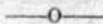


duty towards prisoners, and little progress has been made so far in the formation of Prisoners' Aid Societies. A Commission of inquiry was appointed in 1919 to report on the whole system of prison administration in India. It advocated many Reforms, but for the present they have not been introduced owing to financial stringency.

Besides imprisonment, the Indian Criminal Law provides another punishment, *viz.*, Transportation. At the present time the only penal settlement for this purpose is Port Blair in the Andaman.

## CHAPTER VIII.

### The Church in India.



## PART X.

### Ecclesiastical Establishment.

115. (1) The Bishops of Calcutta, Madras and Bombay have and may exercise, within their respective dioceses such episcopal functions, and such ecclesiastical jurisdiction for the superintendence and good Government of the ministers of the Church of England therein, as His Majesty may, by letters patent, direct. His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of the Episcopal functions and ecclesiastical jurisdiction of the bishop during a vacancy of any of the said sees or the absence of the bishop thereof.

(2) The Bishop of Calcutta is the Metropolitan Bishop in India, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury, and as metropolitan shall have, enjoy, and exercise such ecclesiastical jurisdiction and functions as His Majesty may by letters patent direct. His Majesty may also by letters patent make such provision as may be deemed expedient for the exercise of such jurisdiction and functions during a vacancy of the See of Calcutta or the absence of the bishop.

(3) Each of the bishops of Madras and Bombay is subject to the Bishop of Calcutta as such Metropolitan, and must at the time of his appointment to his bishopric, or at the time of his consecration as bishop, take an oath of obedience to the Bishop of Calcutta, in such manner as His Majesty, by letters patent, may be pleased to direct.

(4) His Majesty may, by letters patent, vary the limits of the dioceses of Calcutta, Madras and Bombay.

(5) Nothing in this Act or in any such letters patent as aforesaid shall prevent any person who is or has been bishop of any diocese in India from performing episcopal functions, not extending to the exercise of jurisdiction, in any diocese or reputed diocese at the request of the bishop thereof.

116. [*Power to admit to holy orders.*].—Rep. by Sch. II of 6 & 7, Geo. 5, Ch. 37.

117. If any person under the degree of bishop is appointed to the bishopric of Calcutta, Madras or Bombay, being at the time of his appointment

resident in India, the Archbishop of Canterbury, if so required to do by His Majesty by letters patent, may issue a commission under his hand and seal, directed to the two remaining bishops, authorising and charging them to perform all requisite ceremonies for the consecration of the person so to be appointed.

118. (1) The bishops of Calcutta, Madras and Bombay are appointed by His Majesty by letters patent and the archdeacons of those dioceses by their respective diocesan bishops, and there may be paid to them, or to any of them, out of the revenues of India, such salaries and allowances as may be fixed by the Secretary of State in Council; but any power of alteration under this enactment shall not be exercised so as to impose any additional charges on the revenues of India.

(2) The remuneration fixed for a bishop or archdeacon under this section shall commence on his taking upon himself the execution of his office, and be the whole profit or advantage which he shall enjoy from his office during his continuance therein, and continue so long as he exercises the functions of his office.

(3) There shall be paid out of the revenues of India the expenses of visitations of the said bishops, but no greater sum may be issued on account of those expenses than is allowed by the Secretary of State in Council.

119. (1) If the Bishop of Calcutta dies during his voyage to India for the purpose of taking upon himself the execution of his office, or if the Bishop of Calcutta, Madras or Bombay dies within six months after his arrival there for that purpose, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, such a sum of money as will, with the amount received by or due to him at the time of his death on account of salary, make up the amount of one year's salary.

(2) If the Bishop of Calcutta, Madras or Bombay dies while in possession of his office and after the expiration of six months from his arrival in India for the purpose of taking upon himself the execution of his office, the Secretary of State shall pay to his legal personal representatives, out of the revenues of India, over and above the sum due to him at the time of his death, a sum equal to six months' salary.

120. His Majesty may, by warrant under the Royal Sign Manual, countersigned by the Secretary of State, grant, out of the revenues of India, to any Bishop of Calcutta a pension not exceeding fifteen hundred pounds per annum if he has resided in India as Bishop of Calcutta, Madras or Bombay or archdeacon for ten years, or one thousand pounds per annum if he has resided in India as Bishop of Calcutta Madras or Bombay for seven years, or seven hundred and fifty pounds per annum if he has resided in

India as Bishop of Calcutta Madras or Bombay for five years, or to any Bishop of Madras or Bombay a pension not exceeding eight hundred pounds per annum if he has resided in India as such bishop for fifteen years.

121. His Majesty may make such rules as to the leave of absence of the Bishops of Calcutta, Madras and Bombay on furlough or medical certificate as seem to His Majesty expedient.

122. (1) Two members of the establishment of Chaplains maintained in each of the presidencies of Bengal, Madras and Bombay must always be ministers of the Church of Scotland, and shall be entitled to have, out of the revenues of India, such salary as is from time to time allotted to the military chaplains in the several presidencies.

(2) The ministers so appointed chaplains must be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh, whose judgments shall be subject to dissent, protest and appeal to the Provincial Synod of Lothian and Tweeddale and to the General Assembly of the Church of Scotland.

123. Nothing in this Act shall prevent the Governor-General in Council from granting, with the sanction of the Secretary of State in Council, to any sect, persuasion or community of Christians, not being of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

## • COMMENTS.

### **Ss. 115-123 (both inclusive.)**

The East India Company were originally opposed to any settlement of Missionaries in India, partly because they feared the action of the missionaries would give offence to the native population, by their proselytising zeal, and partly because they regarded missionaries as the forerunners of all insubordination among their subjects. It was not till 1813 that permission was first given by the Charter Act of that year for missionaries to settle in India, and to carry on such educational and other activities as they chose. By the same

Act three bishops were appointed for the cities of Calcutta, Madras and Bombay ; and these provisions were confirmed by the Charter Act of 1833. The present Act retains those provisions. Hence the bishops only of the three Presidency Towns are appointed under an Act of Parliament, the remaining bishops for the Dioceses, of Lahore or Nagpur, for instance are appointed by letters patent,

In the ordinary acceptance of the term, there is no established Church in India. An Ecclesiastical Establishment is maintained for providing religious ministrations, primarily, to British troops, secondarily to the European civil officials of Government and their families. Seven out of the eleven **Anglican Bishops** in India are officers of the Establishment, though their episcopal jurisdiction is much wider than the limits of the Ecclesiastical Establishment. The stipends of the three Presidency Bishops are paid entirely by Government, and they hold an official status which is clearly defined. The Bishops of Lahore, Lucknow, Nagpur, and Rangoon draw from Government the stipends of Senior Chaplains only ; but their episcopal rank and territorial titles are officially recognised. The Bishops of Chota Nagpur, Tinnevely, Madura, Travancore, Cochin, Dornakal and Assam are not on the Establishment. The new Bishopric of Assam was created in 1915. In its relations with Government it is subordinate to the see of Calcutta. But the maintenance of the Bishopric is met entirely from voluntary funds.

The **ecclesiastical establishment** includes four denominations—Anglican, Scottish, Roman Catholic and Wesleyan. Of these, the first two enjoy a distinctive position. in that the Chaplains of those denominations (and, in the case of the first-named, the Bishops) are individually appointed by the Secretary of State and rank as gazetted officers of Government. Throughout the Indian Empire there are 134 Anglican and 18 Church of Scotland chaplains whose appointments have been confirmed. The authorities in India of the Roman Catholic church receive block-grants from Government for

the provision of clergy to minister to troops and others belonging to their respective denominations. The Wesleyan Methodist Church has a staff of military chaplains in India who receive a fixed salary from Government, and 25 chaplains working on a capitation basis of payment by Government. Churches of all four denominations may be built, furnished and repaired, wholly or partly at Government expense.

In the Anglican Communion a movement towards **Synodical Government** was making great progress, when, in the course of the year 1914, serious legal difficulties were encountered. The Bishops were advised that their relations with Canterbury and the Crown precluded the establishment of synods on the basis adopted by the Anglican Church in America, Japan, South Africa, and other countries, where it is not established by the State. It is stated that in course of time those relations may be modified so as to admit of the establishment of synodical government in India. Meanwhile Diocesan Councils are being adopted as a make-shift measure. These Councils possess synodical characteristics, but are devoid of any coercive power.

So far as the European and Anglo-Indian communities are concerned, the activities of the Church are not confined to public worship and pastoral functions. The **education** of the children of those communities is very largely in the hands of the Christian denominations. There are a few institutions such as the La Martinière School, on a non-denominational basis; but they are exceptional. In all the large centres there exist schools of various grades as well as orphanages, for the education of Europeans and Anglo-Indians under the control of various Christian bodies. The Roman Catholic Church is honourably distinguished by much activity and financial generosity in this respect. Her schools are to be found throughout the length and breadth of the Indian Empire; and they maintain a high standard of efficiency. The Anglican Church comes next, and the American Methodists have established some excellent schools in the larger



hill stations. The presbyterians are also well-represented in the field, particularly by the admirable institution for destitute children at Kylimpong, near Darjeeling. Schools of all denominations receive liberal grants in aid from Government, and are regularly inspected by the Education Departments of the various provinces. Thanks to the free operation of the denominational principle and its frank recognition by Government, there is no religious difficulty in the schools of the European and Anglo-Indian communities."

The maintenance, at public expence, of an Established Church, whose ministrations serve hardly one in 10,000 souls in India, while the corresponding activities of other more important religions in the country go all but unrecognised at the hands of the state, is a feature of the present administration that can in no way be commended. Its weakness is recognised by the present Act having specifically withdrawn the Ecclesiastical charges from the competence of the Indian Legislative Assembly in voting the Budget; for it is an indirect admission of the unsuitability of the charge. It would be but a mere act of justice if the Government in India becomes entirely secular.

## APPENDIX

### PART XI.

#### Offences, Procedure and Penalties.

124. If any person holding office under the Crown in India does any of the following things, that is to say:—

- (1) if he oppresses any British subject within his jurisdiction or in the exercise of his authority; or.
- (2) if, except in case of necessity, the burden of proving which shall be on him, he wilfully disobeys, or wilfully omits, forbears or neglects to execute, any orders or instructions of the Secretary of State; or
- (3) if he is guilty of any wilful breach of the trust and duty of his office; or
- (4) if, being the Governor-General, or a governor, lieutenant-governor or chief commissioner, or a member of the Executive Council of the Governor-General or of a governor or lieutenant-governor, or being a minister appointed under this Act, or being a person employed or concerned in the collection of revenue or the administration of justice, he is concerned in, or has any dealings or transactions by way of trade or business in any part of India, for the benefit either of himself or of any other person, otherwise than as a shareholder in any joint-stock company or trading corporation; or
- (5) if he demands, accepts or receives, by himself or another, in the discharge of his office, any gift, gratuity or reward, pecuniary or otherwise, or any promise of the same, except in accordance with such rules as may be made by the Secretary of State as to the receipt of presents, and except in the case of fees paid or payable to barristers, physicians, surgeons and chaplains in the way of their respective professions,

he shall be guilty of a misdemeanour; and if he is convicted of having demanded, accepted or received any such gift, gratuity or reward, the same, or the full value thereof shall be forfeited to the Crown, and the court may order that the gift, gratuity or reward, or any part thereof, be restored to the person who gave it, or be given to the prosecutor or informer, and that the whole or any part of any fine imposed on the offender be paid or given to the prosecutor or informer, as the court may direct:—

Provided that notwithstanding anything in this Act, if any member of the Governor-General's Executive Council or any member of any local Government



was at the time of his appointment concerned or engaged in any trade or business, he may during the term of his office with the sanction in writing of the Governor-General, or in the case of ministers, of the governor of the province, and in any case subject to such general conditions and restrictions as the Governor-General in Council may prescribe, retain his concern or interest in that trade or business, but shall not, during that term, take part in the direction or management of that trade or business.

