

approval of the manner in which your Excellency's Government has met an arduous crisis."

Is that the way in which Indian Foreign Affairs should be administered? Would not any private business, conducted on similar lines, be soon in liquidation? Is it unreasonable, then, to hold that there can be no remedy until some force comes into being outside what in Lord Lytton's time was irreverently called "the Simla Mutual Adulation Society", and does the work which public opinion and the press, working together, perform in England. (pp. 349 to 351.)

The above is rather a long quotation, but it was worth while making it, as in the process of criticising the Curzonian policy of the creation of a N. W. F. Province, incidentally a good deal of light is thrown on the bureaucratic methods of Government. The obvious remedy for all this mismanagement is Provincial Autonomy, coupled with Responsible Government.

To fully grasp the arguments and indictments of Mr. Thorburn it has to be remembered that there is a gradation of control by the Government of India over the different kinds of the Provincial Governments—though every one of them is being rigorously brought under a system of uniform control. The Chief Commissionerships are directly under the control of the Viceroy in the Foreign Department, which means in practice Secretariat Government at its worst—for in these cases the high authority of the Viceroy covers every act and there is little if any consultation or dissent in the Executive Council.

If an equally outspoken account of the other frontiers were available, a similar tale of woeful mismanagement, of fearful waste of life and money, and of reckless high-handedness would be unfolded.

Lord Curzon tried to play the same old trick with Tibet, but was foiled for some unknown reasons by his friend, Mr. Brodrick (now Lord Middleton) then Secretary of State for India, who while permitting the free-booting expedition hung back when the inevitable question of a Protectorate came up, and even went to the extent of incontinently revising the treaty arranged by Sir Francis Younghusband, thus destroying the prestige of the Government of India and further putting it to serious monetary loss by cutting down the amount of tribute levied on Tibet. The latest instance known to the outside public of a similar thrusting of "friendly relations" resulted in the Abor expedition on the borders of Assam. The late Lord Dufferin got a Marquisate for his successful annexation of Burma, though it took ten years of "resolute Government" afterwards to pacify the country. Bernard Houghton has lifted a corner of the veil from the whole sordid transaction (pp. 133-138) in his *Bureaucratic Government*.

We may now, after this somewhat long but very illuminating digression, come back to the subject in hand, namely a re-adjustment of the Provincial boundaries. To work out a detailed scheme which would at the same time be agreeable to the people requires a roving commission to collect evidence, and submit a Report, but some tentative suggestions may be made here. Many such suggestions have been made from time to time but no *principles* on which such were based have been put

forth. The Government of India Despatch of 25th August 1911 makes an attempt by adumbrating some general principles on which such readjustments of boundaries may be made. According to the Despatch a settlement of boundaries should :—

- (i) provide convenient administrative units ;
- (ii) satisfy the legitimate aspirations of the people ; and
- (iii) be clearly based upon broad grounds of political and administrative expediency.

But the above three principles are so very general, that they are necessarily very vague and hence open to much misunderstanding according to the view-point of the interpreter.

As I understand them—

(i) means that the Provinces should not be either too large or too small. In a fixing of the area, the density of population must also be taken into account. If the population is sparse the area may be larger than the average ; if the population is dense, the area may be smaller than the average. An inevitable corollary to this is that the ideal of "One Province, one language" is an impossible one. (a) It must not be lost sight of either that people speaking the same language are not only divided into different British Provinces, but form parts of Native States as well.

A word here about the *non-interdependence* of ethnic and lingual affinities would not be amiss. It is not generally realised by persons who have not paid

attention to the science of social anthropology that because certain people speak the same language they are not ethnically one; nor the converse, that because two languages are found to be spoken by certain people, therefore, they are necessarily ethnically different. Language has nothing to do with race, and everywhere are to be met with groups which are ethnically one, but speak different languages, as also seemingly homogeneous peoples who speak one language, but who really belong to different ethnic groups.

The area covered by the Hindi-speaking people and their numbers are much too large to "provide a convenient administrative unit" even for a Governor with a full complement of Executive Councillors. (b) Some of the Provinces would be so small, that they would not be able to pay for a highly-organised administration and develop properly all their economic, educational and political interests. Whether large or small the tax-paying ability of a Province will also have to be taken into serious consideration in settling its area.

From all these considerations it emerges, then, that roughly-speaking, each Province should comprise an area of about eighty-thousand square miles, about forty millions of inhabitants and an income of about three crores of rupees, sub-divided into about thirty Districts each.

The question of having a sea-board and a good harbour is of vital importance to every Province. Witness the perpetual wrangle between Bombay and Karachi; between Calcutta and Chittagong; between

Madras and Vizagapatam and so on. Trade jealousy always attempts to hamper the rise and growth of any port that threatens to be a rival. But for this sinister financial influence over the Government, the harbours of Baroda, Cochin, Travancore would have been developed long ago bringing wealth to the hinterland, as also many a British seaport, and coastal trade in Indian-made and Indian owned ships would have continued to flourish. With a developed *Indian Mercantile Marine*, there would inevitably be again brought into existence an Indian Navy manned by Indians, and Indian dockyards to build the Navy, and which but for the jealousy of the British Admiralty would have continued to exist to-day, and on a much larger scale too.

(ii) and (iii) may be taken together.

The question of "administrative expediency" mentioned in (iii) seems to be the same thing as (i) 'convenient administrative units'—and has been fully dealt with above.

Now remain "political expediency" and "legitimate aspirations". Both these are inter-dependent factors, for only that is political expediency which satisfies the legitimate aspirations of the people, and not that which thwarts them.

Sir George Chesney in his *Indian Polity* (page 113) grasped the situation very clearly as to how the present Provinces have grown to be what they are. He says :—

The present distribution of territory among the Provinces of India has come about in a more or less haphazard way, governed by the circumstances of the times, and in many cases *without* regard to distinctions of race and language.

One has only to remember that it was quite a common topic of conversation among the London East India circles in 1839 that the separate Province of Madras might be divided up between the Provinces of Bengal and of Bombay and the city of Bombay made the seat of the Government of India instead of Calcutta. It may all sound very ludicrous now, but it is not more so than the present-day arrangements to which only custom reconciles us. Anglo-Indian Bengal has not yet reconciled itself to the change of capital from Calcutta to Delhi—though absolutely necessary it was—nor to its originator Lord Hardinge—whom it still continues to abuse. A territorial readjustment, then, taking into account all such factors, would be hailed with delight by all the different units whom the present conditions affect more or less adversely. Some little overlapping is, however, inevitable, for there are no hard and fast, definite demarcating lines in nature, and it is beyond the wisdom of any administration to produce sharp, clear-cut divisions, where none exists. What it can do is to try for approximate results.

We may now make concrete suggestions towards the rearrangement of Provincial boundaries. It may be remarked in passing that the main reason given by Lord Hardinge and accepted by Lord Crewe for the transference of the capital from Calcutta to Delhi was

that while *socially* and *politically* the Government of India overshadowed the Government of Bengal, *administratively* it was overshadowed by a subordinate Government by both being located in Calcutta which was in the administrative charge of the Local Government of Bengal. But a similar evil collocation exists at Simla, and Lord Curzon fully realising its drawbacks tried to shift the summer capital of the Punjab Government to Murree or Montgomery, and make of Simla a purely Viceregal *enclave*, but for some unpublished reasons the scheme fell through.

