

THE GOVERNANCE OF INDIA

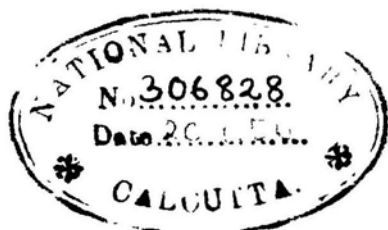
AS IT IS AND AS IT MAY BE

A Hand-Book of Progressive Politics

BY

GOVINDA DAS.

FIRST EDITION.



PRICE RS. THREE

G. A. NATESAN & CO.

MADRAS.

172,4
2601

PREFACE.

This short book has a long history behind it. In the very earliest years of the Indian National Congress, I spoke to Mr. A. O. Hume about the desirability of preparing a series of handbooks, something like Sir Henry Craik's series on "The English Citizen—His Rights and Responsibilities," which, while describing the actual administration of the country in its different departments, would also enlighten the Indian citizen as to its dark spots and suggest ways for their removal—in short, a series which would help to qualify the public to become rationally articulate and to avoid mere declamation and vague generalities. The suggestion could not be taken up at the time, and for many years afterwards, my own very limited energies were taken up by educational and social activities. But though put aside for the time being, the idea was not given up by me.

Nearly twenty years ago, in my leisure moments, I sketched out a rough syllabus for a work on the Indian Government, and circulated it among a few friends, in the hope that some would be willing to take up at least some parts of it. But my hopes were not fulfilled. As a last resource, I began to fill up the syllabus myself. But my chronic ill-health would not allow of my devoting the time necessary to compile it while also engaged in the work of the Central Hindu College which was founded in Benares, about the same time, by a dozen 'idealists,' with Mrs. Besant as the leading exponent and worker, and which absorbed all my little energies.

In connection with that movement, I wrote a book on *Hinduism*, which had a fairly large circulation. In that book I tried to bring together as much information

as possible about the countless forms of the current (and also the less-known) beliefs and practices of Hinduism, and also to point out as impartially—indeed, perhaps over-strongly, as some of my friends think—the degenerations, superstitions and mal-practices of current Hinduism, as in this book I endeavour to mark the defects of the current methods of the Government, while describing them. In both books, the underlying idea has been the one I had in mind when placing the suggestion mentioned above before the late Mr. Hume; but of course, my realisation of it has been most lamentably defective.

When after nearly two decades of strenuous work by friends and helpers of that unique educational experiment in this country, the Central Hindu College—unique because of the constant and fraternal co-operation of Indian and European workers, with a total absence of race and color prejudice between them and with the presence of the good old Hindu joint-family feeling between the managers, the staff and the students—it developed into the Benares Hindu University with a new management and new methods, the older workers have felt free to take to other work, in keeping with their humble capacities for the service and towards the uplift of the country.

My friend Mr. G. A. Natesan, the enterprising and patriotic editor of *The Indian Review*, insisted on my doing at least some part of the old scheme myself. The five chapters printed here are the result of his energetic persuasions. Of the remainder I give the syllabus as an appendix to this work, in the hope that some one with greater knowledge and opportunities may complete them.

I may point out that though there is a good deal in common between the suggestions put forward in this book and in the scheme of the late Mr. Gokhale sketched by

PREFACE.

him on his deathbed in 1916, and the famous memorandum of the Nineteen Indian Members of the Imperial Legislative Council and the still later scheme put forward by the Indian National Congress of 1916 in consultation with the All-India Muslim League, there are some serious differences also. I feel that some of these differences are of vital importance and that it will be to the good of the country to express them clearly and unhesitatingly. The present 'demands' are but the logical outcome of the Minto-Morley reforms, and when these demands are not identical, they are necessarily the outcome of the different experiences and thoughts of the people advocating them. One point however must be singled out and emphasised to our utmost power namely, the admission of Indians to the inmost sanctuary of the administration. For this tremendous innovation we Indians can never be too thankful to Lord Morley but for whom this significant change may have been deferred to the Greek Kalends. In its way this breaking down of the exclusiveness of the political caste system is as fraught with the future good of India as was the mightier innovation of Buddha in the sphere of the life of the spirit, when he broke down the exclusiveness of the Brahman and put the non-Brahman on a footing of spiritual equality with him.

I would like to call the special attention of every one concerned with the good government and prosperity of 'The Indian States' to chapter III. In treating of this subject, covering such a vast extent and with next to no full and reliable guidance, avoidance of pit-falls becomes almost impossible. There is every likelihood, therefore, of my not having escaped these wholly. My justification for having attempted the treatment is that I have written with a single eye to the welfare of a third of the land of

India with seventy millions of peoples and seven hundred Princes and Chiefs, whose interests are so inextricably mixed up with those of British India, that the progressiveness or the backwardness of the one inevitably reacts for weal or woe on the other. Even my mistakes of omission and commission will have been of service if they stimulate thinking and dissipate inertia ; bring light, however feeble or coloured, into dark places and rouse the people responsible for their prosperity into wholesome activity.

My very bad health and consequent incapacity for unbroken application to work, combined with the publisher's very natural and proper impatience and reminders against delays over 'copy' and 'proofs' is responsible for rather serious defects of matter and of manner, for which I can only crave the indulgence of the reader. I am indebted to my brother, Babu Bhagavan Das, M.A., better known for his labours in the field of Ancient Philosophy than of modern politics, for having carefully revised the book in proof, and reduced at least to some extent the defects above referred to.

It may be mentioned here that after this work was put into the press another with the same title has been published in Bombay. But the printing of this work had advanced so far that its title which had been already mentioned also in advance references in the press could not be changed. That work, though its title is the same, is very different in conception and execution from this, being an exposition of and commentary on the Government of India Act.

Durgakund, BENARES.

Vijaya-dashami, 1974.

OCTOBER 25, 1917.

GOVINDA DAS.

CONTENTS.

Chapter I.		PAGES.
The India Office	1
<i>Summary</i>		
Chapter II.		
The Imperial Government	45
<i>Summary</i>		
Chapter III.		
The Indian States	107
<i>Summary</i>		
Chapter IV.		
The Provincial Governments	195
<i>Summary</i>		
Chapter V.		
The Legislative Councils	282
<i>Summary</i>		
Appendix	358
INDEX	

THE GOVERNANCE OF INDIA

PART I

Problems of Administration

CHAPTER I

THE INDIA OFFICE

It was a serious omission not to have so enlarged the sphere of the enquiry of the Decentralisation Commission as to bring within its purview the methods and machinery of the India Office. For, in spite of recent great constitutional changes and much devolution of power, the real power behind the throne is the India Office, and it is essential that the powers and functions of the Secretary of State for India be brought into greater harmony with the present state of affairs in the country by a very much greater devolution of his powers to the Governor-General in *Legislative Council*. It becomes, therefore, incumbent upon every Indian publicist to devote a great deal of thought to the ways and means by which to secure that the Secretary of State in Council, and, still more, individually, cease

to be the predominant partner in the dual Government of India, make over much more fully than at present the power of initiative to the Imperial and Provincial Governments in India itself, and retain only enough power to veto actions which may be positively mischievous or to stimulate initiative when mere lethargy or powerful vested interests hamper progress. In short, the powers exercised by the Secretary of State for India should not be dissimilar to the powers exercised by the Secretary of State for the Colonies over the four self-governing Dominions.

Unfortunately there are few publications dealing with the subject and none from the inside, so to say. Consequently, it becomes a very difficult task to avoid falling into pitfalls unawares. Chesney, in Chapter XXI of his *Indian Polity*, acutely points out again and again, that "our administrative system" is full of "legal fictions" and exclaims, "Great is the force of official shams" when animadverting on "the illusive effect of form in constitutional affairs." On page 367, he emphatically remarks :

But, as has been pointed out more than once in this work, in order to appreciate the full effect of the administrative changes effected by a change in the law, we must go behind the verbal provisions, and examine its effect on the actual course of procedure.

He points out how even the advisory function of the Council is not properly utilised by its not being utilised *in time*. Effective consultation "depends on the point at which, in the course of deliberation, its advice is recorded." If it is not sought from the very beginning right through every stage, it may fulfil statutory

obligations, but it will be of no real help. Ilbert's *Government of India* deals naturally only with the statutory provisions establishing the official machinery and is of little help in throwing light on the *actual* working of the department.

The statutory provisions, which have been consolidated in the *Government of India Act*, 1915, cover a period of one hundred and forty-five years beginning with 1770, when the first Act was passed in the reign of George III. In this long period vast political changes have occurred, and scientific discoveries with their practical applications to every-day life have completely altered the conditions of existence which had existed for untold millennia. Is it any wonder then that the methods and machinery of the India Office require considerable re-modelling before they can become helpful instead of being harmful?