125. (1) If any European British subject, without the previous consent in writing of the Secretary of State in Council or of the Governor-General in Council or of a local Government, by himself or another:—

- (a) lends any money or other valuable thing to any prince or chief in India; or
- (b) is concerned in lending money to, or raising or procuring money for, any such prince or chief, or becomes security for the repayment of any such money; or
- (c) lends any money or other valuable thing to any other person for the purpose of being lent to such prince or chief; or
- (d) takes, holds, or is concerned in any bond, note or other security granted by any such prince or chief for the repayment of any loan or money hereinbefore referred to,

he shall be guilty of a misdemeanour.

(2) Every bond, note, or security for money, of what kind or nature soever, taken, held or enjoyed, either directly or indirectly, for the use and benefit of any European British subject, contrary to the intent of this section, shall be void.

126. (1) If any person carries on, mediately or immediately, any illicit correspondence, dangerous to the peace or safety of any part of British India, with any prince, chief, land-holder or other person having authority in India, or with the commander, governor, or president of any foreign European settlement in India, or any correspondence, contrary to the rules and orders of the Secretary of State or of the Governor-General in Council or a Governor in Council, he shall be guilty of a misdemeanour; and the Governor-General or governor may issue a warrant for securing and detaining in custody any person suspected of carrying on any such correspondence.

(2) If on examination taken on oath in writing of any credible witness before the Governor-General in Council or the Governor in Council, there appear reasonable grounds for the charge, the Governor-General or Governor may commit the person suspected or accused to safe custody, and shall, within a reasonable time, not exceeding five days, cause to be delivered to him a copy of the charge on which he is committed.

(3) The person charged may deliver his defence in writing, with a list of such witnesses as he may desire to be examined in support thereof.

(4) The witnesses in support of the charge and of the defence shall be examined and cross-examined on oath in the presence of the person charged and their depositions and examination shall be taken down in writing.

(5) If, notwithstanding the defence, there appear to the Governor-General in Council or Governor in Council reasonable grounds for the charge and for continuing the confinement, the person charged shall remain in custody until he is brought to trial in India or sent to England for trial.

(6) All such examinations and proceedings, or attested copies thereof under the seal of the high court, shall be sent to the Secretary of State as soon as may be, in order to their being produced in evidence on the trial of the person charged in the event of his being sent for trial to England.

(7) If any such person is to be sent to England, the Governor-General or governor, as the case may be, shall cause him to be sent at the first convenient opportunity, unless he is disabled by illness from undertaking the voyage, in which case he shall be so sent as soon as his state of health will safely admit thereof.

(8) The examinations and proceedings transmitted in pursuance of this section shall be received as evidence in all courts of law, subject to any just exceptions as to the competency of the witnesses.

127 (1) If any person holding office under the Crown in India commits any offence under this Act, or any offence against any person within his jurisdiction or subject to his authority, the offence may, without prejudice to any other jurisdiction, be inquired of, heard, tried and determined before His Majesty's High Court of Justice, and be dealt with as if committed in the county of Middlesex.

(2) Every British subject shall be amenable to all courts of justice in the United Kingdom, of competent jurisdiction to try offences committed in India, for any offence committed within India and outside British India, as if the offence had been committed within British India.

128. Every prosecution before a high court in British India in respect of any offence referred to in the last foregoing section must be commenced within six years after the commission of the offence.

129. If any person commits any offence referred to in this Act he shall be liable to such fine or imprisonment or both as the court thinks fit, and shall be liable, at the discretion of the court, to be adjudged to be incapable of serving the Crown in India in any office, civil or military; and, if he is convicted in British India by a high court, the court may order that he be sent to Great Britain.

## CHAPTER IX.

### LOCAL GOVERNMENT IN INDIA.

#### I. The Village System.

The subject of local government, though not introduced in the main Act, is yet too important to be left out in any work on Indian administration. The principle of local Government is far too deeply established on the Indian mind to need any historical sketch. In common with the other offshoots of the Aryan race, the Hindus had a form of free local self-government long before they had a centralised state. Every village in ancient India was an autonomous political unit. The officers of the central government, when it came into existence, were content to accept the village collectively as a unit for such of their administrative duties as had reference to the inhabitants of the locality. It was of such villages that Sir Henry Maine speaks in his village communities, which endured in spite of wars and changes of dynasties, in spite of every revolution in the principles of government.

But this old-time independence and autonomy is a thing of the past. The village tribunal of local elders no longer distributes justice, for are there not the King's Courts of Law? The village chaukidar and his assistants are no longer the amateur detectives who traced criminals by their foot-prints and professional watch keepers who went on crying 'Khabar-dar' at every hour of the night, for has not the State established a new police organisation? The village council no longer estimates and assigns the local burdens, for the settlement officer has learnt the value of individual assessment. The powers which made the village organisation effective and efficient have been destroyed by the roads and the railways which would tolerate no isolation, however inoffensive, which would respect no passivity however ancient.

And yet the village remains—even to-day—the first unit of administration. True, the principal village functionaries, the

headman, the accountant, the watchman, have become in ever increasing numbers the subsidised officials of a central government. Their functions in the administration of the village have also been altered by law. Their natural, traditional, independence has been stultified by artificial organisations—such as the Union Panchayets of Madras—which are formed to discharge specific duties. Notwithstanding all this the village endures as a unit of administration.

Even in the “severalty or Raiyatwari” village, where the revenue is collected from individual cultivators, and where there is no joint responsibility of the village as a whole, government is vested in the Patel or Reddi, who is responsible for law and order, and who collects the government dues. In the joint or landlord village a certain amount of collective responsibility still remains. The village site is owned by the proprietary body, where permission is necessary for the settlement in the village of artisans, traders, or others. The waste land belongs to the village, and, when required for cultivation is partitioned among the share-holders. The government of such a village, used to be by a panchayet.

Desiring to rehabilitate this ancient Indian institution of Local Self-Government the Royal Commission on Decentralisation recommended:—

“While, therefore, we desire the development of a panchayet system, and consider that the objections urged thereto are far from insurmountable, we recognise that such a system can only be gradually and tentatively applied, and that it is impossible to suggest any uniform and definite method of procedure. We think that a commencement should be made by giving certain limited powers to panchayets in those villages in which circumstances are most favourable by reason of homogeneous conditions, natural intelligence, and freedom from internal feuds. These powers might be increased

gradually as results warrant, and with success here, it will become easier to apply the system in other villages.

In accordance with this recommendation an Act was passed in 1912 to provide for the establishment of the panchayets in the Punjab. But in that province, the ancient home of the Indo-Aryans, the ideal of village self-government has never been abandoned. Custom has vested the village organisation there even under the present regime of centralisation—with a degree of independence, which is almost unknown in other provinces.

For the country as a whole, the Government of India reaffirmed the policy by their Resolution of May 28, 1915:—

“Where any practicable scheme can be marked out in co-operation with the people concerned, full experiment must be made on the lines approved by the local government or the administration concerned.”

The Joint Report on Constitutional Reforms observes, on this topic:—

“It is recognised that the prospect of successfully developing Panchayets must depend very largely on local conditions, and that the functions and powers to be allotted to them must vary accordingly; but where the system proves a success, it is contemplated that they might be endowed with civil and criminal jurisdiction in petty cases, some administrative powers as regards sanitation and education, and permissive powers of imposing local rates.” (para 196 of the Report).

They leave it, however, to the reformed provincial governments to work out the details of a resuscitated village system by a modernised form of the village panchayet; and, up-to-date, the results have been thus summarised:—

"In the Punjab, U. P. and Bihar experimental measures creating village councils have been set afoot; but in general, the new councils or punchayets have not won universal approval. The explanation may be that the new village councillors [are unwilling to tax themselves even for projects of strictly local utility, or that the powers and functions even now available to the village elders are by no means so extensive or important as to tempt the best local talent to shoulder the task of village improvement."

## II Rural Local Self-Government.

Institutions of rural local self-government on a scale larger than that of a village are of much recent creation. Before 1858 there were no such institutions, though there were some semi-voluntary funds in Madras and Bombay for local improvements, while in Bengal and the United Provinces there were consultative committees to assist the district officers in the use of funds for local schools, roads, and dispensaries. In 1865 Madras led the way by a law to impose cesses on land for such purposes, and Bombay followed the lead in 1869. Two years later came the financial decentralisation scheme of Lord Mayo; and, in consequence, various Acts were passed in the provinces for the levy of rates and the creation of local bodies—here and there with some tinge of the elective principle—to administer those funds. Under Lord Ripon's Resolution of 1882 the existing local committees came to be replaced by local boards extending all over the country. The principle observed in the creation of these boards was that the lowest administrative unit was to be small enough to secure local knowledge and interest on the part of each member of the board; the various minor boards of the district were to be



under the control of a general District Board, and were to send delegates to a District Council for the discussion of measures common to all. The non-official element was to preponderate, and the elective principle was to be cautiously recognised. The resources as well as the responsibilities of the boards should be increased by transferring to them items of provincial revenue and expenditure.

In view of the fact that only 10 per cent. of the population of British India lives in towns, municipal administration, however efficient, cannot affect in any large degree the majority of the people. Particular importance, therefore, attaches in India to the working and constitution of the District Boards; which perform in rural areas those functions which in urban areas are assigned to the municipalities. In almost every district of British India, save the province of Assam, there is a board, subordinate to which are two or more sub-district boards; while in Bengal, Madras, and Bihar and Orissa there are also union committees. The total number of district boards throughout India at large amounts to some 200, while subordinate to them are 532 sub-district boards with more than 1,000 union committees. Leaving aside the union committees, the members of the boards numbered nearly 13,000 in 1919-20, of whom 57 per cent. were elected. During the period under review, as we shall notice, the tendency has been to increase the elected members of the district boards at the expense of the nominated and the official members. In forming a conception of the nature of these boards it is to be remembered that they are practically manned by Indians, who constitute 95 per cent. of the whole membership. Further, they are predominantly non-official, for only 17 per cent. of the total membership of all boards consists of officials of any kind. The total income of the boards in 1919 amounted to Rs. 929 lakhs (£6 millions), the average income of each district board together with its subordinate boards being Rs. 5·2 lakhs (£34,000). The most important item of revenue is provincial rates, which represent a proportion of the total income vary-

ing from 21 per cent. in the Central Provinces to 51 per cent. in Bengal. Other sources of their income are:—

Local rates;

Education fees and contributions;

Medical fees and contributions;

Railways, Irrigation and Navigation receipts;

Police dues; (pounds and ferries);

Civil Works and contributions; and

Miscellaneous receipts from land revenue, interest, public gardens, fairs, exhibitions, &c.

