Agency are Gwalior, Indore, Bhopal and Rewa. The best known of the States



included in the second Agency, are Udaipur (Mewar), Jaipur, Jodhpur (Marwar), Bharatpur, Bikaner, Alwar and Dholpur. The total number of States included in all the Agencies is 170.

The minor States, and they are the largest in number are included in the third group. The more important of those under the Government of Bengal have been Sikkim, Cooch-Bihar, Hill Tippera, Bhutan and Mayurbhanj. Hill Tippera has now been transferred to the new Province of Eastern Bengal and Assam.

In the case of every Native State the British Government, as the paramount power,—

- (1) exercises exclusive control over the foreign relations of the State ;
- (2) assumes a general, but limited, responsibility for the internal peace of the State ;
- (3) assumes a special responsibility for the safety and welfare of British subjects resident in the State ; and
- (4) requires subordinate co-operation in the task of resisting foreign aggression and maintaining internal order.

A native State has not any international existence. It cannot make war. It cannot enter into any treaty, engagement, or arrangement with any of its neighbours. It cannot initiate or maintain diplomatic relations with any foreign Power in Europe, Asia, or elsewhere.

The British Government have the power to maintain and it is their duty to maintain peace and order in the territories of Native States. They practically give a guarantee to a Native ruler against the risk of being dethroned by insurrection ; and this involves a similar guarantee to his subjects against intolerable mis-government.



The supremacy of the British Government over all the Native States in India was declared in 1877, in a more emphatic form than it had received before, by the assumption by Queen Victoria of the title of Kalsar-i-Hind, Empress of India.

Lord Dalhousie had adopted and enforced what was called the "doctrine of lapse," that is, the principle that where a Native prince died without a natural heir, his territory should lapse, and the British Government should take possession of it, and no adopted son should be permitted to succeed. This principle was abandoned after the Mutiny of 1857. On the occasion of that terrible crisis the Native States all remained faithful. Lord Canning observed: "These patches of Native Government served as a breakwater to the storm which would otherwise have swept over us in one great wave." Before Lord Canning left India a *sanad* was issued to each of the principal Hindu chiefs, assuring him, in the name of the Queen, that on failure of natural heirs, the British Government would recognise any adoption of a successor made by himself or by any future chief of the State, in accordance with Hindu law or the customs of his race. The Mohammedan chiefs received assurances that every form of succession allowed by Mohammedan law to be legitimate would be recognised by the Government. From the principle thus laid down there has been no departure. Where there has been no adoption the British Government select a successor, and in a case of minority they make arrangements for the proper conduct of the administration.