The Colonial Office has "learnt some wisdom," after losing America in 1776, as was pointed out by Lord Crewe, who had long been the Secretary of State for the Colonies before becoming the Secretary of State for India, in one of his speeches in the House of Lords, and since then, we have seen, how discontented and rebellious Canada has been transformed into a perfectly loyal and helpful part of the Empire, the penal settlement of Australia into the powerful Australian Commonwealth, and the mutually hating—with the bitterest hatred possible—Boer and Briton of South Africa have become so utterly loyal after the grant of self-government, that the Boer Generals, who were so foremost

in fighting the English, are the Ministers in the South Africa of to-day and have swept their old allies the Germans out of that vast continent.

The way to India in those days was round the Cape of Good Hope, in sailing ships at the mercy of the winds. There was no Suez Canal, no railways, no telegraphs, no marconigraphs, no turbine and motor-driven steamers. So, with the utmost possible powers of statutory control, the actual stringency cannot but have been much less than is possible now with all these scientific appliances to hand, keeping the India Office into continuous touch with India, and giving a possibility of stringency and force to the old rules which were beyond the ken of their promulgators.

In view of a great deal of nonsense that has been talked by some of the more rabid Anglo-Indian dailies in this country about the autocratic way in which Lord Morley has dealt with the Government of India, his treating the Governor-General and his Council as mere delegates, as hands and mouths for the Secretary of State to make audible in this country his voice and carry out his instructions, it becomes necessary to say a few words about what should be the proper relations between these two august authorities which would work for the benefit of the Indians. The howl raised by the Anglo-Indian Press will deceive nobody who knows the real reasons at the bottom for this outcry against a liberal and not indolent Secretary of State. If Lord Morley had chosen to mark time and say ditto to the views of the Anglo-Indian community at large and give

no political privileges to the "natives," nothing would have been heard against him. Fortunately for us, though coming to a new office at an age when most people would have been glad to be able to rest, his liberalism has been an active faith, and has been worked out in practice causing a natural discontent amongst those possessors of vested interests who are unwilling to lay aside even a tithe of the power and prestige so long enjoyed unhampered and unquestioned by any outside authority.

As far as Parliamentary Statutes are concerned, it needs no pointing out that the Secretary of State for India is absolutely master of the situation. He is a greater autocrat than the Tsar of all the Russias,* or the German Emperor, or even the President of the U. S. A., strange and incredible as it may sound to those who do not realise that a Republic is not always a really democratic form of government, where the considered *will of the people* is supreme.

But the exigencies of the situation, common-sense, and the necessity of having to deal with men who are not 'Orientals' but of the same blood and breeding as themselves, and who can and do make their voices heard amongst that British public which is the ultimate master of both, exercise a great deal of check on any tyrannical handling by the Secretary of State of European officials. So, as long as responsible Govern-

* The Tsar was forced to abdicate on March 13, 1917, and the new Russian Cabinet is now exercising supreme powers hitherto vested in the Monarch.

ment is not established in India, as it is in Canada, in New Zealand, in Australia, in South Africa,—which question is not so wholly beyond the pale of “practical politics” as interested persons would have us believe—it is absurd to kick against the exercise of the authority by a Secretary of State, which exists in him through the power of statutes.

But there is another set of circumstances, which not only Anglo-India but India feels to be a case of injustice and against which there is no remedy, and mere protests seldom avail. It generally happens in financial cases only, when a money burden has to be put on this Dependency in the interests of the dominant partner. Then no Cabinet seems to be strong enough to mete out even-handed justice and the Constitution provides no remedy. Lower down I suggest a plan to allow equitable adjustments in all such cases, where the Government of India is opposed to the policy of the Home Government and dislikes to have to carry it out, and is further backed up by a strong feeling in the country against the measure sought to be imposed upon it and against its interests. For cases like these where a strong-handed, unsympathetic Secretary of State, mostly ignorant of India and its various and rapidly changing conditions, and unmindful of its interests, appointed more for his political views on Home questions and his services to the party in power than for his personal knowledge and fitness for the post, pulls the wires from London and keeps the puppets dancing in India, some ways and

means have to be found to bring regulating pressure on him. We have also had cases where perfectly incompetent persons, but whom the party in power dare not disoblige, were put in as Secretaries of State for India as if the misgovernment of this "brightest jewel in the British Crown" were of little moment—as truly it is from the standpoint of mere party Government.

If the Government of India is to be merely the delegate of the British Government and meant merely to see that the orders of the India Office are literally carried out—as they were in the days of Lords Lytton and Elgin, the latter going to the extent of deliberately enunciating and defending the theory of mandate from Home in the Imperial Legislative Council—then it would be far better to abolish all this complicated and costly machinery of the Government of India and replace it by one High Commissioner at the Indian end of the cable. This will secure both economy and despatch. This idea, when put forward so nakedly, would, of course, be scouted by everybody; though unfortunately for us Indians, wherever the interests of India and England conflict, the former have to go to the wall. No Secretary of State is strong enough to withstand the tremendous social and political pressure of parties, corporations and even individuals.

It may be incidentally noticed here that so far not a single *ex-Viceroy*, or *ex-Governor* has been made a Secretary of State for India. Is it that a first-hand knowledge is considered to be a drawback for the efficient discharge of the duties connected with the office?

One can quite realise that while the permeation with only that sort of knowledge that comes of intimate association, in one's youthful and impressionable days, with the scum of India—the low paid, venal and cringing subordinate revenue, police and jail staff of a District, and its criminal population—should rightly be a bar even to the headship of a Province ; but one wholly fails to see why a five years' intimate acquaintance and at a mature age, with all that is best in the land and its people, should not be utilised in this high office. It is unfortunate that mere party convenience should be the sole consideration in the appointment of the Secretary of State for India.

It may be all right where the subordination to the India Office is in matters of such principles and actions as are far-reaching in their consequences, affecting the well-being of the British Empire as a whole ; but in matters of every-day administration, in matters that concern the economic, social, and political well-being of the teeming millions of this country, the position should be one of freedom ; the Secretary of State's authority held in abeyance and coming into activity only as an Appellate Court.

The reasons for such an extraordinary concentration of powers in the hands of a single individual, practically irresponsible as long as he has the Cabinet with him, and not even bound to consult it, is due to historical causes, into which we need not enter here. It is a relic of the days of the East India Company and its conflicts with the Ministers of the Crown till the

Crown obtained the necessary powers of over-riding the authority of the Company, by its own uncontrolled and autocratic authority.

The conditions of the British Government of India, namely, through an alien executive, owning neither allegiance nor responsibility to the ruled, are such that neither the Viceroy nor the Secretary of State can, profitably to the Indians, be permitted to go his way unchecked by the other. The people of the country have no real and effective voice in dealing with the policy and principles actuating the springs of administration, which are wholly in the hands of a close Bureaucracy and which all unconsciously has come to regard itself as not merely the ruler of the land, but in conjunction with the British merchants in the country, as its owner, its proprietor, as a landlord is of his estate. It is to *them* that loyalty is owed by the people, and not so much to the Constitution or even to the Crown. All criticism of *their* actions is *lese majeste*, sedition! The "man on the spot" quite naturally is unwilling to part with any of the powers that he has been exercising in his 'paternal' way for so many generations. He does not feel that he exists *for the people*, and not *they* for him. He does not feel that loyalty has to be *mutual*. Oligarchies are proverbially tenacious of *their* powers and privileges; and so whenever any question of devolution of powers to the *people* comes up, they oppose it strenuously. It should be clearly realised in this connection that the great devolution of powers advocated by almost all of the

official witnesses before the Royal Decentralisation Commission was to *themselves*. They, one and all, resented interference and meddling, with what they regarded as their own proper work. They would not be hampered either by the authority of an official hierarchy above them, or by a non-official *popular* authority below them. Witness the strenuous resistance to the Indian proposal of District Councils, or even for such an elementary but basic demand for bare justice and freedom from oppression and terrorism as lies at the root of the universal cry for the separation of Executive and Judicial powers.

For all such cases it is absolutely essential that there should be plenary authority in England till the Indian Legislatures have come into their own, to override the selfish views of the local administrations. But for all those cases where principles and policies do not come into conflict with the long enjoyed powers and privileges of the Bureaucracy but instead concern themselves with the improvement of the administration at large, "the man on the spot," *aided and advised* by elective councils, might be trusted almost wholly. In all such cases he will be far more alive to the needs of the moment than any distant authority could possibly be, and besides there is no personal bias in such cases distorting judgments from, though unacknowledged but ever-present, personal motives.