The income is mainly expended upon civil works, such as roads and bridges, the other principal objects of expenditure being medical and sanitary works, and, during the period under review, above all education.

The principal normal functions of these boards are the maintenance and improvement of roads and other communications, education—especially in its primary stages, upkeep of medical institutions, vaccination, sanitation, veterinary work, the charges of pounds and ferries. —They may also be called upon to devote their funds to famine relief.

Their principal heads of expenditure are:—

Education;

Medical and sanitation works;

Civil works including buildings, water-supply, communications and drainage;

General Administration; and

Miscellaneous, which includes cattle pounds, veterinary work, public gardens, fairs and exhibitions.

### III. Municipalities.

The towns of India, now called Municipalities, have had a relatively short, but a fairly prosperous, history. The Presidency towns of Bombay, Calcutta and Madras had received some form of local self-government as early as 1726. In the country at large, no new form of local Municipal institutions was tried before 1842. In that year Bengal got an Act on the subject, but it was found to be useless—and was followed in 1850 by another Act for the whole of British India. Under this Act a number of Municipalities was established, and commissioners were appointed to administer their affairs with power to levy some taxes. Since, however, the commissioners were all nominated, the Act effected no great progress from the point of view of Self-government. With the introduction of a scheme for the decentralisation of finances in 1870 the problem of extending self-governing institutions became more prominent, and between 1871 and 1874 new Municipal Acts were passed extending the elective principle.

It was not, however, till the days of Lord Ripon that local government in India was constituted on a more scientific basis—whether in the town or in the country:—

“It is not primarily with a view to improvement in administration that this measure is put forward and supported. **It is chiefly desirable as an instrument of political and popular education.** His Excellency in Council has himself no doubt that in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow.”

Lord Ripon's Government were quite aware, to quote the same resolution,—that:—

“At starting, there will be doubtless many failures, calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit, upon the

practice of self-government itself. If, however, the officers of Government only set themselves, as the Governor-General-in-Council believes they will, to foster sedulously the small beginnings of independent life; if they will accept loyally and as their own the policy of the Government, and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes, then it may be hoped that the period of failures will be short, and that real and substantial progress would very soon become manifest."

In accordance with the policy thus laid down, Acts were passed by the various local governments, which defined and extended the powers and functions of local self-governing bodies.

#### IV. Presidency Towns.

Taking the Municipalities—the three Presidency Municipalities of Calcutta, Madras and Bombay are the most important. Their constitution and functions vary considerably. Thus in Calcutta the Municipal administration is entrusted to the Corporation, consisting under the Act of 1899 of a chairman nominated by the local government, and 50 Commissioners. Of these 25 are elected at triennial ward elections, while the remaining 25 are appointed as follows:—

The Bengal Chamber of Commerce	...	...	...	4
The Calcutta Trades Association	...	...	...	4
The Port Commissioners	...	...	...	2
The Government of Bengal	...	...	...	15
				<hr/>
				25

Besides the Corporation there is the General Committee, consisting of the Chairman and 12 Commissioners, 4 of whom are elected by the ward Commissioners, 4 by the other Commissioners, and 4 nominated by the local Government. The entire executive power is vested in the Chairman subject to the approval or sanction of the Corporation, or the General Committee. The Corporation fixes the rates of taxation and has other general functions of the kind. The General Committee is a sort of a buffer between the Executive and the Legislative. It deals with those matters which the Corporation as a whole cannot discuss, and which are yet too important to be left to the Chairman alone. The Government of Bengal, also, has the power to command the Corporation to take action under certain circumstances, while its sanction is necessary for undertaking large projects.

In Bombay the Municipal Corporation dates from 1872, and its present form is regulated by the Act of 1888 as amended by the Act of 1922. It consists of 106 councillors, 76 of whom are elected by the wards. The Fellows of the Bombay University elect 1 and 2 more are elected by the Bombay and Indian Chamber of Commerce, while one member is elected by the Bombay Mill owners' Association. The remaining 16 are nominated by the Government and 10 are co-opted by the councillors. Judging from this constitution, the Corporation of Bombay is the most liberal and may well be envied by other towns. The general municipal government is vested in the Corporation, while the ordinary business is transacted by a Standing Committee of 12 Councillors, of whom 8 are appointed by the Corporation and 4 by the Government. The President of the Corporation is elected by that body, but is not, like the Chairman of the Calcutta Corporation, an Executive officer. The chief executive authority is the Municipal Commissioner, who is appointed by the Government, usually an I. C. S.-but is removable by a vote of the Corporation.

In Madras the last Act regulating the Corporation was passed in 1904. Under this Act the number of Municipal Com-

missioners consists of 36 besides the President. Of these 20 may be elected at the divisional election, 3 are nominated by the Madras Chamber of Commerce, and 3 by the Madras Trades Association. The remaining 10 are nominated—2 each by such associations, corporate bodies, or classes of persons as the local government might direct. The President is nominated by the Government, and is the sole executive authority but removable by a vote of 28 Commissioners. A Standing Committee of the President and 8 other Commissioners is mainly concerned with finance and building questions.

Of these constitutions that of Madras is by far the least liberal, while that of Bombay with an elective majority, and elective chairman, and only one nominated official executive officer, with large discretion in administration and large powers of taxation within the limit of the law—the most advanced.

#### **V. Mofussil Municipalities.**

The total number of mofussil municipalities has altered very little in the last 25 years. New municipalities have been formed from time to time, but some also have been removed from the list. In fact between 1902-12 there was a marked decrease, the number in 1911-12 being actually less than 30 years before. This was due to reduction to "notified areas" of a large number of the smaller municipalities in the Punjab and the United Provinces. The "notified areas" are small towns not fit for full municipal institutions, but to which parts of the Municipal Acts are applied, their affairs being administered by nominated committees. Taking the municipalities as a whole, the number of elected members in 1911-12 was rather more than half, while in 1901-2 it was slightly less than half.

At the present time 1919-20 there are some 739 municipalities containing under 18 million people resident within their



limits. Of these municipalities roughly 546 have a population of less than 20,000 persons and the remainder a population of 20,000 and over. As compared with the total population of particular provinces, the population resident within municipal limits is largest in Bombay, where it amounts to 17 per cent., and is smallest in Assam where it amounts to only 2 per cent. In other provinces it varies from 3 to 9 per cent. of the total population. Turning to the composition of the Municipalities, considerably more than half of the total members are elected. Ex-officio members are roughly 12 per cent., and nominated 30 per cent. Elected members are almost everywhere in a majority. Taking all municipalities together, the non-officials outnumber the officials by nearly five to one. The functions of municipalities are classed under the heads of Public Safety, Health, Convenience and Instruction. For the discharge of these responsibilities, there is a municipal income of £ 11.4 millions, nearly two-thirds of which is derived from taxation, and the remainder from municipal property, contributions from provincial revenues, and miscellaneous sources. Generally speaking, the income of municipalities is small, the four cities of Calcutta, Bombay, Madras and Rangoon together providing nearly 38 per cent. of the total. The average income of all municipalities other than the four mentioned above is nearly £ 10,000. The total expenditure of municipalities excluding that debited to the head "extraordinary and debt" amounted in 1919-20 to £ 11.3 millions. The heaviest items of this expenditure come under the heads of "Conservancy" and "Public Works" which amount to 17 per cent. and 14 per cent. respectively. "Water-supply" comes to 9 per cent. "Drainage" roughly to 6 per cent. and "Education" to no more than 8.1 per cent. In some localities the expenditure on education is considerably in excess of the average. In the Bombay Presidency, excluding Bombay City, for example, the expenditure on education amounts to more than 18 per cent. of the total funds, while in the Central Provinces and Berar it is over 15 per cent.

The control of the Government is exercised in a variety of ways. Thus (1) Municipalities cannot borrow without the sanction of the local Government and beyond certain limits. (2) Municipal budgets, and changes in Municipal taxation must also obtain the previous approval of the local Government or of a Divisional Commissioner. (3) Government may provide for the performance of any duty which the Commissioners neglect, and, (4) may suspend them in case of default, incompetence or abuse of power. (5) The sanction of the Government is required for the appointment of certain officers like the Health Officer or the Engineer.\*

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\* It was in accordance with these powers that, during the height of the Non-co-operation agitation, the Government of Bombay suspended in 1922 the Municipalities of Ahmedabad, Surat and Nadiad. And when in 1923 the new Bombay Municipal corporation passed a resolution boycotting the use of British goods in the Municipal works, a strong rumour had got afloat that the Presidency Municipality would itself be suspended. No such eventuality has, however, occurred so far.

The following table gives information as to the constitution of municipal committees, taxation, &c., in the chief provinces in 1919-20:—

	Population* within Municipal Limits.	Number of Municipalities.	Total Number of Members.	By Qualification.			By Employment.		By Race.		Incidence of Municipal Taxation per head.				
				Ex- Officio.	Nomi- nated.	Elected.	Officials.	Non- Officials.	Euro- peans.	Indians.					
<i>Presidency Towns.</i>													£	s.	d.
Calcutta	861,501	1	50	...	25	25	3	47	18	32	1	3	10		
Bombay	979,445	1	72	...	16	56	6	66	17	55	1	12	9		
Madras	5,18,660	1	49	...	19	30	2	47	10	39	0	10	4		
Rangoon	284,935	1	25	1	6	18	2	23	12	13	1	5	2		
<i>District Municipalities.</i>															
Bengal	1,973,799	114	1,593	81	518	994	169	1,424	123	1,470	0	5	9		
Bihar and Orissa	1,190,318	58	817	135	198	484	141	676	87	730	0	3	2		
Assam	135,637	25	250	40	87	123	48	202	29	221	0	5	7		
Bombay and Sind	2,381,064	157	2,311	311	750	1,250	377	1,934	81	2,230	0	7	2		
Madras	2,293,948	73	1,082	98	316	668	138	944	68	1,014	0	4	0		
United Provinces	2,984,773	84	1,055	52	105	898	76	979	72	979	0	4	8		
Punjab	1,626,506	101	1,178	221	352	605	241	(a) 936	77	(b) 1,099	0	7	0		
N. W. Frontier Province	141,928	6	117	34	83	...	34	83	15	102	0	11	2		
Central Provinces and Berar	921,257	59	816	21	281	544	144	672	43	773	0	5	9		
Burma	706,029	46	589	172	295	122	192	397	105	484	0	5	8		

(a) There was 1 vacancy during 1919-20.