The *Nine* Provinces that I suggest are :—

(1) Madras and Ceylon (Coorg to be amalgamated with Madras, and not kept up as a separate Chief Commissionership under the Resident for Mysore. Its interests suffer a great deal by its political isolation.) The upper half of Ceylon is mostly peopled by Tamils and there is a steady and growing labour migration to the plantations from Madras. A railway too has been built connecting Ceylon with India. Geographically, ethnically, socially, linguistically, and finally theologically it is intimately connected with India. There is not a single good reason for keeping it apart as a Crown Colony. This arrangement will have the further advantage of combining the tea and coffee interests of India and Ceylon and prevent the usual trade jealousies between the English planters of the two British possessions. So everything points to the utility of having them both under the same administration. Nothing is gained by keeping them so very

far apart administratively. All the Uriya speaking tracts should be handed over to Orissa, right up to, if not inclusive of the Agency Tract of the Vizagapatam District; while South Canara should go to Bombay.

(2) Bombay and Berar. The Canarese-speaking people who at present are scattered between four Governments, namely that of Bombay, Madras, Mysore and Hyderabad, cannot, of course, be wholly reunited till the interests of the peoples become supreme and of dynasties subordinate. But there is nothing to prevent South Canara from being reunited to North Canara, under the control of the Bombay Government, as it was some years ago. The Marathi-speaking Districts of the Central Provinces should all be handed over to Bombay. All this will more than compensate for the shearing off of Sindh from it.

(3) Orissa. This to include the Uriya-speaking population of Madras and Bengal. Rather large rectifications may be necessary in this Province. The recently added Berar with some more of the Marathi-speaking tracts to go to Bombay; while many changes on the frontier where it touches the U. P. and Bengal will also be necessary. A bit of Madras may also be necessary to allow of a decent port. The present arrangement by which Orissa has been tacked on to Behar is altogether unsatisfactory. The only 'reason' for such an incongruous arrangement seems to be that Behar by itself would be a very small change. It will be seen that it is proposed

here to break up into its component parts that mass of inchoate, heterogeneous mass known as the Chief Commissionership of the Central Provinces by uniting the Marathi-speaking peoples with their brothers of Bombay; the Uriya speaking with their brothers in Orissa; and the Hindustani-speaking with their brothers in the United Provinces. Up to the year 1861 the Saugar and Nerbudda Territories formed part of the present United Provinces. So also did Delhi Territory, up to the right bank of the Jumna tracts.

(4) Northern India may be re-distributed into Punjab and Beluchistan. Lord Curzon's North-West Frontier Provinces to be reunited to Punjab; as also Sindh. Sindh would develop much faster under Punjab, than it has done under jealous Bombay. Punjab too will develop much faster than it has been able to without a seaport under its own direct control. The Sindhi and the Western Punjabi are ethnically and linguistically practically homogenous; while the Sindhi has nothing in common with the Maratha or Kanarese. There is also a strong sentimental reason for the disappearance of the Frontier Chief Commissioner. The higher dignity of the Provincial ruler will prove a more valuable asset in dealings with the Frontier tribes, who will certainly appreciate at its full worth the difference between His Excellency the Governor, and a mere Honourable the Chief Commissioner.

The solid reasons against a Frontier Chief Com-

missionership have been set forth at length above and so no re-statement of them so soon is necessary.

Before passing on, it would be useful to dwell on one objection that has been sometimes made. It is this : advanced tracts suffer by being tied down to backward ones and the administration is hampered by having to deal out the same civilised laws to both the advanced and the savage Border Communities. The objection would be a serious one, if the Government had no remedy. But it has the remedy, which it employs off and on. It is that while these troublesome districts form a part of the regular administrative agency, they should be kept separate with regard to the laws to be enforced there, as is freely done in the unsettled districts of Bengal (Santal Perganas), U. P. (Kumaun, Garhwal, Non-Regulation districts), Madras—all these possess what may be called agency tracts. If this were to be done quite freely, instead of the advanced being dragged backward, would be under a steady pull forward by the former.

Another thing. There should be no non-regulation Provinces. It is an anomaly that Oudh, the Punjab, the Central Provinces and others should continue to be non-regulation ones. There is no justification for such an arrangement. It only makes for personal, autocratic rule and the concentration in single hands of all sorts of incompatible and incongruous powers, as against the rule of law and division of powers according to civilised notions of Government.

We now come to what is a rather difficult work of demarcation namely the proper allocation of the country between the Punjab and Bengal.

(5) Western Hindustan; that is to say those Districts or portions of them on the Eastern boundary of Punjab, which are Hindi-speaking and have an affinity with the western districts of the United Provinces; the Hindi speaking Districts of the Central Provinces—about ten or twelve; all the western Districts of the United Provinces.

(6) Eastern Hindustan; that is to say all the remaining portions of Oudh, most, if not all of the Gorakhpur and Benares Divisions, Behar, Chota Nagpur and any non-Bengali-speaking Districts or portions of them that may have been recently left behind to Bengal on the separation of Behar from Bengal.

(7) Bengal, comprising all the Bengali speaking peoples.

(8) Assam, comprising the port of Chittagong and of course all its hinterland; this maritime district has no natural affinity with Bengal; all the borderland between it and Tibet and Bhutan; and a large slice of Burma, for instance, the land of the Kachins and possibly of the Shans as well. Burma which is one hundred and seventy thousand square miles and will be still larger under the proposal next to be made, might very well hand over to Assam sixty to seventy thousand square miles of territory. Chittagong should become the capital of Assam.

(9) Burma and the Federated Malay States.

These latter formed a part of the Indian Government, but were taken over by the Colonial Office in 1867 as the Government of India found it difficult to manage such distant island administrations. With the acquisition of Burma, that reason does not hold any more, and it is to the interest of both the administrations that they should be under one Governor.

The penal settlement of the Andamans should also be handed over to it.

Nothing has been said about Ajmere-Merwara, because "political expediency" requires that no change of administrative methods be inaugurated there. The toy Province of Delhi is a Viceregal *enclave*, and needs no dilating upon either,

It may be pointed out, that a Province may very well have more than one High Court and more than one University, and if this point is borne in mind both by the government and the people who like the Telugus demand a Province all to themselves, much of the point against large Provinces embracing more than one language within their territorial jurisdictions will be blunted. Bengal for instance is going to have a second University, at Dacca. Madras may very well have also a second University situated amongst the Telugu speaking people. It may have a second High Court as well, situated in the University town. Some such arrangement will amply meet all the needs of the situation without indulging in expenditure which the country can ill-afford but which would become inevitable

if a large number of small Provinces were to be created. Very many small Provinces also have the disastrous effect of delaying, if not hindering the formation of a United India, by emphasising parochial interests.

The scheme outlined above of nine full-blown autonomous Provinces with a full complement of Ministers and large Legislative Councils is a very large and bold one, and lays its author open to many a vigorous onslaught, and even contempt from the wiseacres of the Anglo-Indian Press. But when these describe even such a document as that presented to Lord Chelmsford by nineteen of his non-official colleagues on the Legislative Council as "impertinence," their abuse will be only so much wasted labour.

EXECUTIVE COUNCILS.