High authorities like Sir George Chesney, Sir John Strachey, Sir Charles Dilke—to give only three names out of many—are all for giving a complete measure of

power to India to administer itself. A couple of quotations from Sir Charles Dilke's *Problems of Greater Britain* and Sir John Strachey's *India* will bring out the meaning of the above statements more clearly. Speaking of the Secretary of State for India, and the Government of India, the former says :—

“ Even their [the Government of India's] official representative [the Secretary of State] himself is subject to pressure from his constituency, which may render him upon some questions but a half-hearted friend. (P. 408.)

To exemplify this statement of his and thus to bring it home to his readers, he cites the notorious case of the abolition of Import Duties. This abolition, he says, has been a triumphant success but unfortunately it was carried, as has been shown, by interested pressure from Lancashire and against a considerable amount of Indian feeling.

Unfortunately for this optimism born of Free-trade bias, this “ triumphant success ” has turned out to be an unmitigated failure, and the Duties had to be re-imposed. Showing yet again and unmistakably the black hand of “ interested pressure ” in the imposition of Excise Duties on cotton goods, Sir John Strachey, the official apologist, says :

Pressure, however, not easy to resist, is sometimes brought to bear upon him.—[The Secretary of State.] (P. 53, 2nd Edition.)

If he had dared to be fully truthful, he might have added that this pressure is invariably transmitted to India. For, did not Sir John himself succumb to it in the Viceroyalty of Lord Lytton over the Customs question and defend his action vigorously in *The Finances and Public Works of India*, a book published by the Strachey brothers ? What shall we say to the honesty and truth of official versions *versus* non-official ?

One has only to compare the admissions of Sir Charles Dilke and the indignant denials of Sir John Strachey. Finally, Sir Charles Dilke most truly remarks that questions of this class will increase day by day in which the Government of India would have a general local opinion upon its side, and as we should not dream of imposing our ideas in such matters by force upon Self-Governing Colonies, and as we do not, in fact, impose upon many of the Crown Colonies, there is a great deal to be said for allowing Home Rule to India with regard to them.

The late Mr. R. C. Dutt, in his *India in the Victorian Age*, in approvingly commenting on J. S. Mill's evidence, makes the following remarks:—

It is next to impossible to form in one country an organ of government for another which shall have a strong interest in good government. "There can be little doubt that the irresponsible Government of the Secretary of State has also been attended with many hurtful results." There is no real control over the Secretary of State's action, similar to that which was exercised on the Court of Directors by the Board of Control; no periodical enquiries were made into the present administration, as inquiries were made into the Company's administration at every renewal of their Charter; and no jealous and salutary criticism, like that to which the Company was subject, restrains and corrects the action of the present Indian Government. And the results of this irresponsible administration have not been altogether happy. To confine ourselves to financial matters only, the annual revenues of India averaged thirty millions sterling in the last five years of the Company's administration; and out of this sum, only three and a half millions were remitted to England for Home Charges. By the last year of Queen Victoria's reign, 1900-1901, the revenues had been nearly doubled, amounting to fifty-five millions, excluding Railway and Irrigation receipts, although the extent of the Empire remained much the same and the wealth and income of the people had certainly not increased. And a sum exceeding seventeen millions were remitted to England as Charges. This enormous economic drain (increased fivefold in less than fifty years) would have been impossible under the rule of the East India Company. (P. 184.)

Similar is the import of the statements made by Lord Lawrence in his answers to Henry Fawcett, namely, that,

the Secretary of State cannot stand the pressure of people who have votes and whose interest is not the Government of India for the good of the Indians but for their exploitation in the interests of the commercial classes of England. (P. 340 *ibid.*)

Sir Charles Trevelyan also (p. 378 *ibid.*) made similar remarks :—

The Queen's Government has shown itself profuse and squeezable The influences which press upon the Government outside, through the Press and through their influential supporters, have altogether been too strong, and every safeguard has been overborne.

Lord Salisbury also repeats the same old tale in his evidence. (P. 386.) Lord Curzon, also with his blunt outspokenness in his speech before the Indian Mining Association, unhesitatingly blurted out that British officials and British merchants were alike here for purposes of exploitation.

Now, let us see if there are any means for counteracting the pressure of English interests on the Secretary of State, and so of allowing a freer hand to the Government in India. How this latter is to be widened and prevented from falling completely a prey to Bureaucratic influences and Anglo-Indian prejudices, whether mercantile or official, has been suggested in the succeeding chapters.

To begin with, the ' Home ' Government of India, in England

does not correspond in character to the Government of the British Dominions beyond the Seas. From the executive point of view, and apart from the legislative supremacy of Parliament, the Colonies are governed by the King-in-Council, acting on the advice of the Secretary of State for the Colonies. But India is governed by the King-Emperor on the advice of the Secretary of State for India. (Anson: Law and Custom of the Constitution, Vol. II, Part II, p. 83.)

Then we come to the India Council. The recent

changes introduced in the Constitution of the Council may and probably will improve its present working. But the criticism that will rightly have to be levelled against its present Constitution is, that all these recent changes but touch the fringe of the evil; they are superficial, they merely tinker with the old machinery and do not go down to the very root of the mischief; they but provide palliatives instead of a radical cure for the deep-seated trouble. But most likely these recent tinkering are but preliminaries to changes of a far-reaching character. It would be useful to offer, therefore, a few suggestions as to what would constitute a good and profitable adaptation in the interests of India.

(1) The salary of the Secretary of State for India, and the Parliamentary Under-Secretary, should be a charge on the British Budget. This is a demand of the most elementary justice. We do not ask that the expenses of the establishment of the Secretary of State and other India Office expenses should be a charge on the British revenue. This is *less* than what the British Government is doing for the Colonial Office. History justifies our demand completely. For the first time and most arbitrarily was India saddled with the salaries of the Indian Secretary of State and his Parliamentary Under-Secretary in 1858. Up till then from 1784, for a period of 75 years, it was a charge on the British Budget. The Board of Control, which was established in 1784, was to consist of six Commissioners, namely, the Chancellor of the Exchequer,

the Secretaries of State—there were only two in those days—and not more than three other members, who too must be Privy Councillors. *The salaries of the three ex-officio Commissioners were paid out of the revenues of England*, while those of the nominated Commissioners were a charge on the revenues of India. It will thus be seen that we are doubly justified in our demands, that (a) there should be no invidious distinction on this question between the treatment meted out to the Colonies and to India, and further (b) we are historically justified in our demand, which asks only for a reversion to the old system.

If this were granted, then the unpleasant insinuation made in certain quarters that this great constitutional change was quietly made for the deliberate purpose of keeping Indian questions out of Parliament would be given its quietus. That the interference of Parliament is bitterly resented by the Indian Bureaucracy is too well known to need enlarging upon. Paget, M.P., is a standing caricature in all Anglo-Indian papers and clubs, so much so that even Lord Morley was forced to criticise their attitude and defend Parliamentary interference. In *The Nineteenth Century and After*, for February 1911, he wrote:—

That, however decorously veiled, pretension to oust the House of Commons from part and lot in Indian affairs—and this is what the tone now in fashion on one side of the controversy really comes to—must lead in logic, as, in fact, to the surprising result of placing what is technically called the Government of India, in a position of absolute irresponsibility to the governed. Now, this, whatever else it may be, is at daggers drawn with the barest rudiments of democratic principle. So, for that matter, is it incompatible with Divine right or the autocracy of the sword? Even the fiercest Oriental tyrant always ran some risk of having his throat

out or his coffee poisoned, if he pushed things too far No Government can be trusted if it is not liable to be called before some Jury or another, compose that Jury how you will, and even if it should unluckily happen to be of dunces.—(Quoted from A. Rangaswami Ayengar's *The Indian Constitution*.)

What the effect of placing the salary of the Secretary of State, and the Parliamentary Under-Secretary, on the British Exchequer will be, is put tersely by Lord Courtney in his *Working Constitution of the United Kingdom*. He says :—

No part of the expense involved in the Government of India comes before the House of Commons in Committee of Supply. The salary of the Colonial Secretary is voted by Parliament, and there is thus a possibility of annually reviewing his policy in the full activity of the Parliamentary Session. The salary of the Indian Secretary of State is paid by India and never comes before the House of Commons. At the end of the session, generally after the Appropriation Bill has been read a second time, the Indian Budget is submitted; and this consists of the review of the financial situation in India followed after a desultory discussion by a resolution simply affirming that the Indian accounts show certain totals of income and expenditure. It may be doubted whether this does not betray too great a jealousy of the House of Commons. If the salary of the Indian Secretary of State were submitted like the Colonial Secretary's to a vote, the opportunity for a real debate would be given which, experience suggests, would be used rather than abused.

No Indian could profitably add to these weighty pronouncements of Lord Morley and Lord Courtney.