(b) There were 2 vacancies during 1919-20.

## VI. Municipal Functions and Finance.

Municipal functions are classified under the heads of public safety, public health, public convenience and public instruction. Under these four heads the duties of the municipalities are many and varied. The chief of these are;—(a) the construction, maintenance, and lighting of streets and roads; (b) the provision and up-keep of public and Municipal buildings; (c) preservation of public health by medical relief, vaccination, sanitation, drainage, water-supply and measures against epidemics; (d) public instruction, chiefly of an elementary description.

Municipal revenues are derived from four main sources: taxation, municipal property, Government subventions and public borrowing. Of these the last is permitted under certain restrictions as to the previous sanction of the Government, specific security to the lender and the amount. Generally speaking, excluding the Presidency towns, municipalities borrow from the Government. Municipal loans, therefore, though not unknown in India, cannot be said to be of the same importance here as they are in some European countries. In those countries, the idea of Municipal trading has been carried so far that the municipalities supply not only light and water, but also bread and meat, wine and milk, amusement in the dancing house, the race-course, the lottery office and even the municipal restaurants. They build houses for their citizens on land owned by themselves, cultivate fields for procuring the raw material, work forests and mines for their profit, own baths and spas, hotels and boarding-houses, serve as tourist agencies, receive, and invest their money, act as educator, doctor and research student. In India on the other hand the utmost activity of the municipalities is confined to providing indifferently clean and irregularly copious water and some slight drainage works. While the western municipalities need large funds which they procure without hesitation by borrowing, to carry on their vast and multifarious activities, Indian town governments whenever they desire to borrow a small loan are viewed with suspicion by the Government.

Being restricted in borrowing, they cannot have the same extent of municipal property which is so common in the west. Their utmost possessions are a market, a few school buildings, a slaughter-house, and in rare cases profitable water-works or a town-hall. Picture-galleries and museums, zoological gardens and libraries, tram-lines or lighting plant, or theatres are all conspicuous by their absence or rarity in India as municipal undertakings. Hence the item of their revenues from their own property is also very insignificant.

Of the two remaining items Government subventions are as degrading to the municipalities as they are unprofitable to the central government. And yet they are by no means an insignificant item. For the municipalities to be dependent on Government aid is to sacrifice their independence. For such aid will not of necessity be granted without humiliating conditions. Not that there is no room for the subvention from the central authority. Undertakings like the provision of secondary education—or even compulsory primary education—which are of universal importance—may fitly be maintained at a high level by central assistance, as also the Police force. But in such cases the aid would be claimed and obtained under conditions prescribed once for all for every local body without discrimination. Such aid is both legitimate and necessary. But the aid which is given to each municipality on the merits of each case necessarily results in making it weaker and more dependent every day. The restriction in practice upon Indian municipalities as regards borrowing in the public market may have a political justification in the expediency of maintaining unimpaired the credit of the central Government. But it does result also in a complete and perpetual tutelage of the municipality—so hostile to the development of really beneficent civic spirit and civic pride.

As regards taxes, tolls and fees the most important are:—

- (a) Taxes on arts, trades, callings, professions etc.
- (b) Taxes on buildings, lands and holdings.

- (c) Taxes on water, drainge, sewage, conservaney, etc.
- (d) Taxes on vehicles, boats, palanquins, animals etc.
- (e) Taxes on property.
- (f) Taxes on private menials and domestic servants.
- (g) Taxes on private markets.
- (h) Octroi on animals, or goods or, both within town limits.
- (i) Tolls on vehicles and animals entering the town limits.
- (j) Fees on registration of cattle sold within town limits.

The resolution of the Government of India, dated 28th April 1915, from which the above have been taken goes on to add, "The taxes provided for in the acts vary, however, in the different provinces, and not all these taxes are actually levied in any one province. Any tax, other than those specified in the acts, which is proposed to be levied, ordinarily requires, and should continue to require, the sanction of the Governor-General in Council. The most important taxes now in force are octroi duties, levied principally in Bombay, the United Provinces, the Punjab, the Central Provinces, the North West Frontier Province, and the tax on houses and lands which holds the chief place in other provinces as well as in Bombay City." The right of taxation within municipal limits is granted subject to the approval and sanction of the Government of India in every case of a new tax.

Of the taxes the octroi duties are most important wherever they obtain. They have their own merits and defects. They are familiar to the people, are likely to grow with the prosperity of the town, and, being collected in small amounts, are not felt as burdens. On the other hand they undoubtedly



furnish occasion for fraud and oppression, are very expensive to collect, and, lastly, they are likely to degenerate into mere transit duties and so obstruct trade, in spite of the provisions for refunds. Attempts have been made to substitute these duties by some form of direct taxation or by a terminal tax in the United Provinces. The Government of India have approved these attempts on condition that the rate of such a terminal tax is lower, that there are conditions which make such a tax specially inevitable, and that it is meant to effect the transition from a system of indirect to that of direct taxation. Where the octroi tax prevails precautions are taken to confine the tax only to those articles actually consumed in the town. The articles so taxed are generally commodities of local consumption *e. g.* the articles of food. Taxes on land and houses, trades and profession, animals and vehicles, water dues and road tolls, lightening charges and conservancy rates are more by way of variety than as important sources of revenue.

As regards municipal expenditure it corresponds necessarily to municipal functions. The one item of expenditure which is connected with no single specific function is the item of general administration and collection. These amount to something less than 10 per cent. Municipalities have in every case been relieved of the Police charges, while in case of famine relief, or extraordinary epidemics, their responsibility is shared also by the State. The construction of light railways—whether a privilege or a burden—will be noted later on.

#### **VII. General Principles of the Development of Municipal Institutions.**

The whole subject of the Urban Local Government in India was thoroughly examined by the Royal Commission on Decentralisation (1909), and various recommendations were made. They may be summarised as follows :—

(a) Municipal boards should be constituted on the basis of a substantial elective majority, nominated members being limited to a number sufficient to provide the due representation of minorities, and official experience. On this point the Government of India—six years after the Commission had reported—accepted the principle.

(b) Municipal chairmen should be elected non-officials. Government officers should not be allowed to stand for election, and only where any other chairman but a nominated chairman would be impossible should they be allowed a chance. This principle, also, is accepted by the Government of India, though they would like to leave to the local Governments the discretion to nominate non-official chairmen.

(c) The Bombay system of an elected chairman, acting as the official mouthpiece of the Corporation, with a full time nominated official entrusted with the executive, subject to the control of the Corporation and its Standing Committee, should be adopted every where in the Presidency municipalities. One wonders why the Government of India, if they really desired to liberalise municipal government, should have demurred to this suggestion.

(d) The functions of municipalities need an all round extension, and, consequently, also their finances. We find indications and proofs that municipal trading on a large scale is not only profitable to the municipality itself, but beneficial to the citizens individually, both in the cheapness of the service rendered as well as in the wholesomeness of the article supplied, wherever that system is adopted. But the commission above referred to did not find it within the scope of their reference to make a specific recommendation on the subject; and in the absence of such recommendation the Government of India can hardly be blamed for not incorporating it in their famous resolution.

### VIII. General Critique of Local Self-Government in India.

At the very commencement of their resolution of May 28, 1915, the Government of India remark: "The results have on the whole justified the policy out of which local self-government arose. The degree of success varies from province to province and from one part of a province to another, but there is definite and satisfactory evidence of the growth of a feeling of good citizenship, particularly in the towns. The spread of education is largely responsible for the quickening of a sense of responsibility and improvements in the machinery. In certain provinces beneficial results have followed the elaboration of a system of local audit. On all sides there are signs of vitality and growth." But the same resolution goes on to say, "The obstacles in the way of realising completely the ideals which have prompted action in the past are still, however, by no means inconsiderable. The smallness and inelasticity of local revenues, the difficulty of devising further forms of taxation, the indifference still prevailing in many places towards all forms of public life, the continued unwillingness of many Indian gentlemen to submit to the troubles, expense and inconveniences of election, the unfitness of some of those whom these obstacles do not deter, the prevalence of sectarian animosities, the varying character of Municipal area—all these are causes which cannot but impede the free and full development of local self-government."

Even apart from these obstacles, however, the progress of self-government in India has been impeded for other reasons. (1) In the first place all these institutions are new in India, in spite of the fact that India was not unfamiliar with self-government in the past. They are really an attempt to familiarise the country with institutions which have had the most marked success in England. The old indigenous local institutions of India—like the famous, almost immortal village-community—have been abandoned and superseded, if not altogether suppressed; and progress is sought to be achieved on unfamiliar lines. The new institutions were established suddenly and

such success as they have achieved is due to the now rapidly growing consciousness of local interests among the people, and not to any intrinsic merits of the institutions themselves.

(2) The scope for self-government, whether in the municipalities or in the rural areas, is very limited, quite in conformity with the character of these institutions as experiments in self-government. The principle adopted in India is to leave to these institutions such functions as would ensure interest as well as knowledge on the part of the members. But the functions themselves, however important they may sound in the West, are either novel or limited and restricted so much as to preclude the possibility of genuine interest. The class of citizens who can and will participate in local affairs is not only limited; but among them the necessary knowledge and experience is wanting. If the functions were enlarged, possibly, they would attract a larger class with more knowledge and more brains. Perhaps it is the limited extent of Self-government allowed, more than any other factor, which can explain the want of interest displayed by the municipal public of even such a large and wealthy city as Calcutta. Seldom has the contest there been so keen as the elections for the London County Council or even that which Bombay witnessed during the famous Caucus elections.

(3) The limited scope allowed to the principle of election may also explain in part the lack of adequate interest on the part of the native public. In the old Indian institution there was literally self-government when all the villagers voted on the questions affecting all. In the new institutions there is not even a full representative government. The presence of a fairly large proportion of officials in these councils, and the domination of the official presidents tend towards apathy among the able, want of independence among the incompetent, and the routine for the rest.

(4) The financial resources of these bodies are narrowly circumscribed. Besides, they must all depend upon Govern-

ment aid to eke out their expenses. Government contributions being naturally dependent on the action of the local bodies being approved of by the Provincial Government, they are inevitably under official leading strings. Government control, whether by way of Budget restrictions or approval for new undertakings or new officers, though slightly relaxed, is not yet so modified as to permit a free development.