The universal Indian demand for Council Government in place of one man rule having been fully endorsed by the Decentralisation Commission, no further discussion on that point is needed. But the Report while clearly pointing out the drawbacks incidental to the rule of a Lieutenant-Governor in para 439, says nothing about those of a Chief-Commissioner. But the very same arguments hold good against a Chief-Commissioner and even more strongly.

With regard to the functions and *personnel* of the Executive Councils all that has been urged in the previous chapter with regard to the Supreme Executive Council applies with even greater force to these Provincial Councils. For it is here that the real growth of

India will take place. It was the perception of this factor that made the Commission report in favour of not *less* than four members besides the Governor. But those three doughty champions of Bureaucracy, Lords Macdonnell, Sydenham and Curzon forced Lord Morley to withdraw all those sections of the Bill which he, in his far-sighted statesmanship, had inserted in the interests of Indian aspirations. Such an elastic section would have permitted the creation of additional Ministries from time to time as the need for them arose, without the necessity of appealing to Parliament and the party interests that reign supreme in it. Even at present there is enough work to demand the energies of at least six members.

Our concrete suggestions are —

(1) that the Governor should hold no portfolio, but be simply the directing, controlling, co-ordinating head of all the Ministries. This is enough work to absorb all his energies ;

(2) that while there must be individual Ministerial responsibility, Members must work as a *body*, must not feel and act as if they were absolved from responsibility in subjects outside their own particular department ;

(3) that not *less* than half the Ministers shall be Indians and not *more* than half may be Englishmen ;

(4) that none of them shall be taken from the I.C.S. ;

(5) that their emoluments shall not be more than those of the High Court Judges, namely Rs. 4,000 per month.

It is further necessary that the Provincial Political Departments should be totally abolished, and all their work concentrated in the hands of the Government of India. The condition of affairs by which Indian States continue to be attached to the Provincial Governments is a relic of those days long since past, when these Local Governments used to make war and peace on their own account and the Central Government, very different from what it has been since the assumption of the Government of the country by the British Crown, sixty years ago. There were neither Railways nor Telegraph then. When the status of independence of the Provincial Governments was changed to one of subordination to a central Government, their control over the Semi-Sovereign Princes of India ought at the same time to have been handed over to the Supreme Government, but somehow it was overlooked at the time. Now with Provincial administration coming under popular control, this change cannot safely be delayed any longer.

The six Ministries might be :—

(1) Ministry of the Interior.

This will allow of the reduction of the posts of the Inspector-General of Police and the Inspector-General of Prisons.

(2) Ministry of Education and Sanitation.

This will allow of the reduction of the posts of the Director of Public Instruction, the Inspector-General of Civil Hospitals, the Sanitary Commissioner, etc.

(3) Ministry of Finance and Revenue.

It is the practice in this country to couple Revenue with Agriculture, but it is not good for the interests of Agriculture, which are always sacrificed to the overwhelming claims of Revenue. The Provincial Inspectors-General of Registration, Stamps, Excise, etc., will have become useless posts and should be brought under reduction.

Excise must be under the control of that Ministry which would be overwhelmingly interested in *diminishing* crime, poverty, and drunkenness without the least consideration for the revenue side of its administration.

(4) Ministry of Agriculture.

This will comprise the Departments of the Director of Land Records ; Forests, Fisheries, Irrigation, etc. This last is generally under the control of the P.W.D., but such an arrangement has been proved time and again to be against the best interests of the cultivator. The P. W. D. should deal only with the repair of old canals and the construction of new ones, but should have no voice in the fixing of rates and little in the aligning of the canal ways. This will allow of the reduction of the post of the Chief Conservators of Forests, of the Directors of Land Records, and other such very highly-paid, superfluous, *separate*, supervising, agencies.

(5) Ministry of Public Works.

This will deal in the usual way with roads, railways, bridges, culverts, public buildings, canals, etc. It will, besides absorbing the post of the Chief

Engineer, do away with the necessity of Divisional or Supervising Engineers as well.

On this Department the Report observes (*para* 452):—

The fact will, however, remain, that in the Public Works Department, the Chief Engineers are also Secretaries to Provincial Governments. Seeing that this Department deals with matters involving large expenditure of money, and requiring an intimate knowledge of the country and the general knowledge of administration, we think it undesirable that an over-burdened Lieutenant-Governor should have to control it with the advice only of departmental officers, and we think it equally inadvisable that the Public Works portfolio should, as is now usually the case in Madras and Bombay, be similarly left in the hands of the Governors. Our proposals for the general institution of Council Governments with enlarged Executive Councils, will, however, enable the portfolio to be entrusted to one of the Ordinary Members of Council, as it is in the Government of India; and so long as it is so, we think it an advantage that the Secretaryship should be in the hands of an officer of technical knowledge and experience.

The case for a separate Ministry is much too strong to permit of mere make-shift arrangements especially when the abolition of the P. W. D. of the Central Government is strongly urged.

(6) Ministry of Commerce and Industry.

There may not be much work for the Minister in the beginning in some of the Provinces; but those are the very Provinces which need a special Minister to create work and justify his office by the strenuous enlarging of the Industries and Trade of the Province.

The Judicial Department should be handed over to the High Court; this coupled with the separation of the Judicial and Executive functions will help to purify justice and re-establish the faith of the people in it. But if it be thought impracticable to hand over

wholly the Judicial Department to the control of the High Court, then the Department may be split up in two, one dealing with those matters which ought to be under the control of the High Court, but which unfortunately are not at present, and another dealing with those matters which may be in charge of the Ministry of the Interior. This will absorb the office of the Legal Remembrancer, and will be the Department in charge of Law-making. The present state of affairs in which the Legal Remembrancers and the Registrars of the High Courts are not Vakils and Barristers, but non-expert laymen from the I.C.S. is very undesirable and needs immediate change.

By what I have said above about the reduction or abolition of the many Provincial supervising agencies, I mean that these officers—Inspector-General, Deputy-Inspector-General, Directors, Deputy-Directors, etc., etc.,—should be merged in the Secretariat. In the Punjab for instance, the Director of Public Instruction is also the Education Secretary to the Government, instead of the United Provinces arrangement where a junior Civilian bosses it over the veteran D.P.I. Worse still, this Civilian is a constantly shifting quantity; as the exigencies of *his* Service require he is tossed about from post to post, and seldom acquires an intimate acquaintance with the needs of the Department or of the people. What I therefore mean is that the Civilian Secretary should be replaced by these *experts*, who will combine in their own persons, their present supervising duties with the Secre-

tariat as is the case in the United Provinces ; also with regard to some of the technical departments, for instance, the Engineering. This sort of arrangement will lead to a great deal of saving, besides removing the useless, when not mischievous intermediaryship of non-expert Civilian Secretaries between the Ministers and these expert officers, now kept at arm's length.

It will be beneficial to have Advisory Boards, consisting of not more than eight and not less than six members, attached to each of these Ministries as have been suggested above for the various Ministries of the Government of India also. They are in no way to interfere with the details of the Administration, the Ministers being solely responsible for the efficient working of their respective departments. The function of the Boards to be purely consultative and advisory. They will offer their opinions on any point laid before them by the particular Minister concerned or give him advice unsolicited, but he remains free to accept or reject all such advice. The Board is to meet at least once a month. Its *personnel* to consist of members half of whom should be elected by the non-official members of the Legislative Council either from amongst themselves, or from outside experts : the other half to be appointed by the Government either from amongst its own servants or outsiders. The members to be appointed for four years, but open to re-appointment. To keep up the continuity of the Board, half the members to go out every two years by ballot.