(2) The Government of India Act, 1915, Section 27, Clause (7) reads :

The auditor shall lay all his reports before both Houses of Parliament with the accounts of the year to which the reports relate.

This submission leads to no action, nor under the circumstances can it be of any earthly use; unless and until the scope of the above clause is enlarged by the addition of some such words as—“*and such reports with the account shall forthwith be referred to the Public*

Accounts Committee of the House of Commons ;” then and then only will the scrutiny of the Indian Budget become a reality instead of the annual farce that it is at present.

(3) The members of the Secretary of State's Council should be fourteen, of whom not more than four should be taken from among the eminent British public workers and appointed by the *King in Council*, as was the good old practice in the days of the Board of Control, and not by the Secretary of State for India ; and not more than two should be appointed by the Government of India, while not less than eight should be elected from among the eminent Indian public workers by the non-official members of the Provincial and Imperial Legislative Councils of India, so that every Major Province might be represented. The *personnel* of the India Office is made up almost entirely of retired Anglo-Indians, so the views of the Government of India, i.e., of the I.C.S., are not merely fully well known but are as a matter of fact fully carried out ; so it can do very well even without these two representatives. *Under the Act, as it stands, every one of the fourteen members may be Indians and none need be a European, if the Secretary of State so chose.* Their tenure of office should be only for five years.

The statutory provision (Section 3, Clause 1 and 3), that out of a minimum of *ten* members, *nine* must have served or resided in British India is again a relic of the compromise of 1858, by which the Court of Directors appointed by the Court of Proprietors, and the Board of

Control appointed by the British Government, were fused into the present-day Secretary of State and his Council, and there is no good reason for its continuance to-day.

The East India Company, naturally anxious about its dividends, stipulated, as the price of compromise, that the major part of the members should be men who, either through service or trade relations with India, were pledged to its *commercial* interests. These interests were further to be safeguarded by making the appointments independent of the Secretary of State by making them *elective* and their tenure for life. The Government of the day astutely made no serious objections—if they made any—to this triple line of defence. Any such resistance might have alarmed the Court of Directors and wrecked the whole measure. The Cabinet knew that all these safeguards were mere cobwebs which could not restrain for a moment the actions of the Secretary of State, whom other sections of the Act had made all powerful.

That this question of the *elective representation of the British commercial interests* was ever present in the mind of the British Cabinet, is made very clear in the Earl of Derby's speech when introducing the Third Government of India Bill after the First Bill, that of Viscount Palmerston, and the Second Bill, that of the Earl of Ellenborough, had come to grief. He said on this point:—

There was another proposition of the Government which did not meet with seeming great favour; I mean the proposition by which they endeavoured to obtain, what it was very difficult to

secure, a representation of the commercial interests connected with India in the Council. We proposed in that Bill to supply that deficiency by giving the appointment of four of the Councillors to the Constituencies of the largest towns connected with the trade to India. That proposal was, I believe, a good one in itself, but it did not meet with such an amount of support in Parliament, or in the country, as would justify us in insisting on its adoption. The conclusion at which we then arrived was, that with a view to secure the three great requisites of intelligence, experience, and independence in the Councillors, it is necessary that a portion of their body should be elected; that another portion should be nominated, and that all the parties elected should have served, or should at least have resided, for a considerable period in India, and should, consequently, have possessed opportunities of obtaining a knowledge of the feelings and of the wants of the people of that country.—(*Indian Constitutional Documents*, Edited by P. Mukerji. P. 125-126.)

On the suggestion of Earl Grey, the Court of Directors, which consisted of eighteen members, was given the power to elect seven members from among themselves, *vide* Government of India Act 1858, Section 8.

The Indian demand that not less than half the Councillors shall be elective has no novelty about it. The principle of elective members, who should be conversant with the feelings and wants of the people of India and whose number was not to be less than half of the total number of members, was whole-heartedly agreed to by both the Liberal and Conservative Ministries of the day and embodied in the Act of 1858. But sixty years, which have produced political self-consciousness amongst us, have most unfortunately stimulated a reactionary policy—not in the British Parliament, and the British People—but among the retired pro-Consuls, like Lords Curzon, Sydenham, MacDonnell, and others, and in the India Office itself manned, as it has

been for years now, by obsolete Anglo-Indians. Even such a sympathetic and liberal Secretary of State as Lord Crewe could not advance beyond a "panel of forty Indians" to be nominated by the non-official members of the various Legislative Councils, and from which he was to select two! The Earl of Derby, when introducing the Third Government of India Bill of 1858, *defended* the two absolute limitations imposed on the Secretary of State in the ever to be remembered words:—

The first of those limitations will arise in the case of the election of members of the Council. It is obvious that that election would be a farce if the authority of the Secretary of State were to be paramount in the matter.—(P. 128, *Indian Constitutional Documents*.)

India, with one voice, rejected this travesty of the elective principle, and further pointed out how utterly impracticable was the idea of getting forty good men and true who would be prepared to expatriate themselves to a very inhospitable climate for seven long years.

We owe it to Lord Morley's prestige, and courage that a slight progress in the right direction has been made [and that two *bona fide* Indians have been members of the India Council since the days of his Secretaryship. His successor Lord Crewe attempted to give these appointments a statutory basis, but his Bill was unfortunately still-born.

That no person, however sympathetic, alert and intelligent he may be, can adequately represent people who are of a different nation than himself, is a well-worn truism, and it would be impertinent to enlarge upon this fundamental principle of all sound Govern-

306828 dt. 20.1.56. Rs. 3/-

ment. One quotation from the speech of Sir Charles Wood in the House of Commons, when introducing the *Indian Councils Bill* of 1861, will show the utter futility of the assertions of those persons who not only insist in season and out of season that a foreigner can represent the wants and aspirations of 'natives,' but who go to the ludicrous length of asserting, with all the fervour of fanatics, that he can do so *far better* than a 'native' can! Sir Charles said:—

It is notoriously difficult for any European to make himself intimately acquainted with either the feelings or opinions of the Native population, and I was struck the other day by a passage in a letter from one of the oldest Indian servants, Sir Mark Cubbon, whose death we have had recently to regret. He had been in the service for sixty years; he had administered the affairs of Mysore for nearly thirty years, he had been living in the most intimate intercourse with the natives, possessing their love and confidence to an extent seldom obtained by an English officer, and yet he said, 'that he was astonished that he had never been able to acquire sufficient acquaintance with the opinions and feelings of the natives with whom he was in daily communication.—(Page 168, *Indian Constitutional Documents*.)

Can there be a more emphatic contradiction than the above of the Bureaucratic assertion that it is the Anglo-Indians who are the real voice of the people, and not men of our own flesh and blood! If this was so in those old days when Indians were less self-conscious, and the colour prejudice almost non-existent, what shall we say about the immensely greater difficulties of a sympathetic understanding of the Indian position when he has become so much more self-conscious, and the British, not only in India, but all the world over, have developed *colour sight* most markedly.

The India Council is almost purely an advisory body and not an administrative machine like a

Cabinet with individual Ministers in Executive charge of the different departments of a Government, hence the absolute necessity of a majority of Indians in it, otherwise the first requisite "Experience" will be at a discount; of these being Elective, otherwise the second requisite "Independence" would be at a discount; and, finally, of the Electorate consisting of the non-official members of the Legislative Councils, otherwise the third requisite "Intelligence" will be at a discount in the Council of the Secretary of State. Thus and thus only can the three "requisites" of the Earl of Derby be properly satisfied.

It is wholly proper that it should be nothing but a purely advisory body, with no administrative functions, but one before which *every matter* should come up. The Secretary of State should be bound to consult it collectively, and hold weekly meetings for the purpose. He should be bound to take it into his fullest confidence. The eight elected Indian members should occupy a position somewhat similar to that occupied by the High Commissioners accredited to the Colonial Office by the Dominions possessing responsible Government.

With regard to the emoluments of the Indian members of the India Council, the proposal of Lord Crewe that they be given an expatriation allowance of £600, in addition to their salary as Councillors, was an eminently just one; though unfortunately a certain section of the press of Bengal misled by mere *doctrinaire* considerations strenuously objected to this

perfectly sound principle. I would even go further and say that these should be paid £2,000 as consolidated salary, and the non-Indians the present £1,000.

It is curious that of all persons it should be Sir George Chesney who advocates the portfolio system with its individual responsibility for the India Council. That one with such an antecedent as his, of long and intimate connection with the Government of India, could advocate a system which would place that Government at the whims of individual retired Anglo-Indians full of old prejudices is passing strange. Such a system stands self-condemned.