## CHAPTER XII.

### THE INDIAN ARMY.

#### I. History of the Indian Army.

The great Indian army of to-day had the most modest beginning in the guards enrolled for the defence of the treasuries and factories of the East India Company at Surat, Masulipatan, Armagam, Madras, Hoogly &c. The Native army of India proper may be said to have begun in 1748, when Major Stringer Lawrence, the "Father of the Indian army," following the example set by the French, enrolled some sepoys for fighting the French and their native allies. The army thus begun fought many a pitched battle in the service of the "Company Bahadur", defeated one after another their own countrymen, who had not the advantage of the officers and equipment that the Company's sepoy had, and carried the flag of the Company from the Hoogly to the Jumna, from the Jumna to the Setlej, from the Setlej to the Kabul, reversing the tide of invasions for centuries past, and conquering the conquerors of India. The fidelity of the Indian soldiers to the Company for more than a century was unbroken by any serious rebellion; and the fact is all the more remarkable when we remember that in the same period they had fought some of the hardest battles for the Company with always a very small proportion of the English soldiers to aid or to overawe them; when in the same period the English section of the army, both officers and men, had been guilty of more than one rebellion, in more than one centre, for quite selfish reasons; and when we remember that all through that period they were serving an impersonal master, different from them alike in race, religion, and language. And even in the great rising of 1857, the disaffected soldiers of the Company revolted not for any personal selfish reason, as their European comrades had done in the past, but for safeguarding their caste and their religion, which, they honestly, though erroneously, believed were in



danger. Even in the Mutiny of 1857, not the whole army had rebelled; there were none braver in the attack on Delhi than the Sikhs from the Punjab, and the native cavalry under Sir Hugh Rose was second to none in putting down the mutineers in Central India.

The armies of the Company were organised on a definite principle for the first time in 1796, each Presidency having an independent, self-contained army of its own. The European troops numbered 13000 and the native soldiers 54000. The strength of the army as fixed in 1796 was continually increased all through the period ending in the Mutiny of 1857. On the eve of the Mutiny the army in India consisted of 39,500 British soldiers, including 2686 cavalry, 6769 artillery, and 30,045 infantry; and 311,038 sepoys, including 37,719 cavalry, 11,256 artillery, 3,404 sappers and miners, 211,926 infantry. Thus the native army was as 8 : 1 of the European force. After the Mutiny two important questions had to be decided by the Government of India: *first* the form of the European army for service in India; *secondly* reconstruction of the Native army. As to the first there were two opinions. Lord Canning, the Viceroy, proposed a local European army, entirely at the disposal of the Government of India, as not only more economical, but politically more advisable. On the other hand it was suggested that the British army should be a truly imperial army, whose interests should in no way be divided by their having to serve two masters, and whose traditions would be impaired if any section of it was to be permanently localised in India. Just at that time there occurred what was known as the "White Mutiny," on account of the European troops objecting to being transferred to the Crown without their wishes in that respect being first considered: and the advocates of a local army were once for all placed in a hopeless minority. It was accordingly decided that the European army of the Company should be transferred to the Crown, the infantry becoming regiments of the line, and the artillery being amalgamated with the Royal

Artillery and Royal Engineers. It was further laid down that this British force should be maintained at a strength of 80,000, and that the native troops should not exceed it by more than two to one in Bengal, and more than three to one in the other Presidencies. The native regiments were to be recruited by general mixture of all classes and all castes. The army as thus reorganised underwent no radical change beyond slight variations in the total strength, except the introduction of the Short Service System of Lord Cardwell, all through the remaining years of the century. The Simla Army Commission of 1879-80 presided over by Sir A Eden, and assisted by the late Lord Roberts, had defined the objects of the army in India to be : (a) preventing or repelling attacks or threatened aggression from enemies beyond the border, and (b) making successful armed disturbance or rebellion, in British India or feudatory states impossible. The same authority prescribed the strength of the Indian army to be such as would suffice to meet the combined forces of Afghanistan allied with Russia against India. To the strength, however, so fixed in 1880, substantial additions were made in 1886-7 in the fever of the Russian scare of the day. But a more serious question of organisation, and control cropped up in 1902, after the separate Presidency armies had been abolished in 1890, and the army of India was made one single consolidated instrument.

## II. Administration of the Army.

The supreme authority over the army in India is by law vested in the Governor-General in Council, subject to the control of the Crown exercised through the Secretary of State. Until 1906 the Governor-General's Council had a military member, who was in direct charge of the administrative and financial business relating to the army. As a consequence there were frequent differences of opinion between the Commander-in-

Chief, the official head of the army, and the military member of the Council. Lord Kitchener, the Commander-in-Chief in India from 1902, opposed this arrangement, and proposed to place all matters relating to the army directly under the official head of the army. Lord Curzon, the then Viceroy, opposed this proposal on the ground that it tended to subvert the civil control over the army, which was such a distinctive feature of the British constitution. On principle Lord Curzon was right, though Lord Kitchener pointed out that his position did not necessarily involve the ousting of the civil control over the army, as the Commander-in-chief would himself in future be under the Governor-General in Council. He objected to the Military Member of the Council, himself an army officer, and therefore a subordinate of the Commander-in-Chief, sitting in judgment on the military proposals submitted by the superior officer, under cover of advising the Governor-General in Council. Lord Curzon pleaded for the necessity of independent advice to the civilian chief of the Government ; but he was at length overruled, and the Military Department was abolished. Its place was taken between 1906 and 1909 by the short-lived Military Supply Department, which took over some portion of the work relating to the army. From 1902 every question relating to the army goes to the Army Department, the head of which is the Commander-in-Chief, usually an extra-ordinary member of the Viceregal Council.

Lord Kitchener set himself to reorganise the whole army with a view to make the army of India equal to any demands that might in reason be made upon it. The units of the Indian army were renumbered, presidency and local distinctions were abolished, and a homogeneous army, free to serve in any part of India was established. The entire army was formed into 9 divisions, exclusive of the Burma division, each with its proper complement of artillery, cavalry, and infantry, under its own general and staff complete. These were organised for war ; each division could take the field

by itself and yet enough troops would be left behind to guarantee the defence of the country. For the better training of candidates for staff appointments in India, a staff college was established, at Deolali first, and afterwards at Quetta. The strength of the army was also increased, and the artillery section as well as the Flying corps were established. The Indian Army Reserve was substantially augmented, and 350 officers added to the army. The equipment of individual soldiers was altered to suit the altered conditions and the manufacturing establishments of the Ordnance branch were improved. The pay of all ranks was increased, and the general conditions of service were revised. At the Coronation Durbar in 1911 the coveted distinction of the Victoria Cross was thrown open to the Indian soldiers.

The army thus organised made India give a good account of itself in the great European War, besides a net gift in cash to the Empire of £14,50,00,000. But certain defects and short comings having been brought out by experience in that period, a new committee was appointed to inquire into the purpose and organisation of the whole army in India under the chairmanship of Lord Esher.

### III. The Esher Report.

It was announced in July, 1919, that the Secretary of State of India, with the concurrence of the Secretary of State of War, had appointed a committee to inquire into the administration and organisation of the Army in India.

The terms of reference were:—

1. To inquire into and report, with special reference to post-bellum conditions, upon the administration and, where necessary, the organisation of the Army in India, including its relations with the War Office and the India Office, and the relations of the two offices with one another.

2. To consider the position of the Commander-in-Chief in his dual capacity as head of the Army and member of the Executive Council, and to make recommendations.

3. To consider and report upon any other matters which they may decide are relevant to the inquiry.

**The Report:**—The Report was submitted to the authorities in May 1920 and published some months later. Among the outstanding recommendations in the mass of detailed proposals scattered through more than 100 foolscap pages and nowhere succinctly outlined are the following:—

Diminution of the detailed control exercised by the India Office. Membership of the India Council by an officer of high military rank to be abolished. The Military Department Secretary at the India Office to be a Deputy Chief of the Imperial General Staff, the Chief, either directly or through him, being the sole responsible military adviser of the Secretary of State.

The Commander-in-Chief in India to be the sole military adviser of the Government of India, and to be the administrative as well as the executive head of the Army, the Army Department and the Headquarters Staff being consolidated under him.

The Defence Committee set up in India during the war to be continued; a military Council to be established; and decentralization to be promoted by the formation of four commands, each under an Army commander graded as a general officer commanding-in-chief.

Liberal and sympathetic treatment of all ranks in the Army in India, and the removal of such grievances as are shown to exist.

Existing services to be reorganized, and new services to be developed and equipped.

#### IV. Critique of the Report.

The publication of the report evoked a storm of criticism in India, which protested *in toto* against the main principle underlying it, namely that the **Army in India was not only for the defence of India, but must be considered in relation to the general defence of the Empire.** So strong was this criticism that the Government appointed a representative committee of the Legislature, who focussed their opinion in a report which embodied the following resolutions:—

This Assembly recommends to the Governor-General in Council:

(a) That the purpose of the Army in India must be held to be the defence of India against external aggression and the maintenance of internal peace and

tranquillity. To the extent to which it is necessary for India to maintain an army for these purposes, its organisation, equipment and administration should be thoroughly up to date, and, with due regard to Indian conditions, in accordance with present day standards of efficiency in the British army, so that when the Army in India has to co-operate with the British Army, on any occasion, there may be no dissimilarities of organisation, etc., which would render such co-operation difficult. For any purpose other than those mentioned in the first sentence, the obligations resting on India should be no more onerous than those resting on the Self-Governing Dominions, and should be undertaken subject to the same conditions as are applicable to those Dominions.

(b) To repudiate the assumption underlying the whole Report of the Esher Committee:—

(1) That the administration of the Army in India cannot be considered otherwise than as part of the total armed forces of the Empire, and

(2) That the Military resources of India should be developed in a manner suited to Imperial necessities.

**Overseas Service:—II.** This Assembly recommends to the Governor-General in Council that the Army in India should not as a rule be employed for service outside the external frontiers of India, except for purely defensive purposes, or with the previous consent of the Governor-General in Council in very grave emergencies, provided that this resolution does not preclude the employment on garrison duties overseas of Indian troops at the expense of His Majesty's Government and with the consent of the Government of India.

**Organisation:—III.** This Assembly recommends to the Governor-General in Council that the absence of full responsible Government in India, the differences in conditions between India and England and the provisions of the Government of India Act do not warrant differentiation in the army administration between India and England in regard to the ultimate control of, and responsibility for, the defence of the country, and that, in view of the desirability of assimilating the system of administration in India to that in the United Kingdom, which has been arrived at after prolonged experiments, and the desirability of emphasizing the principle of the ultimate supremacy of the civil power, it is essential that the Commander-in-Chief should, without prejudice to his official precedence, cease to be a member of the Governor-General's Executive Council, and that the portfolio of Defence, including Supply, should be entrusted to a civilian member of the Executive Council, assisted by an Army Council including the Commander-in-Chief and other high military experts and a certain number of civilians, more or less on the model of the Army Council in England.

**Supply:—VI.** This Assembly recommends to the Governor-General in Council that if the portfolio of Defence including Supply is not entrusted to a



civilian member of the Executive Council as recommended above, the proposal of the majority of the Esher Committee for the creation of a separate department for Production and Provision under a member of the Executive Council be not accepted, and that the proposal of the minority, namely that the responsibility should be entrusted to a Surveyor-General of supply who should be a civil member of the Commander-in-Chief's Military Council, be accepted. This would seem to have the merit of being more logical and economical, and would have the further advantage of avoiding the addition of a civil member to the Executive Council in connection with military administration.