With a Council Government the post of Chief Secretary is an anomaly ; all the Secretaries should be on the same level.

SECRETARIATS.

The Secretariats are the real strongholds of the bureaucracy. It is thence that all the strings are pulled that set the District marionettes dancing. It is, therefore, absolutely necessary that their self-created complete isolation should be broken down at once, and they should be brought into the fullest touch possible with the daily and hourly needs and aspirations of the *people*. With the Secretariats manned as they are, wholly by imported agency, alien in colour, in speech, in religion, in education, in sympathies, in customs, in manners, how is it possible for them to " get into the skins " of the ruled ?

There are two ways in which this difficulty can be remedied.

One is by the removal of the colour bar, and of vested interests. The Secretariat should not be a preserve of the I.C.S. It should be thrown open to members of the other foreign-recruited services also, like the educational, to give an instance. It should freely take into its ranks Indians, thus bringing an Indian atmosphere into the alien environment. Not less than one-third of the Secretaries of *every grade* must be Indians. It might, perhaps, be helpful if the principal Secretary of an Indian Minister were an Englishman and of an English Minister, an Indian.

It may be pointed out that no Head of a Local Government, be he Governor, Lieutenant-Governor or Chief Commissioner, has ever had an Indian even as Assistant Private Secretary. Why should not every Provincial Head make it a point to have an Indian as a full, Deputy, or Assistant Private Secretary? He would be saved many a social mistake and thus escape a good deal of easily avoidable and unnecessary unpopularity.

Vested interests and colour bar thus removed there remains the *second* remedy to be mentioned. It is the abolition of hill capitals.

HILL CAPITALS.

It is absurd that very highly paid, young and energetic secretaries should find it indispensable that their work should be done in these Elysian abodes where dance and jollity and every frivolity is the order of the day, remote from the 'heat' and dust of everyday life. There is no end to specious pleas in favour of Hill Capitals, but Lord Carmichael, late Governor of Bengal, has so far been the only high official who has had the courage and the honesty to publicly expose the hollowness of all those official arguments. Let there be no misrepresenting of our meaning. It is not the *Hill Station* that we are so strongly opposed to; it is the making of these into *Hill Capitals* that is so strenuously denounced. The leave rules are very liberal and there is nothing to prevent any official who feels low and jaded to run up to a *Hill Station* or go down to a quiet sea-coast town for a few weeks

to recruit his health. But to have the whole machinery of government from the Governor downwards carted over to remote Hill stations for more than half the year, and all at public expense, is very reprehensible. If the health of those high functionaries is so delicately poised that they can "work" only on these cool heights, resorts of fun and frolic, safely screened from the gaze of the profane, then such people have no business to play at government. Let them take pensions and go. The sooner the better. We do not want Moses on the mountain top. We want him in our midst.

Mr. Bernard Houghton has devoted two whole chapters of his essay on *Bureaucratic Government* to a delineation of the bureaucratic mind and its methods and of its apotheosis of the Secretariat, but as the book is an easily available one and besides deserves to be studied from cover to cover, I give no quotations from it.

BOARDS OF REVENUE.

The question of the Boards of Revenue was carefully gone into by the Commission, and the Report unhesitatingly condemns them, in favour of *enlarged* Executive Councils. It is in favour of "complete absorption of the Board into a Governor-in-Council system." It also suggests that its present appellate judicial work should be made over to Judges and Commissioners. But as in our scheme there is to be no Commissioner either, all its judicial work should simply be made over to the Civil Courts. This will be merely reverting to the good old practice which prevailed up to almost the third quarter

of the last century, and was done away with in a moment that was evil for the owners and tillers of the soil.

The only thing to do now is to keep up a persistent demand for the abolition of these Boards, and of the Financial Commissioners, where these take the place of the Boards of Revenue.

DIVISIONAL COMMISSIONERS.

The Divisional Commissioners are a set of officers with very undefined duties. Their work seems to be chiefly to serve as transmitting media between the District Administration and the Provincial Government. They are nowhere doing any such substantial work as could not be *better* done by already existing other agencies. A good deal of the work also seems to be very superfluous, almost seeming to have been created to give some employment to these highly-paid officers who, over and above their already very high salary, have now been supplied with a motor-car each with upkeep also free at public expense. To an outsider they give an impression of being rather an irresponsible sort of officials acting as a *wedge* between the District and Provincial Administration and preventing that thorough understanding between those who carry on the actual day-to-day business of ruling a District, and those who constitute the supervising and directing machinery of the Provincial Government, which understanding is absolutely essential to smooth, sympathetic and quick administration. The official evidence tendered by the Madras Government strenu-

ously resisted the suggestion of introducing into the Presidency any such obstructive media, which would only tend to make friction and be more of a hindrance than a help to the quick and efficient despatch of business. The Hon. Mr. Gokhale also, in his evidence, spoke against the costly waste of Commissionerships. So far back as 1830 when barely a few years had elapsed since their creation, this question was being agitated. It was even then felt that the office was an anomaly, costly and obstructive, making for red-tape instead of quick and responsible despatch of business. Two such well-informed Civil Servants as the Hon. Frederick John Shore (son of Lord Teignmouth, Governor-General of India) and Henry St. George Tucker, both of whom rose to be Commissioners themselves—the latter becoming later a Director of the East India Company—advocate in no uncertain terms the abolition of the post which they themselves had held and whose uselessness and even mischief they had found out by personal experience. Anyone interested can study their remarks in *Notes on Indian Affairs*, of the former and *Memoirs of Indian Government* of the latter. This playing at a sort of Sub-Governorship is scarcely needed in a modern, well-knit administration. For most of us such a complete unanimity of opinion between the official and therefore expert evidence of the Madras Government and the well-informed but lay public opinion voiced by Mr. Gokhale, and which presumably is based on a fairly full trial of the system in its highly

developed condition in Bombay, seems to be proof positive that no such officer is necessary.

The Decentralisation Report, however, has pronounced in favour of Commissionerships, and has even gone the length of recommending its introduction in the Madras Presidency, in the face of all the official and non-official opposition. Only general, vague affirmations are indulged in, and plenty of details about the work that should be given them. But no solid arguments in favour of Commissionerships have been advanced. Paragraph (472) cl. (1) distinctly points out the *advantage* that has accrued to Madras District Administration by the *absence* of this worse than useless fifth wheel in the administration :—

District decentralisation has proceeded farther in Madras than in any other Province, and the Collector there occupies a position of higher authority than he does elsewhere. While this may be partly due to the large size of the Districts, it may also be fairly ascribed to the absence of territorial Commissioners.

This puts the whole case against Commissioners in a nut-shell. If there are intervening officers like Commissioners between the British unit of administration, the District and the Provincial Governments—they will inevitably affect for the worse the powers and the prestige of the District Officer. The Report is wholly wrong when it mentions as one of the causes of the higher position of the Collector in Madras, the large size of the Districts. Burma has the largest Districts of any Indian Province; Bengal too has Districts, like Mymensingh with four millions of inhabitants, richer and more densely populated than any in Madras; but the Collector or Deputy Commissioner

remains dwarfed and stunted, simply because of the dense overshadowing by the Commissioner. With really representative Legislative Councils—as they emphatically are not at present—and enlarged and democratised Executive Councils there should be no intermediary between the District Officer and the Provincial Government. It was urged before the Commission that the Commissioners do a lot of useful work, and the Report would have more work thrown on them. Now it is our contention that all this work is neither all necessary nor is it necessary that it should all be done through the present agency only.