The anomalous position of the Council is itself due to historical causes. It is the legal successor of the Court of Proprietors, of the Court of Directors, and the Board of Control, none of which, of course, could control the actions of a Minister. As long as his appointment is the offspring of Parliamentary Government and Ministerial responsibility, he is bound to be the predominant partner in the concern. His decision will continue to be the final one till such time as India also gains Home Rule.

Such a change by removing the invidiousness inseparable from the status of the Councillors and preventing their being wrongly regarded as active participants in the day-to-day business of administration, and so jointly responsible with the Secretary of State will also help to remove the complaint of Sir George Chesney (*Indian Polity*, p. 375) and of others that the Secretaries of the various departments of the

India Office who, as far as their legal status is concerned, are mere clerks—have far more power than any of these Councillors. This is due to their having direct access to the Minister and receiving *their* orders straight from him, without reference to the Councillors. It is an absurd complaint arising out of mere hurt vanity. They forget that the responsibility is that of the Secretary of State, and he shares it with nobody else.

This Secretariat Government is a serious drawback in the Government of India also, diminishing as it does the Minister's control over the Secretariat, and consequently his responsibility very largely. But unlike that at the India Office, the evil is remediable here. The British Prime Minister would not communicate with the staff of any office *unless he was acting in conjunction with the political head of the office*, but the Secretaries in the Indian Government stand in immediate relation to the Viceroy, and he may confer with or instruct any of them *without reference* to the member of his Council in charge of the department concerned. (Anson, Vol. II., Part II., p. 88.) So also is the case in the Provincial Governments. It has got to be brought into line with the British practice.

The necessity of changing the Constitution of the India Council cannot be better put than was done by J. S. Mill in the report he drew up for his employers—the Court of Directors. The Report says :—

The means which the Bills provide for overcoming these difficulties [of the Government of one nation by another] consist of the unchecked power of a Minister . . . The Minister, it is true is to have a Council. But the most despotic rulers have Councils

The difference between the Council of a despot, and a Council which prevents the ruler from being a despot is, that the one is dependent on him, the other independent; that the one has some power of its own, the other has not . . . The functions to be entrusted to it are left in both [Bills] with some slight exceptions to the Minister's own discretion. That your petitioners cannot well conceive a worse form of government for India than a Minister with a Council whom he should be at liberty to consult or not at his pleasure . . . That any body of persons, associated with the Minister, which is not a check, will be a screen.—(R. C. Dutt's *India in the Victorian Age*, pp 226, 228.)

The argument is unanswerable so far as it goes. As it is impossible to make the Council into a "check," so neither should it be permitted to be a "screen," which is best done by turning it into a purely advisory board but which must be consulted at every step.

(4) The *Secret* Department should be abolished at once. It has been the cause of so many Frontier Wars, of internal and external annexations, and generally of financial trouble to India. This parent of so much mischief in the past, and pregnant with many more in the future, is an inheritance from the dead old days of the dual government of India, when the Minister appointed by the Crown was often at loggerheads with the various Boards and Courts of the East India Company, and used this method for imposing his will and setting theirs aside. For when once any definite line of action had been started, there could be no withdrawal, it had to be persisted in to the bitter end.

The Earl of Derby's statement in the House of Lords about the second limitation on the very full powers of the Indian Secretary of State, *viz.*, that, the only other limitation will be with regard to the expenditure of the revenues of India. With regard to this expenditure we must bear in mind the effective and *bona fide* control over the

Secretary of State by an independent body, such as I hope this Council will be.—*Indian Constitutional Documents*, p. 128.)

Alas for official optimism, the *effective and bona fide control* has proved to be a complete fraud. The Earl of Derby himself could scarcely have been genuinely persuaded of the effectiveness of the control provided by the statutory provision, as will be seen below from a further quotation from the same speech. A matter has only to be put in this Secret Department by the Secretary of State, and any number of millions of Indian Revenue may get dissipated, and the India Council and the Government of India may sit in despair helplessly wringing their hands. If the archives were to be thrown open to an independent investigation of the doings of this department, one is afraid the record would be found to be black indeed.

Richard Brinsley Sheridan, known to our graduates as a clever dramatist only, was in his days a sturdy politician, a friend of Charles James Fox and a member of the House of Commons. He published in 1788 a pamphlet called *A complete statement of the two Bills for the better government of the British possessions in India brought into Parliament by Mr. Fox and Mr. Pitt with explanatory observations*. In this comparative study of the two Bills, which he had originally delivered as a speech in the House of Commons, among other matters, he with keen insight fixed on this glaring departure from the Bill of Fox and, in fact, from all known principles of Constitutional Government, as one which would lead to endless mischief. He says :—

"The Secret Committee, created by Mr. Pitt's Bill in the Court of Directors, is an instrument of Government unlike anything existing in any other country, or anything to be found in the history of all past governments. A body of men in authority (the Court of Directors) acting under a delegated trust from their constituents, (the East India Company) take an oath on their election to support the interests and rights of the Company. These Directors are then bound by law to choose a Secret Committee from among themselves, which Secret Committee are to take an oath to be true to the trust reposed in them by the Directors; but to obey only such orders and directions as they shall receive from the Board of Control, which orders and directions they swear also never to communicate to the Directors, who appoint them, without the consent of the said Board of Control. This Secret Committee have no power of originating or directing anything to be done of their own authority, still less, by suggestion or instruction from the Directors. All the Governments and Presidencies, however, in India, are bound to pay a faithful obedience to their orders and dispatches, and to answer the same upon the same terms of secrecy, "as if such orders and directions had been issued and transmitted by the Court of Directors of the said United Company."

If it were worth reasoning or arguing upon, it would be no difficult matter to prove that this crooked system of involved mystery and contradictory duties could never have been meant for any fair purpose of good government. Facts, however, make reasoning on the subject unnecessary. The institution had scarcely taken place, with the addition of the *oath*, added in the Explanatory Act passed in 1786, before this committee, appointed for the purpose of issuing the secret instructions of the Board of Control, relating to matters of war and peace, are directed to manage, as a *matter of secrecy*, the *settlement of an old debt* due from the Nabob of Arcot to the Company.

Nothing could be more clearly out of the spirit and meaning of the Act of 1784, than this measure. The Board of Control had already assumed an arbitrary power of settling the debts due from the Nabob to *individuals*, as *matter connected with revenue*. The Directors conceived they might at least have been permitted to settle *their own debt*, which was their property and stated as part of their effects to Parliament; but this was discovered to be—*matter connected with negotiation*. The Board of Control had no power to issue their orders, through the *Secret Committee*, with respect to matters of *revenue*; but with respect to *treaties*, with *Native Princes*, they had: accordingly the settling a sufficient security for an old and public debt to the Company, due from a dependent on their Government, was converted into a *negotiation of State*, deemed a *matter of secrecy*, and withdrawn even from the knowledge of those who alone had any title to the debt. The Directors apply to their Counsel; and they are truly informed by

Mr. Rous, that "the whole effect of the last Regulation Bill, in constituting the two Boards of Directors and of Commissioners, the one proposing measures, and the other, after representation, finally deciding, will be lost, as far as concerns the Government of Madras, *if the intercourse with the Nabob shall be confined to the Secret Department*, because this intercourse involves directly, the arrangements respecting the military force, and indirectly every interest of that settlement."

The dispute comes before the Court of Proprietors, who resolved, on the 30th of June 1786, "that the construction of the Act of the 24th of his present Majesty, under which the right Honourable Board of Commissioners for the affairs of India have claimed to exercise the powers in instances before the Courts, is *subversive of the authority of the Court of Directors and the chartered rights of the Company*, recognized and confirmed by the said Act; and tends to establish a *secret system of Government, highly dangerous to the interests of the Public and the Company.*"

It was further resolved unanimously, "that this General Court do return thanks to the Court of Directors for the firmness with which they have maintained the rights of the Company against the claims of the Right Honourable Board of Commissioners for the Affairs of India; and that the spirited protest of Mr. Samuel Smith merits the approbation of his constituents.

Upon this the Court of Directors resolve, that "it is expedient to apply to the Legislature for a further explanation, and more correct limitation of the powers of the Board of Control. At the same time, however, with a very natural caution, they think it prudent to ask Mr. Pitt's permission to do so first." Accordingly the Chairman, and Deputy Chairman, are directed to wait on the Chancellor of the Exchequer, and propose the following question: "If the Court of Directors, with the authority of the General Court of Proprietors, shall think proper to apply to Parliament to explain the powers of the Board of Control, with regard to the secret correspondence relative to the country powers of India, will you assist them in their application?"

Here seems to have been a reasonable case made for a *Declaratory Law*, if (according to Mr. Scott) "a material difference of opinion between the Company and the Board of Control is a sufficient ground for one."