**Senior Appointments:—V.** This Assembly recommends to the Governor-General in Council that

(a) The Commander-in-Chief and the Chief of the General Staff in India should be appointed by the Cabinet on the nomination of the Secretary of State for India in consultation with the Government of India and the Secretary of State for War.

(b) In the case of Army Commanders who are officers of the Indian Army the appointment should be by the Secretary of State for India on the nomination of the Government of India.

(c) Appointments to the offices mentioned against Serial Nos. 3, 6, 7, 8, 10, 12, (Report Schedule annexed to Section VI) should be made in the manner proposed for Army Commanders.

(d) The appointment of Secretary to the Military Department, India Office, should be made by the Secretary of State on the recommendation of the Government of India, after advice obtained from the Chief of the Imperial General Staff. He should *ex officio* have the status of a Deputy Chief of the Imperial General Staff and should have the right of attending the meetings of the Army Council when questions affecting India are discussed. He should not be under the orders of the Chief of the Imperial General Staff.

**C. I. G. S.:—VI.** This Assembly recommends to the Governor-General in Council that the Commander-in-Chief's right of correspondence with the Chief of the Imperial General Staff should be subject to the restriction that it does not commit the Government of India to any pecuniary responsibility or any line of military policy which has not already been the subject of decision by them; copies of all such correspondence at both ends being immediately furnished to the Government of India and the Secretary of State for India.

**Indian Officers:—VII.** This Assembly recommends to the Governor-General in Council:—

(a) That the King-Emperor's Indian subjects should be freely admitted to all Arms of His Majesty's Military, Naval and Air forces in India and the auxiliary

services and the auxiliary forces, that every encouragement should be given to Indians including the educated middle classes, subject to the prescribed standards of fitness, to enter the commissioned rank of the Army, and that in nominating candidates for the entrance examination, unofficial Indians should be associated with the nominating authority.

(b) That not less than 25 per cent of the King's Commissions granted every year should be given to His Majesty's Indian subjects to start with.

**Indian Military College:—VIII.** This Assembly recommends to the Governor-General in Council:—

(a) That adequate facilities should be provided in India for the preliminary training of Indians to fit them to enter the Royal Military College, Sandhurst.

(b) That the desirability of establishing in India a Military College, such as Sandhurst, should be kept in view.

**Pay: IX.** This Assembly recommends to the Governor-General in Council that, in the interest of economy and in view of the likelihood of the growth of the Indian element in the commissioned ranks, it is essential that before vested interests arise, the pay of all commissioned ranks in all branches of the Army should be fixed on an Indian basis, with an overseas allowance in the case of British Officers, and with a similar allowance for Indian officers holding the King's commission, when serving overseas.

**Territorial Army:—X.** This Assembly recommends to the Governor-General in Council that in view of the need for the preparation of India to undertake the burden of self-defence and in the interests of economy, it is essential that a serious effort should be made:—

(a) To organise and encourage the formation of an adequate Territorial Force on attractive conditions.

(b) To introduce in the Indian Army a system of short colour service followed by a few years in the reserve.

(c) To carry out a gradual and prudent reduction of the ratio of the British to the Indian troops.

**XI.** This Assembly recommends to the Governor-General in Council that officers in the Indian Territorial Force should have the rank of 2nd-Lieutenant, Lieutenant or higher rank, as the case may be, and that no distinction should be made between the Indian Territorial Force and the Indian Auxiliary Force in respect of the authority which signs the Commissions, and that officers in these two Forces should take rank *inter se* according to dates of appointment.

**Exchange of Officers:—XII.** This Assembly recommends to the Governor-General in Council that no proposals for interchange of officers

between the British and Indian services should be carried out unless the following conditions are satisfied:—

(a) That the cost to Indian revenue should not be thereby appreciably increased.

(b) That such proposals should not be allowed to interfere with a steady expansion in the proportion of King's Commissions thrown open to Indians in the Indian Army.

(c) That the interchange of British officers should, in no way, affect the control of the Government of India over the entire Army in India.

**Economy:—XIII.** This Assembly recommends to the Governor-General in Council that, having regard to the creation of two additional commands in India the Government of India do consider the expediency of reducing the size of the administrative staff at Army Headquarters.

**XIV.** This Assembly recommends to the Governor-General in Council that, as soon as the external and internal conditions of India permit, the Governor-General in Council should, with the concurrence of the Secretary of State, appoint a Committee adequately representative of non-official Indian opinion for the purpose of examining and reporting upon:—

(a) The best method of giving effect to the natural rights and aspirations of the people of India to take an honourable part in the defence of their country and prepare the country for the attainment of full responsible government which has been declared to be the goal of British policy.

(b) The financial capacity of India to bear the burden of military expenditure;

(c) Her claim to equality of status and treatment with the Self-Governing Dominions; and

(d) The methods of recruitment to the commissioned ranks of the Indian Army;

**XV.** This Assembly recommends to the Governor-General in Council that Anglo-Indians should be included in the terms "Indian subjects" or "Indians" wherever such terms occur in the above resolution.

**Assembly's Decisions:—**These resolutions were subject to full debate in the Imperial Legislative Assembly in the course of which Resolution No. 3 proposing the creation of a Portfolio of Defence was negatived.

Resolution 4 was carried with the following amendment that the words from "if the portfolio" down to "recommended above" be omitted.

On Resolution No. 7 an important amendment was carried by a bare majority and was accepted as a substantive proposition in the following form:—

This Assembly recommends to the Governor-General in Council: (a) That the King-Emperor's Indian subjects should be freely admitted to all arms of His Majesty's Military, Naval and Air forces in India and the Ancillary services and the Auxiliary forces, that every encouragement should be given to Indians, including the educated classes, subject to the prescribed standards of fitness, to enter the commissioned ranks of the Army and that in nominating candidates for the entrance examinations, unofficial Indians should be associated with the nominating authority and in granting King's Commissions, after giving full regard to the claims to promotion of officers of the Indian Army who already hold the commission of His Excellency the Viceroy, the rest of the commissions should be given to cadets trained at Sandhurst. The general rule in selecting candidates for this training should be that the large majority of the selections should be from the communities which furnish recruits and as far as possible in proportion to the numbers in which they furnish such recruits."

Resolution 8 was carried with the following amendment:

"That for clause (b) the following clause be substituted:

"(b) That as soon as funds be available steps should be taken to establish in India a Military College, such as Sandhurst, and the desirability of establishing in India training and educational institutions for other branches of the Army should be steadily kept in view."

## V. Critique of the Indian Military system.

The foregoing resolutions embody the general criticism against the Indian military system, which for the sake of convenience we may restate here as follows:—

- (1) The objects and purpose of the army in India are not so clearly specified but that room is left for using the army of India not always in the exclusive interests of India.
- (2) As at present organised, the Indian army is an exceedingly costly instrument, particularly owing to the excessive expensiveness of the European section of the army in India, which costs per head over four times as much as the Indian section.

(3) The service in the superior commissioned ranks in the army had been, until after the war, monopolised exclusively by the Europeans; and though now the commissioned ranks in the army are thrown open to Indians (the Commander-in-Chief declared in 1923 that 8 units were to be Indianised as a first instalment of the new policy) the process of Indianisation is necessarily very slow.

(4) The entire organisation of the army is such that it makes no distinction between the army on peace footing, and the total strength available in the extreme need of national defence. There are no reserves to speak of, since the recently created units of territorial force are yet insignificant from the standpoint of the grave responsibility of defending the country, while the Volunteer organisations are little better than armed police.

(5) The **naval defence** of the country, though not quite so urgent a consideration as the guarding of the land frontiers, is nevertheless a matter which does not receive its due attention owing to the already very heavy burden of the Indian Army. The shores of India are, it is true, not exposed to ambitious rivals across the Indian seas; and her regions along the shores have natural defences of their own. The trade of India, moreover, interests and profits the customers of India far more deeply than they interest India herself; and the former may be trusted for their own benefit to take measures to maintain this trade. But still the utter absence of any naval force for India is dangerous. India should have a modest Navy of her own, if only for the sake of training to her sons. The ample margin of possible retrenchment in the Army would more than suffice to pay for the additional cost of such a Navy, especially if the existing Royal Indian Marine is scrapped entirely and the contribution now made to the Imperial Navy is similarly discontinued.

(6) The question about the control over the Indian army has not, so far, taken that actually painful aspect, which the

similar question with regard to the navy had taken in Canada just before the outbreak of this War. Provisions of the present Act no doubt require that Indian troops shall not be used outside the frontiers of India without the consent of Parliament. But such provisions cannot solve the grave question as to what authority is ultimately supreme in connection with the local forces of defence of any one particular part of the Empire. The supremacy of the King is only theoretical; but it is just possible that the Government of England may, sheltering themselves behind the name of the King, endeavour to use the local forces of the different part of the Empire for their own purposes. And if these purposes are not, or cannot, be approved of by the Government of that particular part, must they always yield to the English Government, and allow their forces to be used in English quarrels, merely because the English Government claim to speak in the name of the sovereign? This grave question did not arise in the last War because every part of the Empire had made England's quarrel its own. But there is no ground to assume that such an identity of interest and sentiment would occur in every future war. This question is necessarily very grave already for those parts of the Empire, whose Governments enjoy a substantial measure of local autonomy, and it is relatively unimportant for countries like ours whose Government have no real independence. It is nevertheless, even for Indians, a grave constitutional question of the first importance. Within the scope of this work, we can but indicate this question, for it trenches upon the much wider problem of the constitution of the entire British Empire, which we cannot discuss here.



## CHAPTER XIII.

### The Native States of India.

A study of the Indian system of Government, however brief, would be incomplete without some account of the relations of the Government of India with the Native States. They form an integral part of India, and though at first sight they may seem to be excluded from the scheme of Government in British India, the interests of the Native States, of the princes as well as of their subjects, are so closely interwoven with the interests of the population of the rest of this mighty country, that we cannot brush aside, as of no consequence, the question of the Native States, their present position and their place in the India of a generation hence.