The system of territorial Commissionerships of Bombay is the most highly developed of all, but even that is full of very serious defects as the Report itself points out (p. 166.):—

“(i) There is reduplication of work in the various Commissioners’ offices.

“(ii) There is absence of co-ordination and guidance, etc.”

The Commission, however, failed to grasp the situation firmly and though one of the remedies suggested is an “expansion of the Executive Council,” they being misled by their faith in the other remedy, suggested by them, namely, more

and full and frequent opportunities of consultation between the Divisional Commissioners and the Commissioner of Separate Revenue,

stopped short of the only real remedy, namely a *very fully-manned Executive Council*. An Executive

Council made up of seven to eight members including the Governor which would absorb all these Commissioners, and make them *publicly responsible* for the advice they might give is what is required.

The Report has similarly blundered in the case of Madras, as said above, by suggesting that Territorial Commissionerships be created there. If this wrong policy were to be carried out, it would only mean much heavier expense for administration and a thick veil between the Government and the District administration! The only proper remedy here also, is the *full* expansion of the Executive Council to comprise seven or eight members including the Governor.

The North-West Frontier Province, and Beluchistan like Madras, have also no territorial Commissioners.

The evidence of Mr. G. S. Curtis, I.C.S. (vol. VIII, p. 106) contains one of the fullest, most well-reasoned, and convincing arguments against territorial commissionerships, but it is too long to be reproduced here. Unfortunately, since the pronouncement of the Decentralisation Commission in favour of Commissionerships, there has been a steady tendency to increase their power and prestige, and gradually make them into a sort of Sub-Governorships, the result of which would inevitably be, in the words of Mr. Jackson, another Bombay witness, that they would "become a barrier between Government and the Collectors"—a result which he strongly deprecated.

To sum up. The work of administration is of two distinct kinds, namely (1) that which lays down the

policy, guides and controls, and inspects to make sure that the policy is being carried out, and (2) that which executes. The former work is done by the Executive and Legislative Councils. The latter is done, or ought to be done, by the District Officer, whether known as Collector, Magistrate or Deputy Commissioner, and the staff subordinate to him. Between the two, no intermediaries, no curtains, no barriers are wanted. The Provincial Government and the District Administration should be left face to face.

DISTRICT (ADVISORY) COUNCILS.

I must begin by pointing out that it is a mistaken view that honorary non-official Chairmen of District Boards would ever be as successful as, to say nothing of their being more so than, paid official Chairmen, that is to say, the District Officers. The size of the Districts is too large (an average of 4,000 sq. miles) for any unpaid Chairman who will generally have more than enough private work of his own, to be able to even know all the requirements of his charge, much less be able to see them fulfilled. He is bound to be a failure, so neither the politicians should clamour for such appointments, nor should the Government yield to such shortsighted demands. But even with an official Chairman, the size of the Districts will have to be reduced. Districts going up much beyond 4,000 sq. miles must be divided up. On an average a radius of 30 miles from the Head quarters seems to be, taking every thing into consideration, a sufficient size for a District.

At present, there are Districts as large as 17,000 to 18,000 sq. miles, and a great many ranging between 6,000 to 8,000 sq. miles. Now it needs no pointing out that District Boards, as at present composed, can never carry out *efficiently* the duties laid upon them by the various District Board Acts. They can only be bodies for registering the decrees of their President, the District Officer. Local Self-Government to be real and effective must confine itself to smaller areas. Sub-Divisional (Sub-District) Boards, known as Local Boards, or *Taluka* Boards and Village Unions, are the only really workable units. Assam is the only Province in the lucky position of not being saddled with District Boards; while in the United Provinces affairs have been so ill-arranged that there are neither Sub-Divisional Boards, nor Village Unions. Madras is provided with all the three grades of Boards—District, Sub-District, and Village Union. Briefly, I suggest that District Boards of the present type should be abolished, and in every District, every revenue unit under a Tahsildar, or Mamlatdar should have an elected Tahsil Board with the Sub-Divisional Officer as *ex officio* President for the present, and non-official honorary Vice-Presidents and Secretaries. Below these should be a number of Village Unions, (Pargana Boards) wholly elected and appointing their own office-bearers.

We may now go on to deal with the District Boards or District Councils of the kind that are being advocated by large numbers of thoughtful Indians, and even by officials, for instance, the late Mr. Jackson

of Bombay and many others. But the scheme I advocate is rather different from the late Mr. Gokhale's scheme. It is this. The District Officer, for whom I propose the name of Commissioner, should of course have his authority left wholly unimpaired. The Council should be a purely advisory and consultative body and in no way *administrative*; but, (and here comes in the difference of my scheme) it should be composed half and half of *ex officio* and elected members. The District Officer (Commissioner) to be its President, the Superintendent of Police, the Government Pleader, the Public Prosecutor, the District Engineer, the District (civil) Surgeon, the Inspector of Schools, and all the sub-divisional officers (who, by the way, must reside in their charges as is the excellent Madras, Behar and Bengal practice, and not at the Head Quarters of the District as is the undesirable United Provinces and Bombay practice); and the Chairman and the Executive officer of Municipal Boards should also be *ex-officio* members. There should be at least an equal number of elected members. Every school, teaching up to the Entrance Examination, every college, (whether 1st Grade or 2nd Grade), every Municipality, every Tahsil Board, every Village Union to elect at least one member each. If the District has other organised and registered bodies, whether confined to single castes, or devoted to political, social or other recognised purposes, these too should elect a member each for the Council. The Council must meet at least once a month. It would take me too far afield to

minutely enter into the work that may well be handed over to these Councils, but as a general rule it may be said, that a good deal of work that the territorial commissioners do, for instance, the passing of Municipal Budgets, may all be safely delegated to the *Commissioner-in-Council*, as also a good deal of work of a similar kind that goes up to Boards of Revenue, for instance, Excise, or to the Secretariats, or to the many Directors and Deputy Directors, Inspectors-General, and Deputy-Inspectors-General. In short this arrangement of a (District) Commissioner-in-Council, will allow of a large amount of decentralisation, without the fear of turning every District Officer into a local tyrant. On this whole question the admirable evidence of the late Mr. Gokhale in the Decentralisation Commission Report Vol. VIII, deserves careful study.