The Chancellor of the Exchequer, however, after due deliberation, answers, that "he cannot agree in the sentiments expressed in the Resolution concerning the conduct of the Right Honourable Board of Commissioners for the Affairs of India, and does not see any ground for an application to Parliament on the subject."

In a Court of Proprietors, these proceedings being reported, it was moved that a Committee be appointed to take into consideration the State of this Company, under the operation and

effect of the last Act of the 24th and 26th of George III. Upon this a ballot was demanded, in which (the refractory conduct of the Court of Directors and Proprietors having created a considerable alarm) a proper weight of influence was exerted, and the question passed in the negative.

Mr. Samuel Smith's testimony on this occasion, as he has been a zealous friend to the *present* administration in Parliament, must be admitted to be at least free from party prejudice. He says, in the protest above alluded to, containing the reasons of his resignation:

"It will be in vain to contend that the *Patronage* is secured to the *Company* by the Act of Parliament; if the *Government* is *secret*, it will be absurd to suppose that the *Patronage* will be open; or that those who have no voice in the measure will have much concern, if any, in the appointments; if they have not, to what evils, so often foreboded as dangerous to this constitution, will not this mysterious Government of India expose us? And if this is to be contended as a necessary mode of managing and controlling the affairs of India, it will, in my opinion, give rise to a question, whether, under such circumstances of danger to the constitution, our Indian possessions are worth retaining?"

A public situation, reduced to the mere mechanism of official obedience, can afford but little credit, even by the most rigid discharge of its functions. Circumscribed as the power of the Court now is, and by the interpretation given to the clause to which I allude, incapable of acting either with energy or effect, it must ere long yield an easy surrender of its remaining rights to the encroachments, and vigilance of a more active control. Thus circumstanced, the office of a Director may be the object of obloquy; and, though liable to a serious responsibility in the case of misconduct in others, is too subordinate to continue the post either of independence or honour.

It is, therefore, my intention to resign my trust to the Proprietors, conscious that while I held it, I endeavoured to discharge it to the best of my abilities, and with an integrity unimpeached.

India House,
June 13th, 1786. }

(Sd.) SAMUEL SMITH, Jun.

In fact, this transaction established the power of the Board of Control to act through the *Secret Committee*, UPON ALL MATTERS, and IN ANY MANNER they may think proper, without a possibility of check, and with scarce a probability of detection.

(Pages 32 to 35.)

We may, after this trenchant criticism, see what the Earl of Derby, who, by the very nature of his official position, could not but be an apologist, a whitewasher,

in defending this weapon of autocratic, darkness-loving Government, had to say about this department. The admissions made by him are significant. In his speech in moving the second reading of the third Government of India Bill, he said :—

There is another provision, which, I think, your Lordships will believe to be absolutely necessary, for transferring to the Secretary of State that power which was exercised by what was called the Secret Committee of the Court of Directors, namely, the power of sending out orders and instructions to India on particular subjects, without previously communicating those orders and instructions to the Council. Now, I do not mean to say that that power has not in certain cases been abused ; I do not mean to say that it has not been too extensively employed ; but I am sure your Lordships will agree with me that, with regard to the two cases to which alone it is properly applicable, namely, the carrying on of war or of diplomatic arrangements with Native States, it is absolutely necessary the Secretary of State should possess the right of preserving entire secrecy even from the members of the Council.

The Earl of Derby naturally would not point out that this Secret Committee of the Court of Directors was but the ' hand ' of the President of the Government Board of Control for pulling out his chestnuts from the fire, and that the poor Court of Directors were in no way responsible for its actions. From the date of Pitt's Act 1784, all real power and authority had been transferred from the Company to the Crown. (Chesney, p. 362). Sheridan in his pamphlet was acute enough to see through the veil that Pitt had drawn over the whole matter. He says :—

But, if anything further were wanting to show the fallacy of this pretended security to the rights of the Company, we find it amply made out in the notable devise of *compelling the Directors to establish a Secret Committee to be solely under the orders of the Board of Control*. This Secret Committee was accordingly soon employed *contrary to the professed purpose* of its institution, (p. 23).

Even if we accept the Earl of Derby's specious pleading, we may point out that conditions of affairs in 1917 are very different from those that existed in 1858. Now, there is no Native State problem. They have all been reduced to Feudal subordination and have loyally accepted British suzerainty.

The condemnation pronounced by General Sir George Chesney, M.P., who throughout his official career was intimately connected with the Government of India and was the military member—and so almost as important as the Viceroy or the Commander-in-Chief—in the closing years of his official life, is as below :

"One of the most important points to be provided for is the protection of the people of India, the taxpayers, from the infliction of improper and unfair charges. This was, no doubt, the object aimed at in the provision of the Act of 1858, that 'no charge should be placed upon the revenues of India without the sanction of the majority of the Council.' But this check is practically rendered nugatory by the power given to the Secretary of State to deal with business alone in the Secret Department. In the days of the East India Company, the Chairman and the Deputy Chairman of the Court of Directors were associated with the President of the Board of Control on this Committee ; but now the Secret Department of the India Office is removed entirely from the view of the whole Council. And thus, while the sanction of the majority of that body is required to the granting of a gratuity or a pension of a few shillings a year recommended by the Government of India on behalf of some humble applicant, a Secretary of State may order, and has ordered, military operations to be undertaken by the Government of India, involving an expenditure of millions of money, not only without the sanction, but without even the cognisance of his Council. This is a flagrant defect of the system which was certainly not contemplated by the framers of it, and which calls urgently for remedy. The Secretary of State should undoubtedly have power to over-ride his Council. It could not be allowed that the policy of the British Government should be liable to obstruction by any other body than the Parliament which places it in power ; but the interests of India demand that the Cabinet should at least be placed in possession of the opinions of

those who are best qualified to judge of the effect of any measures proposed which will involve a financial burden on India; and while it should be recognised that in dealing with measures involving military operations, secrecy is a necessary condition, and that the maintenance of secrecy is not compatible with deliberation of a large body, yet, on the ground of justice to India, and to prevent rash and ill-considered action, the reconstitution of at least a part of the Council as a Secret Committee is undoubtedly required. At present such of the clerks as deal with the secret business of the India Office are placed in a more responsible and important position in the Council, they can at least make representations regarding the measures dealt with in these despatches, while the Council itself may be in absolute ignorance about them. (Page 371 to 373.)

(5) The statutory provision that members of the India Council must not be members of Parliament should be repealed. No convincing or for the matter of that any reasons have been given for such a drastic prohibition. On the contrary, the case for having some members of the Council in the House of Commons has been well made out by Sir Charles Dilke. He says :—

The Council is out of touch with the House of Commons, and adds no element of security to the side of the Indian Governments in contests with that House, which has little regard for its opinion. . . The Viceroy and his Council in Calcutta are face to face with the House of Commons with little to protect them, except the single voice of the Under-Secretary of State or of the Secretary of State.—(*Problems of Greater Britain*, p. 407.)

It might be helpful to recall that no such unmeaning and curious limitation was imposed upon the members of the Board of Control, *all* the six Commissioners of which might sit in either House of Parliament. The retrograde measure was sought to be imposed for the first time in the first India Bill of 1858, and from which it was bodily taken over in the third India Bill of 1858, without a word of

explanation or justification. Viscount Palmerston in his speech introducing the first India Bill of 1858, in calling attention to this innovation, said :—

We do not propose that the Councillors shall be capable of sitting in Parliament. We think there would be great inconvenience in such an arrangement ; that they would become party men ; that they would necessarily associate with one side or the other in this House, and that with changes of administration, the relations between the President and the Councillors might then become exceedingly embarrassing.—(*Indian Constitutional Documents*, p. 112)

Now all this is very feeble and unconvincing. The relation of the Secretary of State to his Council is not that of the political head of a department and its permanent officials, but is analogous to that of a Minister and the Legislature. There can be no question of official discipline here, these councillors having no routine duties, or any office work to perform ; the Council and the Secretary of State are not required to present a united front.

(6) In all cases of serious difference of opinion between the Secretary of State and his Council, the Secretary, before taking any action, should be bound to lay the whole case before three other Members of the Cabinet, who should be jointly responsible for the action proposed to be taken, and a State paper embodying the reasons for the proposed course of action should be issued to the India Council and to the Government of India.—(Sir George Campbell, *India As It May Be*, Chapter I.)

(7) In cases of difference of opinion between the Government of India and the India Office, or between the latter and the War Office or the Treasury, which

would saddle India with some financial burden, the Secretary of State when he is inclined to resist, which is all too rare a phenomenon, can be, and is always, overborne by his colleagues in the Cabinet. Having no Indian electors to conciliate, no Indian votes in the Parliament to reckon with, he as well as the Cabinet naturally take the line of least resistance and never hesitate to transfer the obligation incurred for British benefits to Indian shoulders. The only method which would be a safeguard against such unblushing transactions would be a tribunal removed from the din of political strife. *The Judicial Committee of the Privy Council would be an ideal body for adjudicating upon all such questions.*

It follows from all this that there should be no such entity as *Secretary of State in Council*, nor *Committees of the Council of India*, to whom administrative charge of departments of the India Office may be made over.