In studying this question the student is confronted at the very outset with a very serious difficulty. The relations of the Government of India with the native princes are to a large extent conducted without that publicity which characterises the proceedings of the Government in other departments. This is of course no peculiarity of the Indian Government: even in England the complaint is very frequently made that the foreign policy of the country, on which depends so much the prosperity of a trading nation like Britain, is conducted without any reference to Parliament. To some extent this policy is not unreasonable, since, though the days of the bedchamber politics are over, the foreign relations of every country require such a delicate handling that the fierce light of popular criticism would throw the whole mechanism out of order. On the other hand it is justly contended that publicity would do away with many of those trivial but yet portentous misunderstandings which often result in the most disastrous wars. And it is all the more dangerous when what is claimed to be entirely confidential leaks out, and not always in its true form, thereby causing endless confusion, misunderstanding,

hatred. While therefore, we can say very little authoritatively, beyond what we can glean from the various treaties and sanads, about the way the relations between the Princes and their Suzerain are determined, we know, or we fancy that we know, a lot about what takes place behind the scenes, which, if published, would place an entirely different complexion upon certain matters from the version which the official gazettes place before the public. This state of chronic and confirmed doubt and suspicion is naturally very dangerous to every one concerned, but in the existing state of things it seems to be inevitable. The student of this part of the governing machinery in India must beware against saying too little as well as against saying too much; he must weigh every word, and consider every phrase in all its possible and even its impossible meanings; for the latter are even more to be dreaded than the former, as, exactly because an interpretation is impossible it would be deemed to be the most likely, and would therefore be adopted.

### **I. The Origin of the Native States.**

Confining ourselves only to the British period, the native states, as we know them to-day, did not originate until the days of Lord Wellesley. The Company had no doubt entered into relations with the Princes of India long before that date; but their position at the native courts, in the days before Wellesley, was hardly superior to that of suppliants or military adventurers. Even where the relations were those of equals, as in the case of the Nawab of the Carnatic or the Nizam, the position of the Company was far too uncertain, and their territorial possessions far too inadequate to their pretensions of a later day, to allow us to regard them as really the equals of their native allies. In a sense that idea of equality, which we now associate with the alliance of two modern sovereign

powers like England and France, never appeared in India, at least as far as the East India Company were concerned. They passed too rapidly from the position of dependents to that of dictators. The Subsidiary Alliances of Wellesley laid the foundations of our modern protected states in India. By requiring them to maintain at their cost a considerable British army, ostensibly to aid them in their perennial dynastic quarrels, possibly to keep them in check against any design that they might be misled to entertain against the Company; by compelling them to surrender all control over their foreign relations; by stipulating that they should entertain no European in the service without the consent of the Company's government; by inducing them to agree to the arbitration of the Company in all their differences with the friends of the Company; Wellesley managed to render them entirely innocuous for future mischief. Naturally, all the consequences of this grand policy were not clearly apprehended from the first even by the author himself. No wonder that those who followed him, or those who opposed him, could not see in this net-work of alliances anything but an irresistible force, which would steadily impel the Company, in spite of themselves, from one frontier to another, till at last they would have to succumb under the very load of their greatness; and consequently tried to set aside this grand and silent scheme of conquering India without shedding a drop of unnecessary blood. It is difficult to say what Wellesley himself thought to be the probable results of such a policy in the end. Would he have regarded it only as a prelude to total annexation of the native territories, when the Company was strong enough to venture on annexation without unnecessarily exposing themselves? Or did he consider his scheme as an ultimate and permanent solution of the political problems of India in his day? Certain it is that while his policy had inspired the weaker among the native princes with hopes of their own continuance in power, it provided no obvious solution to the riddle which faced his immediate successors as to what should be done in the event of internal anarchy, or external molestation of those who had not allied

themselves with the Company yet; nor did they know what to do when a prince, secured in his own possessions by the aid of the Company, used his security to his own undoing by extravagant misrule in his own dominions.

Lord Hastings carried the policy of Wellesley a step further; and, while arranging treaties with the native princes for safeguarding and improving the position of the Company, he made it clear that the obligations of an alliance with the Company included a reasonable measure of decent Government within a prince's own dominion. The direct extension of British territory, which this Governor-General was instrumental in bringing about, was also due to the same general idea of securing a modicum of good Government to the peoples of India whether directly under British rule or not. In his time he had no distinct opportunity to make this principle clear, but under his much more pacific successor, Lord William Bentinck, the principle was carried out in the case of Coorg, which was annexed to the dominions of the Company, on the reigning prince showing himself utterly incompetent to improve his Government. In the Mysore case the same Governor-General adopted a slightly different principle; the Mysore territories were placed under the administration of the Company's officers, though the Government was conducted in the name of the prince himself. The prince was given a fixed income to support his position, and beyond that he had nothing to do in the affairs of his principality.

In the twenty years that followed the departure of Lord William Bentinck from India, the policy of the Company's government fluctuated in this respect. The important native states of the Punjab, of Nagpur, of Oudh and of Sind were all annexed for one reason or another; and for a while it seemed that the supreme power in India had made up its mind to abandon the role of King Log and commence the part of King Stork. The annexations of Sind and of the Punjab were dictated by reasons of imperial defence; they lay so temptingly in the way of India's centuries old chan-

nels of invasion, and of the Company's natural line of advance, that the authorities in India as in England decreed their annexation. In the case of the Punjab there were no doubt other considerations. Under the late ruler Punjab had been a strong and reliable barrier between the English possessions and the old invaders of India ; his successors were too weak to preserve their own authority ; and so to remove once and for all this danger of the pretorian bands of the Punjab Government, Dalhousie decided for annexation, only two years after Hardinge had, on a similar occasion, decided for maintaining the local prince in subordinate alliance with the Company. In the case of Sind there was not the ghost of a reasonable excuse ; and it was much more of a " humane piece of rascality " than the facetious Sir Charles Napier was aware of. The fundamental reason was in both these cases imperial necessity ; the others were only temporary pretexts, the hollowness of which was not disguised from the superior authorities at home. The same may be said of Nagpur. It lay so inconveniently between the different parts of the Company's dominions, and prevented so effectually the linking up of the various presidencies and provinces with one another, that the Doctrine of Lapse received all the sting and importance which the ingenuity of the lawyer could devise and the necessities of the statesman could suggest. We cannot give the same explanation for the annexation of Oudh ; there the reason given was the prevailing and apparently irremediable misrule of the native government. The principle was at that time deliberately asserted that by supporting a prince on his throne against all opposition, whether from his own subjects or from his external enemies, the Company's Government had made themselves responsible for the proper discharge, of the duties of the sovereign towards his subjects ; and that the sovereign who failed to improve his administration in spite of repeated warnings could not, in justice to his subjects, be maintained in power by the Company without their being held responsible for that misrule.

These annexations of Lord Dalhousie occasioned a natural and general alarm. The Mutiny which followed was regarded by many as the direct result of the many and injudicious Annexations of the preceding Governor-General; though it is a fact of history that the rebel forces received no substantial aid from the Native Princes. That may have been due to the distrust of the rebel leaders and of their motives more than to any settled affection for the Company's suzerainty. The suspicions of the Company's intentions were much too generally entertained, and far too reasonably founded for the new Government of India under the Crown to ignore altogether the problem of the Native States. The Queen's proclamation allayed all doubts that might have been felt by the Native princes by specifically promising that the Native States would be maintained in their integrity, and that the honour of the native princes would be preserved by the English sovereign as the honour of the English Crown.

## II. The Present Position.

Before trying to speculate on the actual position of the Native States in the Indian polity to-day, as well as their future, it would perhaps be better if we summarise the existing obligations of the Government of India towards the Native States and vice versa, as far as we can learn them from the published treaties and arrangements between the two. Among themselves the Native States show every variety of size and importance, and perhaps the summary given below may not apply in its entirety to every state irrespective of its size and its past record. Generally speaking, however, the mutual obligations sketched below hold true.

Every state in India is protected against aggression from without, while a solemn assurance is given that their protector, the paramount power, will respect their rights as



rulers. Hence in all questions of foreign relations the paramount power acts for them. Within their own dominions, the inhabitants of those territories are regarded as the subjects of their rulers; with the exception of the personal jurisdiction over British subjects, and the "residuary jurisdiction," these rulers and their subjects are free from the control of the laws of British India. The police of British India, for instance, cannot arrest criminals escaping from British India to the adjoining Native States, but they must be arrested by the authorities of the native state and handed over to the British police, or the latter might be permitted to arrest itself. The native princes are secured not only against the menace of an aggressive neighbour! the paramount power will, it is well understood, intervene when the internal peace of their territories is seriously threatened. They also enjoy as a matter of course all the benefits which the paramount power secures by its diplomatic relations, as for instance in commerce, railways, ports and markets of British India. Though a customs line is not entirely abolished, it is none of the most stringent; while as regards the movements of the people of India from one part of the country to another, no passport is required, and no barriers created. According to the strict letter of the law, until quite recently, the subjects of the Native States were foreigners in British India; but they were admitted practically to all the privileges of British Indian subjects, and, since the last Act on the subject, even this slight difference is done away with.

Against these rights the Native States have corresponding obligations. Thus as regards the Foreign Relations, the Native States have practically no foreign relations except those with the Government of India. They have no international existence. Not only can they not deal with any foreign prince or state by themselves, but they cannot treat one another among themselves without the intervention of the paramount authority. This exclusion from all international relations is carried so far that the Native States cannot employ any European

or American without the previous permission of the British Government in India. They cannot receive any diplomatic agent from any foreign power, nor accept any title or mark of honour from such foreign powers except with the consent of the Imperial Government. The subjects of a Native State cannot obtain a passport from their own prince for purposes of foreign travel; and they are regarded for all practical purposes, when travelling in foreign parts, as subjects of His Britannic Majesty. As for foreigners resident in a Native State, it is the British Government, and not the Government of the State, which has jurisdiction over such persons. If the supreme Government enters into any treaty with a foreign Government, which cannot be carried into effect without the participation of a Native State, that state shall do all in its power to give effect to that treaty. Amongst themselves all disputes must be referred to the arbitration of the paramount authority. In all such interstate questions, as boundary disputes, or the mutual extradition of criminals, or the completion of an interstate line of railway, the paramount power must arrange the matter, and its arrangement is binding upon the Native States.

As the princes have no foreign relations and no occasion to fall out with their neighbours, they need not keep up a large military force. The Instrument of Rendition of the Mysore State lays down that the military force maintained in Mysore "for the maintenance of internal order and the Maharaja's personal dignity, and for any other purpose approved by the Governor-General in Council, shall not exceed the strength which the Governor-General in Council may from time to time fix." Though this provision is not specifically incorporated in the treaties with other States, it is well understood that the army maintained by the native princes shall ordinarily be confined to the police needs of the State and for the proper show of the ruler's dignity. The British Government in India maintains an army which is organised not only for the defence of British India, but also of the territories of the native princes.

On the other hand it is expected of these states that they shall render a proper account of themselves in the event of the necessity of Imperial defence. They must co-operate actively in securing the efficiency of the Imperial army, and at the same time do their allotted share of the defence of the empire. The latest suggestion of getting additional contributions from States towards the cost of Imperial Defence in India has not yet materialised owing to the States demanding a *quid pro quo* in the shape of a share in the Imperial Indian Customs Revenue. Under these principles the Native States must not fortify or garrison their own strong places for that the Imperial Government may have cause for anxiety. They must allow the British forces in their dominions camping facilities, find them supplies, and arrest their deserters. They must submit to the Imperial control over the means of communications like the railways or the post and telegraph office within their territories. As regards their active help in time of war, that depends on Treaties partly, and partly upon good understanding and loyalty, to which is trusted the solution of all doubtful points when the occasion arises. In the last War, for instance, the Native States, one and all, rendered the most magnificent service to the British Empire, in excess, in many cases, of their paper obligations. At the present time several states in Rajputana, Central India, and in the Punjab, as well as Cashmere, Hyderabad, and Mysore habitually maintain what are known as the Imperial Service Troops.