One official argument is advanced against such (Advisory) Councils, namely that consultations do take place and advice is generally, if not freely, sought even at present, and for such a purpose merely these bodies would be useless encumbrances. Such official arguments may well be left to be answered by an official. Major General Sir John Malcolm who rose to be Governor of Bombay in 1821 wrote *Notes of Instructions* for the guidance of his English assistants. These are printed in his work, *Central India*, Vol II, pps. 447-448. He writes :—

The next important point to be observed in official intercourse with the natives is "Publicity". . . . He should avoid, as much as he possibly can, *private conferences*, with those in his employ or others. These will be eagerly sought for; they give the individual thus admitted the appearance of favour and influence; and

there is no science in which the more artful among the natives are greater adepts, than that of turning to account the real or supposed confidence of their superiors. I know no mode of preventing the mischief. . . . but *habitual publicity* in transacting business. (*Italics mine.*)

Every word of the above is as true to-day as it was nearly a 100 years ago, when it was first written. I would only add as a qualification that the "artful natives" only mostly frequent the official circle, the genuine ones keeping at a distance for want of encouragement. I need not enter into the psychological reasons, which give rise to another seriously disturbing factor in the matter of private and irresponsible advice as compared to public and responsible advice. Every one knows that one and the same person giving advice under these different conditions gives very different counsels! I may make a suggestion here about the best way of utilising the experience and responsibility of the heads of the various Departments under the control or supervision of the District Officer. In addition to what I have suggested above, regarding their inclusion as *ex-officio* members of the District Council, I would suggest that the official subordinates of theirs should form a sort of Executive Council or Cabinet for him, and instead of being consulted privately and individually as is the usual practice, they should be consulted *collectively*.

I have already said that the delegation of much greater powers to the District Officer, which has been universally demanded by the I. C. S., would lead to the great evils of irresponsible autocracy and popular discontent. Such delegation would be not only harmless

but very useful, nay, is necessary, but only when safeguarded by such Councils.

EDUCATION.

The essential minimum of education for national and individual purposes is—that girls should become fit for motherhood, and mentally and technically fit for managing a household; and boys fit for fatherhood, and mentally and technically fit to earn a living wage for a *family*. Can anybody dare to say that such a standard holds true of even 5 p. c. of the more than 315 millions of India? What a contrast is Japan with its 95 p. c. of the population trained to citizenship! Even the Filipinos who were so downtrodden by the Spanish barely 20 years ago, have made tremendous advances under the truly altruistic administration of the U. S. A. The principle of free and compulsory primary education is now pretty widely accepted even by the official hierarchy which so strenuously resisted the late Mr. Gokhale's very mild Bill on the subject. It is only to be hoped now that the newly born goodwill will speedily materialise into action and within the next five years every boy and every girl begin to receive some instruction.

This question of universal instruction raises one very vital issue, namely that of script. This has a double bearing,

- (1) On the illiteracy of the masses, and
- (2) On the efficient administration of the country.

(1) The burden of numerous complicated scripts is ruinous to the country, both economically and educa-

tionally. These scripts take a very long time to master thoroughly, and so the expenditure necessary to keep the children for the time required for the instruction would be so increased that the financial burden on the State for maintaining a staff twice or thrice as numerous as would be necessary with a single and a simple alphabet, might very well be taken to be prohibitive. Then again the cost in buildings too would be correspondingly doubled or trebled. For instead of, say, ten millions of students at a time, twenty or thirty millions would have to be kept in these lowest classes, simply because of the difficulty of the alphabet. The poor students too will be sufferers in another way. All this time that is wasted in mastering the difficulties of the alphabet would otherwise be saved for much more valuable instruction. Many complicated scripts are further anti-national forces. They make for divisions where there need be none. If for instance, Marathi, Gujarati, Hindi, Urdu, Maithili, Bengali, Uriya, were all to be printed and written in one script, how very much easier it would become for people to understand each other and read each other's literature; for the languages are not so very different from each other as to require more than two or three months' training in each to make one fairly at home in them.

(2) For efficient administration it is essential that every official should be able to read some at least of the Indian languages with *fluency*. Now this cannot be said of any foreign official, and even the native Indian official finds the task a difficult one. There are very few

Indian officials who are thoroughly at home in Urdu Shikast, in Nagari Ghaseet, in Kaithi and in Mahajani in the United Provinces for instance; similar is the plight of the Indian officials in the Madras Presidency with its eight different and difficult scripts. When educated Indians find the task so hopeless, is it any wonder that the European finds it even more so.

Personally I am whole-heartedly in favour of the immediate adoption of some simple phonetic form of the Roman alphabet (as I am for a simplified English spelling, if English is to be much more widely spread than it is at present) for all *government purposes* and for primary instruction. The type-writer would then become as universal in India as it is in U. S. A. with its clean and quick work, and accuracy and ease of duplications of the original. What this means in the saving of time and temper needs no harping upon. Mr. J. Knowles has been the most persistent advocate of alphabet reform in India, and it is to be fervently hoped that his labour of love may soon be crowned with success. I cannot do better than wind up this discussion with one sentence of his. He says:—

The mental and material [and I may add moral and religious] progress of India depend largely on the answer which will be given to the question; Is India for ever to have the biggest Babel on Earth, or is a beginning to be made of national unity by the factor of a common alphabet for Indian vernaculars?

Will our leaders move in the matter and ask Government to help them to evolve a cosmos out of the present chaos; or will they allow themselves to betray the true interests of the Nation for fear of the clamour of pseudo-patriots, and thus gain a cheap popularity?

It may be necessary to guard against a misunderstanding which might arise in the mind of a hasty reader that it is proposed to *abolish* altogether the vernacular scripts. Nothing of the kind; these will continue to be necessary for special purposes, and they will continue to be learnt by the persons who devote themselves to these special purposes, or leisured people with a love for such studies.

Coming now to secondary education ; it is absurd to regard it as a species of advanced book-learning. It is nothing of the sort. As the function of primary education is *preparatory*, so the function of secondary education is to produce mental development, to teach a child to *realise her or his personality in its relation to the world*. Is this possible with the present curricula prescribed for the High Schools, and with the very inefficient staff which mans them ? Then the number of these schools is so few compared to the need for them.

The situation can only be met by drastic reforms all round. (a) The curricula must be recast and made so elastic that they will adapt themselves to every local need; these inevitable variations should not be forced into one shape through an official cast-iron mould. (b) The numbers of these High Schools should be so multiplied that every Sub-Division (there are as a rule not less than two or more than five in every District) will have at least one such fully equipped school. Besides these, there will of course be a number of such schools in every Municipality. (c) The *personnel* has to be considerably improved

the present pay and prospects of the teachers are miserably poor and the profession does not attract the best men, but mostly only those who can find no better paid employment for their energies. Not European headmasters (who are failures everywhere) but European-lady teachers are the real need not only for girls, but even more so for boys' schools. Every headmaster, however, may well have had some European training and have a few assistants also similarly trained.

To come finally to collegiate or University education. Here again the three defects pointed out above with regard to secondary education exist even more glaringly. (a) The curricula are much too literary in their trend and the examinations are devised to lay an over-great strain on memory as against thought, culture and mental development. Even where science is attempted, it is mostly theoretical, all in the air so to say. Even in the Roorkee Engineering College, which is a professedly professional institution meant to turn out *practical* engineers and supposed to give the best training in India, the complaint is that the training while very thorough in its theoretical portion, lacks very much on its practical side. Similar is the complaint with regard to Medical, Agricultural and Commercial Colleges. To give instances, while every student is supposed to learn to deal with the eyes and teeth, how many of them are ever given the training to become practical oculists and dentists? The Pusa Agricultural Institute, the Tata Institute, the Cawnpore

Agricultural College are all huge shams; for the amount of money spent on them they do next to no good to the country. We badly need an immensely larger amount of teaching of Applied Science.