The leaders of modern India, Hindu, Muslim, and Christian, have been steadily awakening to the fact that the existence of the India Council is an insuperable bar to the full development of representative institutions in this country and to our obtaining the status of an autonomous Dominion of the British Empire. The National Congress has attacked it, (*vide* the brilliant speech of Mr. Eardley Norton made in the Congress of 1894). The Muslim League has attacked it. So far back as 1853, when it was being created, its creation was denounced in an able pamphlet, *Plan*

for the future Government of India, by James Silk Buckingham (2nd Edition) with all the fullness of his knowledge gathered in the course of forty years, experience of things Indian. He, in 1818, became the editor of the first daily journal published in India as he himself tells us. He goes to the root of the matter by bluntly asking, "Is such a consultative Council indispensable, or even necessary at all?" He answers straight, "I am clearly of opinion that it is not." The pamphlet deserves a careful study even after the lapse of so many years.

It is a body, as has been fully shown above, wholly helpless to either resist the actions of the Secretary of State, or to spur him into action when he is inclined to be lethargic; while it serves as a most effective screen for the autocrat. Its sinister influence, however, comes into play where the interests of the people of India clash with those of the dominant hierarchy of European officials and European merchants. Its vast patronage in the matter of those appointments which are not through the door of competitive examinations, all exerted against the interests of the sons of the soil, is an ever standing grievance.

All the suggestions put forward above for mending this machinery are meant only for such time as the machinery does not get scrapped. These, if adopted, it is hoped, may turn a baleful agency into a beneficial one. The suggestions about the eight elected Indian High Commissioners are irrespective of the factor of the India Council. These we must have.

(8) All revenues or moneys raised or received by the Government of India should vest in the Governor-General in Council, and not as at present in the Secretary of State acting for His Majesty the King Emperor. They shall form one consolidated Revenue Fund to be appropriated by the Legislative Council for the purposes of the Government of India.

This is the most important item in the devolution of the powers of the Secretary of State to the Governor-General in Council.

(9) The continued existence of the Stores Department is the cause of much justifiable complaint on the part of traders and merchants in India. It should forthwith be abolished, for, as long as it exists, the Government will be bound to provide gist for its mill and the many 'philanthropic' resolutions about buying stores in this country will remain largely a dead letter. Its abolition will force the Government to look nearer home for the supply of the goods wanted, and thus, instead of practically boycotting, encourage, commercial enterprise in India.

If the reforms suggested above are carried out, and the relations of the Secretary of State to the India Council adjusted to the newer conditions, and the Council itself modified in its *personnel* and constitution and brought up to date, then there would be removed the indictment of Sir John Strachey—himself for long a distinguished member of that body—that

a body constituted like the Home Government of India is slow to move and sometimes obstructive, and its general policy has been conservative and cautious.—(*India*, 2nd Edition, p. 54.)

He might have pointed out, if he could have got over his Anglo-Indian prejudices and *esprit de corps*, that this was largely due to the very large employment of retired and effete Anglo-Indians as members and secretaries. It could not be otherwise, "regard being had to the innate indolence of most men, especially of old men," (Chesney's *Indian Polity*, 3rd Edition, p. 374) and to the force of lifelong prejudices contracted in the despotic atmosphere of their Indian surroundings.

(10) The real centre, round which revolves the whole question of the proper Government of India, is, however, neither the Secretary of State nor the Viceroy, but the Permanent Under-Secretary. The overwhelmingly important and, indeed, decisive part played by him in all questions of administration is fully brought out by Lowell in *The Government of England*, Vol. I, Part I., Chapter VIII—and the question is—how to bring this powerful official into direct touch with the rapidly changing conditions of things in India. The whole chapter deserves very careful study, especially the pages dealing with the colonial office; for, it is a very serious problem for all those interested in a *progressive* Government for India. The Secretaries of State come and the Secretaries of State go, but he sticks on for ever.

It is to be hoped that the change here suggested in the *personnel* of the India Council, and in the method of their appointment, would go a long way towards bringing the Permanent Under-Secretary of State into touch with the hopes and aspirations of

progressive India. Lord Crewe's innovation in appointing to this post an Indian Civilian is fraught with mischief for the future of India. The Congress and Muslim League demand is that there shall be a native Indian Permanent Under-Secretary also.

(11) The British Prime Minister, Mr. David Lloyd George, has, in one of his speeches in the House of Commons, thrown out a suggestion that the English constitution might with profit adopt the French practice of having Parliamentary Commissions attached to each Ministry. This will enable the Parliament to be in far more direct relations with the government departments than is the case at present. If this suggestion materialises, it is bound to be an effective check on the vagaries of the India Office and its permanent staff and of great good to us. But there is the danger also of the present evils getting terribly intensified if, instead of honest and sympathetic members with no axes of their own to grind, members representative of vested interests inimical to Indian aspirations are permitted to be smuggled in. This will have to be guarded against most strenuously.

Before concluding the chapter, it would be well to discuss from the Indian point of view a question of very great importance, namely, whether India is to be kept clear of entanglement in English party politics or is to take its part in the fierce din and wrangle of party warfare.

The Anglo-Indian view is singularly unanimous, clear and emphatic on the point. On no account is

the political neutrality of India is to be disturbed. In season and out of season, it is ever being dinned into British ears that if India is ever lost to the British Crown, it will be lost on the floor of the House of Commons. It was not the House of Commons, but a prestige-ridden, short-sighted, mean-minded, domineering Tory Colonial Office that lost America nearly a century and a half ago to the British Crown : and it was a liberty loving, high-minded, generous, prescient, democratic House of Commons that saved South Africa to the Empire. No better reply to these interested croakings can be given than in the wise and eloquent words of Viscount Palmerston when introducing the first India Bill of 1858. He said :—

However, we shall be told by some that the Government of India is a great mystery—that the unholy ought not to set foot in that temple—that the House of Commons should be kept aloof from any interference in Indian affairs—that if we transfer the Government to the Ministers responsible to Parliament, we shall have Indian affairs waded the subject and plaything of party passions in this House, and that great mischief would arise therefrom. I think that argument is founded on an overlooking of the fundamental principles of the British Constitution. It is a reflection on the Parliamentary Government. Why, Sir, what is there in the management of India which is not mainly dependent on those general principles of statesmanship, which men in public life in this country acquire here, and make the guidance of their conduct. I do not think so ill of this House as to imagine that it would be disposed, for factious purposes, or for the momentary triumph of party, to trifle with the great interests of the country as connected with the administration of our Indian affairs. I am accustomed to think that the Parliament of this country does comprise in itself as much administrative ability, and as much statesmanlike knowledge and science as are possessed by any number of men in any other country whatever ; and I own, with all respect for the Court of Directors, that I cannot bring myself to think that the Parliament of England is less capable of wisely administering the great affairs of State in connection with India than the Court of Directors in Leadenhall Street. I am not afraid to trust Parliament with an insight into Indian affairs. I believe,

on the contrary, that if things have not gone on so fast in India as they might have done — if the progress of improvement has been somewhat slower than might have been expected, that effect has arisen from the circumstance that the public of England at large were wholly ignorant of Indian affairs, and had turned away from them, being daunted by the complications they imagined them to be involved in, and because Parliament has never had face to face, in this and the other House, men personally and entirely responsible for the administration of Indian affairs. No doubt a good deal has been done in the way of substantial improvement of late years, but that which has been done I may venture to say has been entirely the result of debates in this and the other House of Parliament. And, so far from any discussion on India having worked evil in India, I believe that the greater part of those improvements which the East India Directors boast of in that publication, which has lately issued from Leadenhall Street, has been the result of pressure on the Indian administration by debates in Parliament and discussions in the Public Press. Therefore, so far from being alarmed at the consequences which may arise from bringing Indian affairs under the cognisance of Parliament, I believe that a great benefit to India, and through India to the British nation, will result therefrom. (Pages 116-117. *Indian Constitutional Documents*.)

May one be permitted to ask whether these reiterated loud proclamations are not due to a little fear of unpleasant investigations by Parliament. Similar outcries against Parliamentary interference were quite common in the days of the East India Company whenever the Charter was to be renewed and a Commission of Enquiry issued.