In all the matters relating to the obligations of the Native States in connection with foreign relations and the defence of the country, the position of every state is generally speaking the same. It is otherwise with the questions relating to the internal administration of the several states. Several old and unrepealed treaties require that the British Government shall have nothing to do with the Maharaja's dependents or servants "with respect to whom the Maharaja is absolute." The usage of more than half a century has confirmed the principle that the Government of India is not precluded "from stepping in

to set right such serious abuses in a native government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a Native State when there shall be sufficient reason to do so." (Lord Canning's Minute of April 30, 1860). As to when that necessity may be said to have arisen is in the discretion of the Governor-General, subject to such control as may be provided by Parliament. It is well known now that the Government of India will intervene in all cases of grave internal misrule. Baroda in 1875, and Manipur and Nabha more recently, provide leading cases on the right of intervention of the supreme Government of a State, or, more precisely, to check and suppress internal abuses. They would also intervene, it is felt, to prevent the dismemberment of a state by divisions among the sons of a prince or by means of a legacy.

In the name of public order the paramount power would intervene to stop disputes about succession and to prevent rebellion. So also to put a stop to such inhuman practices as Female Infanticide, or Sati, or Slavery or barbarous punishments. On the other hand, in such cases as the reforms in administration, in prosecuting works of material development of the country, the co-operation of the Native States would be invaluable to the British Government; but in this respect the latter would ordinarily content themselves with advice, and wait for the willing co-operation of the local prince.

The dissimilarity in the relative position of the different princes is the greatest in matters of local jurisdiction. It is not difficult to understand that the paramount power should claim jurisdiction in connection with its own subjects resident in the Native States, as also in connection with the foreign subjects resident in those territories. But in some states the jurisdiction exercised by the suzerain goes far beyond this, and extends sometimes to a population which neither consists of British officials nor of British subjects. This jurisdiction is sometimes conceded by treaty, but frequently it is the result of long usage and acquiescence. In order to bring about

a closer co-operation between the various governing authorities in India, as also to forward the common ideal of Indian political evolution, the Native Princes have, since the War, admitted several important changes in their general policy of dealing with the paramount power. They have, on the one hand, asked for or accepted, special representation for their own order in all Imperial gatherings of the British Empire, such as the periodical Imperial Conferences; and all public pronouncements from the British Government have of late been addressed to the "Princes and Peoples" of India. On the other hand, they have obtained a special constituent body of their own order, called the Princes' Chamber. This last named body is outside the Indian legislature, and is meant to see that the treaty rights and obligations are mutually, and duly observed and enforced; and it was in response to this that the Viceroy, Lord Reading, afforded the princes special protection by a Princes Protection Act against attacks in the British Indian Press, at the cost of exercising his extraordinary powers for overriding the Legislature. It remains to be seen whether such co-ordination of powers would imply a corresponding obligation on the Princes to improve their domestic administration so as to bring that into line with the administration of the British provinces; and if not, what expedients would the paramount power adopt to enforce a modicum of concurrent political development in the states on the lines or ideal already accepted.

### III. The Future of the Native States.

As already observed elsewhere, the accepted ideal of political evolution in India is a "Sisterhood of States" including both the British provinces and the Native States. The foregoing sketch of the present position of the Native States in the scheme of Indian polity is sufficiently intriguing

not to raise the inquiry as to their future. The policy of their gradual absorption in the British territory, under pretexts which could always be discovered has, however, too definitely been dropped by the suzerain to permit us in indulging in speculations as to the possible merits of a policy of gradual sequestration of even the remnants of sovereign authority that the Native States enjoy to-day. Had it been intended to bring the whole of India gradually under one undisputed authority, occasions were not wanting in the case of some of the most important states in the last 60 years or so to carry that policy into execution. It may perhaps be said that the obligations with the Gaekwar family were far too deep and enduring to allow the suzerain the exercise of the last authority of paramount power on the mere pretext of a laxity in the personal conduct of a native ruler in the nineteenth century in India. The graver charge of the attempt to poison the representative of the British Majesty, not being proved to the satisfaction of the Indian Commissioners in the Commission of Inquiry in that case, the Government of India decided in that case to dethrone the prince but to maintain his principality, utilising that occasion for a clear enunciation of the mutual rights and obligations. But the best proof of the intentions of the Government of India in favour of maintaining the native princes is, perhaps, afforded by the restoration of the State of Mysore to the Maharaja, who had been for more than 50 years deprived of his princely authority in the administration of his territories. The Rendition of that state, after fifty years of direct administration by British officers, to the native ruler may well be cited as an example, evidencing the trend of policy in favour of the maintenance of the native rule. There are many reasons why the Government of India may not merely tolerate but actively support the native rule in certain parts of India. Even apart from the treaty obligations, which cannot be treated by a modern civilised power as mere scraps of paper without endangering its own reputation in the family of nations, even though in the particular case at issue the



power tempted to set at naught its treaties may have nothing to fear; the British Government has many distinct advantages in their preservation. The States bear an appreciable portion of the cost of the defence of the Indian Empire, and provide a sort of indefinite but yet a reliable reserve to be drawn upon in case of emergency. And people are not wanting who allege that there is a more deep-seated reason, a more subtle influence, requiring the British Government to tolerate and even to actively support the Native States. The Native States provide an admirable foil, by their relatively backward system of Government, to set off to advantage the British form of Government. Perhaps this does but scant justice to the motives of such distinguished statesmen like Lord Curzon, who endeavoured, even at the risk of being misrepresented, to infuse a new spirit of vitality in the administration of the Native States. Said he at the Rajkote Durbar in November 1900: "I am a firm believer in the policy which has guaranteed the integrity, has ensured the succession, and has built up the fortunes of the native states. I regard the advantages accruing from the secure existence of these states as mutual. In the case of the chiefs and the states it is obvious.....But to us also the gain is indubitable, since the strain of Government is thereby lessened, full scope is provided for the exercise of energies that might otherwise be lost to the government, the perils of excessive uniformity and undue centralisation are avoided, and greater administrative flexibility ensured. So long as these views are held,—and I doubt if any of my successors will ever repudiate them,—the native states should find in the consciousness of their security a stimulus to energy and well doing.....If the native states, however, are to accept this standard, it is obvious that they must keep pace with the age. They cannot dabble behind and act as a drag upon an inevitable progress. They are links in the chain of Imperial administration. It would never do for the British links to be strong and the native links to be weak and vice versa".....

It would be manifestly unjust to such views to assume that the men at the head of affairs in India are interested in keeping the government of the states deliberately backward. On the other hand, it cannot be denied that the Native States are, by their very nature, impervious to the modern western ideas of good government. Whatever be the intention of the Viceroy and Governors in India, they are but the birds of passage, whose influence cannot extend beyond the period of their own sojourn in the country. Unless, therefore, it be made a maxim of public policy to try and make the Native States keep up the pace, they would invariably lag behind. But such efforts at making them keep up their rate of progress are apt to lead into too detailed, and not always pleasant, interference into what may be regarded as the purely domestic concerns of a prince. And such interference had best be avoided for obvious reasons. To the British official, who really desires the uplift of the land he serves, it may no doubt seem an onerous condition that the equal and simultaneous progress of all parts of India is rendered impossible for what he might well deem to be preventable causes. To the Indian nationalist also, the presence of the Native States, as so many relics of a deplorable past, is insupportable. Impotent to do any good, incapable of assimilating modern ideas of good Government, constitutionally averse to all ideas of progress, the Native States cannot but appear to the impatient nationalist as so many hindrances in the way of India's regeneration. He is but too apt to forget that the Native States offer, in the existing circumstances of this country, about the only chance for displaying administrative talents or genius to the inhabitants of India. He also forgets that the Native States are the only section of the Indian community, who can, if they would, promote materially the regeneration of India. He thinks but of the few but fascinating examples of royal license and recklessness; he remembers their misrule in the past, and broods upon their apparent absolutism in the present, and hastens to dub them from such evidence as entirely unsympathetic with the hope and aspirations of the

rising generation of India. Curiously, therefore, if at this time there are any advocates of the Mediatisation, or even total annexation of the Native States, they are to be found in the ranks of the young and ardent nationalists.

From the point of view of the Princes themselves, also, it must be observed, the position of the rulers of the native states is not quite enviable. To the thinking portion of them it cannot but be evident that their powers are in most directions so narrowly circumscribed, by formal engagements, or by the silent force of usage and acquiescence, that they are unable to govern according to their inclination. They are not in reality the equal members of an imperial federation, in which the interest and authority of each partner are equal, though expressions are often given utterance to by responsible officials, which might perpetuate that misunderstanding. Between them and the suzerain there is no independent tribunal to judge; and the decisions of one of the parties to a dispute, sitting as a judge in the dispute, cannot be expected to be always palatable to the other party. They are also not in the position of a powerful aristocracy, as is sometimes believed: for they have yet that much of the sovereign in them, which, while rendering them entirely innocuous as sovereigns, yet prevents them effectually from assimilating the mentality of a class of citizens, however privileged that class may be. Probably no one would repudiate more emphatically than the princes themselves the idea of regarding them as merely the hereditary, titular, privileged subjects of the British Crown, entrusted with the task of administering their patrimony, in trust for, and on behalf of, the British Crown. Those in the ranks of the Indian publicists, who hope for the salvation of India through the action of these our aristocracy, are destined to bitter disappointment, if they go on cherishing their delusion.

These considerations make the task of forecasting the future of our Native States all the more difficult. They are not members of a federation; they are not the landed aristocracy of India corresponding to the barons of England and the

Junkers of Prussia; they are unable to march ahead, and yet they would not be suffered to lag behind. They are not respected as their natural leaders by the people, and yet not treated as their collaborators by the government; they are incapable of uniting among themselves, and yet powerless to resist by themselves a determined attack on their position. Under these circumstances the student of our system of Government must resign the task of offering a possible, or even a plausible, solution of this enigma, and leave it to be decided by the man of the moment.

## ERRATA.

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On p. 60 S. 21 add the Proviso.

Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council shall be deemed to be made with the concurrence of a majority of such votes.

p. 61 S. 26 read 28 instead of 14 in line 1.

Add after p. 128 end, the following:—

confidence of a majority in their Legislative Council will be given the fullest opportunity of managing that field of Government which is entrusted to their work. In their work they will be assisted and guided by the Governor, who will accept their advice and promote their policy whenever possible.

On p. 63 S. 10 line 3.

After *Superannuation*, add the words:—  
or retiring.

And after *Allowance*, add the words:—  
and their legal personal representatives shall for the purposes of gratuity.

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