Then there are serious defects needing immediate modification in the University Acts and Regulations. Why should not there be *separate* pass and honors courses for every degree examination? Why should not pass degrees be permitted to be taken by 'examination in compartments'? Why should not the Regulations about attendance at lectures be relaxed in certain cases? Does attendance at these blessed lectures have such a saving grace that a judicial officer or a practising pleader must not be permitted to appear at the law examinations, however otherwise fully qualified, if he is wanting in the 'open sesame' of a certain percentage of attendance at some law college? Will Assistant Surgeons and Engineers, who are daily employed in the practice of their respective professions gain anything by being required to attend professional lectures for higher degrees? Is it just, is it fair that while on the one hand the *numbers* of students that can be admitted to any class is rigidly limited, on the other hand it should be insisted on that even failures will not be permitted to appear at subsequent examinations without such attendance? Why should not free migration from College to College and from University to University be permitted, as is the case for instance, in the German Universities? If I begin pointing out every one of the endless vexatious restrictions on the good of the

students imposed by unsympathetic and unenlightened government pressure, this section would grow into a big chapter. I will finish, therefore, by making just one suggestion about the staff. It will be economically impossible to get the very best Englishmen out as professors in sufficient numbers for the work, so the only sensible way is to send large numbers of Indians who are already doing teaching work, and have proved their capacity for such work, at public expense for a course of post-graduate studies in Europe and America. For these people it would not be necessary to pay at the enormous rate demanded by the foreign agency.

POLICE.

The Indian Police Commission presided over by Sir Andrew Fraser, whose Report was published in 1905 condemned in scathing terms the Indian *personnel* of the Police force, while it exonerated from all blame the European Cadre. I am afraid, however, that in this respect for some mysterious but yet guessable reason the Report has gone wide of the actual facts of the situation. If the supervising European cadre were what it should be, things would be very different from what they are universally admitted to be. To import young boys of eighteen with next to no education, and sometimes at least the ne'er-do-wells of good families, recruited in England, and environ them in India with a Police force whom the Report has condemned in no uncertain terms, and then to affect that these young uneducated British lads thrown at their most impressionable age amidst such demoralising surround-

ings have blossomed out into model officers is to deliberately put the telescope to the blind eye. Public opinion, on the contrary, believes that the District Superintendent of Police is often the canker, working at the roots of Criminal Justice. He listens to all the tales his native subordinates bring him, and as he has the ears of the District Officer, he generally inoculates him with all his prejudices against persons and cases, and these get reflected in the action of the Subordinate Magistracy. Reform must commence with him if the Police is to be made what it is in England. To begin with, it is a misnomer to call the department by the name of Police. It is more or less organised on the lines of the Royal Irish Constabulary—a sort of semi-military organisation, discipline and training—as an auxiliary to the military proper, for keeping the peace of the country and checking turbulence, and not so much for purposes of watch and ward, or detection of crimes, civil and political, which is now the work of the C.I.D. Then again to satisfy popular clamour the government has clearly drawn a red herring across the trail, by the creation of that mongrel cadre: the native Deputy Superintendent of Police. If the situation is to be honestly faced, the *system* which is responsible for all this muddle must be changed root and branch. Not babies but adults must be recruited. My suggestion is that the persons best suited for these higher grades of the Police Service are officers of the Army—Indian and European. Some may also be taken from those next in order of marks after those selected

for the I. C. S. by examination. The Assistant Superintendentships of Police should be divided up *half and half* between Indian and European officers.

Further these higher officers of Police should also live close to the populous quarters of the towns in their charge. Is it not absurd that the highest Police Officer of the District should reside miles away in suburban villas along with other European officials in a close colony, where access to him is not very easy?

COW-SACRIFICE RIOTS.

In connection with the above subject it is very necessary to say something about this perennial source of trouble and anxiety, and the attitude proper for all concerned—Hindus, Mussalmans and the Executive.

Not till drastic measures are adopted, will this serious blot on the administration be effaced. If the 'man on the spot' about whose merits we are being constantly regaled with such enlogistic rhapsody is worthy of his salt, there should never occur any such sect riots. These occur only at particular festivals whose date is known months in advance, and ample precautions can always be taken to prevent them. To stimulate the officials to do their duty properly, my well-considered and long-meditated suggestions are :— that the District Officer and the Superintendent of Police, in whose District the riot takes place, should be *permanently degraded* and not merely temporarily superseded or in the case of the District Officer he should be shunted over to a judgeship. Further, the Inspector of Police and the Tahsildar or Deputy Collector within

whose immediate jurisdiction the rioting occurs, should be forthwith dismissed from the service.

The punishment suggested is mildness itself, compared to the terrible effects on scores, sometimes hundreds and even thousands of families of such outbreaks of fanaticism. I am certain that there would be no such riots if such a Damocles' sword were to be kept hanging over the necks of the Executive. It would be some help to the administration to be told publicly what the popular belief about the origin of such riots is. It is widely believed that the Police in the majority of cases act as *Agents Provocateurs* and instead of strenuously attempting to prevent a breach of the peace, for sinister reasons, produce conditions making for fanatical lawlessness. Whether there is any truth in such rumours, which float about in the air after every such outbreak, or whether they are pure figments of disordered fancy, it is impossible to assert positively for, they have never been brought home to the officials thus maligned. But widely and lastingly held popular beliefs are seldom without some foundation.

The attitude proper to Hindus and to Mussalmans over this question needs must be frankly stated here also.

Both these must understand once for all that they have got to live together as members of a joint-family where each member has to be helpful to every other member and tolerant of the peculiarities of every other member. Constant pinpricks, intolerant bigotry, can only lead to perpetual strife and unending grief. As the

Gita says :—*through thwarted desire arises hatred and anger, these blunt the conscience and produce confusion in the sense which discriminates what is right and what is wrong, whence proceed all unrighteousness and evil.* This national joint-family fortunately or unfortunately is of such intricate structure that there can never be a partitioning and separation as in the case of individual joint-families. Realising this we must so shape our behaviour towards each other that neither of the two partners will ever give cause to the other for the rousing of theological bitterness and strife. For weal or for woe we Hindus and Mussalmans have got to live together for eternity and it behoves us, therefore, as reasonable beings, that we shall determine forthwith that our conjoint life shall be not only as little unpleasant as possible, but as fully pleasant as mutual good-will and charity can make it.

If the religion of the Prophet of Arabia lays down that a cow and a cow alone is the sacrifice acceptable to God, then I appeal to all my Hindu brethren to tune their religious emotions so that they will not feel outraged by this act of his brother, which he firmly holds will wipe out all his sins and secure him his heaven; but if such is not the obligatory commandment of his Prophet, then it behoves the Mussalmans not to outrage the religious emotions of his brother by such unobligatory but highly irritating sacrifices. Are there no other animals which will bring him equal if not greater grace? Cannot a

buffalo, which is larger and at the same time cheaper than a cow be an equally acceptable sacrifice? or goats? or camels; even if more expensive—for is not the goodwill of our neighbours and brethren very well worth-purchasing for even much greater price than that of camels? It is absolutely no use going into reasons in such a matter of the religious beliefs of the masses. They are arbitrary on either side. The only point to consider is “Does the Quran make the sacrifice of the cow compulsory?” This is obviously not difficult to decide! Let it be decided by the *Shams-ul-ulumas* publishing clear passages from that sacred Book. If it is compulsory, then let the Hindus tolerate it whatever their scriptures say. But if it is not, then let the Mussalmans refrain from it, whatever the added money-cost or other inconvenience.