Unfortunately there is a grain of truth in the Anglo-Indian contention against Parliamentary interference which makes it so plausible. We see how the verdict goes against us wherever large questions of policy are concerned, and in the carrying out of which there may be some antagonism between the interests of the British taxpayer and merchant, and the Indian taxpayer and merchant. The opportunist Ministers cannot always afford to advocate justice. The Colonial

Conferences, the Imperial Federation Schemes, all ignore India—nay, gore her in her tenderest parts, Indian questions being always looked at with vulgar colour prejudice, and never on their merits. Unless and until India also becomes a factor to be reckoned with in the maelstrom of British politics, full justice will never be, cannot be, done to her.

This was not so even up to fifty years ago. It began to come into existence with the growth of Australia and of South Africa, and has become notoriously prominent latterly by the contagion of the Colonials, who are, through their politicians, their students, their merchants, influencing English life in so many directions, as also through the vested interests of retired Anglo-Indians. Lowell also gives some other reasons why the national temperament has changed. The proverbial old ‘pblegm’ has given place to almost ‘French hysteria’ as was markedly shown on the never-to-be-forgotten ‘Mafeking’ night in London. The whole town went almost mad when the long tension and agony of the strain of the Boer War was suddenly relieved by the news of victory. The *laissez faire* doctrine of the Manchester School of Economics has disappeared and been replaced by socialistic and ‘paternal’ doctrines. The new Imperialism is inimical to the aspirations of non-White and non-Christian nationalities, its humanitarianism confines itself largely to men of its own blood. English Ministers are after all human beings, and they have to tack their sails to the breeze of the moment, if they

are to avoid foundering. So the habit of treating the urgent symptoms, and not going behind them in search of ultimate causes, is very strong. Even Mr. Gladstone had to confess that he had never been "able sufficiently to adjust the proper conditions of handling any difficult question, until the question itself was at the door." Such an attitude makes far-sighted policies looking for results in the distant future impossible. Parliamentary legislation has become a scramble where the most persistent and influential get what they want. "The motives for winning over the various classes in the community by yielding to their wishes" are very strong. "Under the late conservative administrations, complaints were made of doles to the landowners, the Church of England and the publicans; now, under the Liberals, of concessions to Non-conformists and to the Trades-Unions." (*The Government of England*, Vol. II. Chapters LXV-LXVI.) Every interest that can bring to its help the pressure of votes in the Parliament, and can make any question 'acute,' is certain of a favourable hearing.

It is impossible to prevent the discussion of Indian questions in the Houses of Parliament, and equally impossible that the discussions should not take a party turn. Lord Morley's India Councils Acts, notwithstanding his strenuous efforts to keep out discussion on party lines, were discussed largely on party lines, and Lord Morley had to conciliate the Opposition by throwing overboard many a provision for which India had been pressing.

Why is it that India, "this brightest jewel in the English Crown," is not even thought of in connection with Imperial Federation Schemes? Why was it that it had no voice in the Colonial Conferences? What is the *real* objection to a policy of Protection? It is India that stands in the way. It is felt that the demand for Fiscal Autonomy on her part could not well be refused with any show of even political, to say nothing of ethical, decency, nor could be light-heartedly met for fear of selfish commercial votes.

If India is to be governed in the interests of its people, it must enter the arena of party politics. Everybody is much too busy with affairs nearer home to spare time and energy for seeing full justice done to a people who are dumb. Even the Secretary of State for India is a party politician owing his Cabinet rank to his English work and not Indian. It is not on questions of Indian policy that a Cabinet is ever wrecked. All this talk about keeping Indian questions out of party polemics looks very much like a convenient cloak for covering them up and thus preventing their becoming urgent symptoms to add further perplexities to an already overburdened and harassed Cabinet.

(12) Finally, India should be allowed direct representation in Parliament for the purpose of making its voice heard in the home of its rulers. Till the time that the question of giving India an autonomous government on the lines of Australia, of New Zealand, of South Africa, of Canada, is solved, how are we

to voice our demands in the Houses of Parliament, if not through Indian representatives? The plea put forward against direct Colonial representation, "that the Colonies would interfere with England, or England would rule the Colonies far too much" (Lowell, Vol. II, p. 436) cannot hold good of India. Her Parliamentary representatives would be too weak—we do not ask for more than twenty members in the House of Commons and ten in the House of Lords (these to be appointed for a term of five years from among the Ruling Princes, the bigger Zamindars and the Cadets of their House)—to be able to interfere with English policy and, as India is not yet a Self-Governing Dominion, there could be no question of England ruling her far too much. It already rules fully.

French and Spanish, Dutch and Portuguese Colonies send representatives to their respective 'Parliaments.' If the representatives of Pondicherry can sit in Paris, cannot the representatives of its neighbour, Madras, sit in London with profit to their Constituencies and to England? The advantage of such a course would be immense. All questions would be threshed out in public, all chances of misunderstandings would be removed. The people, at large, would know the reasons for any line of action taken, and even if it is against their wishes, it would leave less of a soreness behind against the Government than is the case at present.

S U M M A R Y.

1. The position of the Secretary of State for India to be approximated as quickly as possible to that of the Secretary of State for the Colonies with regard to the Self-Governing Dominions.
2. The salary of the Secretary of State for India and of the Parliamentary Under-Secretary to be a charge on the British Budget.
3. If the Indian Budget continues to be submitted to Parliament, it should be referred to the Public Accounts Committee of the House of Commons, after presentation.
4. The Secret and the Stores departments of the India Office to be forthwith abolished.
5. The present India Council to be replaced by a Board of High Commissioners, eight in number, each one of whom is to represent a Major Province of India and to be elected by its Legislative Council and his salary of £2,000, to be on the Provincial Budget. The High Commissioners not to have any administrative functions, but only consultative and advisory.
6. The Secretary of State's control over Indian Finance completely, and over Administration very largely, to be made over to the Imperial and Provincial Legislative Councils.
7. All revenues and moneys raised or received by the

Imperial or Provincial Governments of India to be vested in the Governor-General-in-Council, or the Governor-in-Council, as the case may be, and not in the Secretary of State.

8. Till such time as India does not become autonomous, like Canada etc., all differences of opinion between the Government of India and the India Office, or between the latter and the British War Office or the British Treasury, to be referred to an independent tribunal like the Judicial Committee of the Privy Council for adjudication.
 9. The Permanent Under-Secretaryship of State for India should not be filled by retired Anglo-Indian Officials as has been done for the first time under the *regime* of Lord Crewe. It is a perilous innovation. The vested interests and class prejudices of a member of the I.C.S. are likely to prove prejudicial to the best interests of India.
 10. India—whether directly under British rule, or only indirectly so, being those portions which are governed by its own native Princes—to be allowed to send representatives to both the Houses of Parliament.
-

CHAPTER II

THE IMPERIAL GOVERNMENT

The Royal Commission upon Decentralisation in India in their Report, issued in 1909, point out that under their terms of reference they could only enquire into the relations of the Government of India with the Provincial Governments, and into those of the latter with the authorities subordinate to them. They take care to state that they were precluded from dealing with the question of alterations in the control of the Secretary of State over the Indian Governments (Imperial and Provincial),

except incidentally and so far as discussion of the relations between the Government of India and the Provincial Governments compels a reference thereto Similarly, we have not enquired into the relations between the Government of India and the heads of the Imperial Departments which they directly administer, such as Railways, the Post Office and Telegraph. We hold, too, that our terms of reference precluded us from enquiring into the constitution and duties of the Civil and Criminal Courts.

It is perfectly true that most unfortunately for us the terms of reference were deliberately made narrow and were further circumscribed by the very rigid and technical interpretation put upon them by the Chairman of the Commission, who was the Political Under-Secretary of State for India, and was thus inevitably biassed *against* a liberal interpretation of the terms and *towards* an interpretation that would disturb the least

the administrative system as it existed. This self-imposed limitation has been no less harmful than the other limitation, which prevented them from enquiring into the relations of the Secretary of State and the Government of India. The absence of the former would have helped to remove a very large number of the errors of the system of administration, which bear very harshly and injuriously on the people; while that of the latter would have paved the way to the granting of a large and liberal measure of Home Rule to the country.

We in India feel every moment of our lives how very necessary is an enquiry into the powers and duties of the Law Courts, the emoluments of the officers and their qualifications, the methods of appointment, and their relations to the Central and Local Governments, and to each other. Criminal, Civil, Revenue, all these Courts need a rehauling. But the enquiry that we demand is not of the type of the unfortunate Islington Public Services Commission, which has once again brought home to us the truth of the Biblical Parable of the Talents. If its recommendations are acted upon, then the Indian will be called upon to surrender even the little that he has got and the foreign element in the various services of the country which, considering the poverty of the country and the rate of payment for similar services in other civilized countries, is being already exorbitantly overpaid, will have further additions made to its emoluments and a larger monopoly of all the higher posts to the exclusion—