Coming now to music, another source of Hindu-Muslim strife, it must be admitted that the Muslim contention is the right one. Music is taboo to Islam though modern Mussalmans have taken kindly to it. The reason, apparently, is that in the early days, music could attract Bedouin marauders; while, later on, with the growth and firm establishment of Saracen power, the terror disappeared. But this does not justify the Hindus in taking processions with music so that they have to pass Islamic processions or have to traverse the roads over which mosques abut, whenever there is any chance of hurting Mussalman feeling on the point. Surely the Hindu can very well and indeed stop all music under these conditions. His religion does

not require that music must be played uninterruptedly; when it nears a Mussalman religious procession or has to pass under a mosque at prayer time, it must cease.

PUNITIVE POLICE.

Few people have an imagination strong enough to realise the true nature of this utterly un-English, indeed barbarous, method of terrorising and coercing large numbers of His Majesty's Indian subjects. To bring home to my readers the distress that is inflicted by this cat o' nine tails in the hands of the Executive, I have only to mention that it is little better than the quartering of troops drunk with the lust of power on the inhabitants of a conquered town, under martial law. This despotic tyrannous method of punishing vast numbers of the innocent even more than the guilty and from which there is no appeal to any Court of Law nor any other means of escape, deserves the utmost condemnation possible. We can only charitably suppose that the Head of any Local Government when sanctioning such methods of barbarism under the persuasion of the 'man on the spot' has not imagination enough to realise the horrors to which he has condemned a whole tract of the country. The system of Punitive Police must be at once made illegal by the legislature, and a stop be put to this uncivilised device of panicky administrators.

THE C. I. D.

The Crimes Inventions Department, as the initials C. I. D. are interpreted by the people at large who have to suffer much and gain nothing through its

mischievous and ubiquitous activity, is another engine of oppression. It was designed with very good motives namely that of detecting civil crime, like thefts, robberies, murders, etc., on the one hand, and on the other for giving timely information to the Executive of anarchist plots which had been imported into the country from the West. But it has been a woeful failure in respect of both its duties. The detection of civic crime is no better than what it was when in the hands of the regular police, nor is the detection of political crime any better. The C. I. D. is ever engaged like the notorious witches of Africa in smelling out sedition, and if none exists then to justify its existence and the enormous expenditure of the poor taxpayer's money upon its upkeep, it sets its inventiveness in motion to manufacture plots and treasons. This Department is mainly the legacy of the last Police Commission. Can nothing be done to put a stop to its activities and direct them into those helpful channels for which it was created ?

JUDICIAL AND EXECUTIVE FUNCTIONS.

The late Professor Sidgwick in his balanced, dispassionate way has shown the psychological necessity of the dissociation of such conflicting functions. He says :—

It is evident that these two businesses require to a great extent different intellectual faculties and habits for their efficient conduct; the former needs a thorough and exact knowledge of the rules of civic duty that Government has to enforce, and impartiality and expertness in applying them to particular cases; the latter demands skill in organizing and combining the labour of a number of subordinates—policemen, prison officials, etc.—with appropriate materials, for the attainment of particular definitely prescribed

results. We have, therefore, *prima facie* reason to allot these functions to separately constituted organs....(*Elements of Politics* p. 333.)

The executive temper is active, bustling, motor, militant, swift to see and swifter to act, impatient of legal formalities, despises them, regards the pleader and the Evidence Act as arch-enemies, believes in Jedwood justice—hanging first, trial afterwards—is hustling, headlong, commandeering; the judicial temperament is passive, critical, doubting, minutely conscientious, regards the pleader and the Evidence Act as friends who save it from pitfalls, is philosophic, balanced, not swayed by passing moods or *ex parte* and uncorroborated statements, lacks initiative. It will be seen from the above how incompatible the two are. If a man is a good revenue-gatherer, thief-catcher and riot-queller, it is impossible for him to also possess side by side with these abilities the immobility and quiescence of the judge and play the mill for grinding out judgments. The executive officer is the keeper of the King's peace and his treasurer; while the judge is the keeper of his conscience. Chaplain and policeman rolled into one is a most undesirable and dangerous combination from every point of view.

Unfortunately every time the question of the vesting of these two functions in two *separate* individuals *independent* of each other is pressed, the Civil Service with one accord raises the cry of Government in danger in which it is joined by the planting community and the Anglo-Foreign Press. We have only

to turn to the pages of Henry St. George Tucker and of Frederick John Shore to see how thoroughly these conscientious and able administrators of nearly a century ago realised the evils of such a combination and spoke out straight in the good old way, untrammelled by modern-born official squeamishness. Tucker says :—

Upon principle, I consider the reunion of the revenue and judicial authorities in India to be unsafe and inexpedient. The combination of such powers in the same hand is liable always to generate abuse—it is difficult to control the exercise of them by any wholesome and efficient check. These powers, so combined, were at a former period, *notoriously absurd.* (Italics mine.) (*Memorials of Indian Government.* p. 74.)

The above was called forth by Lord Bentinck's retrograde policy of *recombining* these two antagonistic functions in the same person, which policy had been condemned after a long and fair trial so far back as 1793.

Even more strong is the condemnation pronounced by Shore. In speaking of the necessity of an entire separation of the Collectorate department from the Magisterial he says :—

The objection to the union of the two offices are, that the Collector is thereby constituted a judge of his own actions; that he is relieved from control and responsibility; and that there can be little protection to the people against extortions in realizing the Government revenue, where the same person as Magistrate, will decide a complaint against his own acts as Collector.

It may be pointed out that the strictures of Shore given above and those following apply not merely to the I. C. S. Collector, but equally strongly to the Indian agency—the Deputy Collector, the Tahsildar who both exercise magisterial power and a horde of other such subordinate officials.

This is undoubtedly a strong objection, and theoretically, quite sufficient to condemn the system at once. But unfortunately, the Collector is empowered, under color of law, to commit so much extortion, oppression and injustice, in order to realize the Government revenue,

[The writer might have here added with equal truth the words 'and also to enhance it to almost breaking point when acting as Settlement Officer.']

that, *in practice*, (italics writer's) the Magistrate is prevented from exercising any check or control over the officers employed in the collection of revenue. Provided these have a little tact, they may oppress and extort to any extent that the people can or will bear; and even should they go a little beyond their already ample legal powers, a Magistrate who should venture to punish them would soon feel the effects of the displeasure of the Government, from the representations of the Collector that he had been thwarted in his laudable endeavours to fulfil the main end and object of his appointment—namely, to realize the utmost possible revenue for the British Indian Government. Of course Government would not openly express such sentiments; it would as usual, be profuse in liberal professions, and declarations of its anxiety to put a stop to any abuse of power. (*Notes on Indian Affairs*, vol. I. p. 68).

The words of the above quotation deserve to be pondered over carefully, for they are almost as true to-day when Lord Chelmsford is our Governor-General as they were when the above was published, during the Governor-Generalship of Lord Bentinck, ninety years ago.

Incidentally, the above quotation brings out in clear relief the truth of another Indian contention, that as all appeals in revenue matters are really appeals against the actions of a subordinate official to a higher official both acting under instructions and both equally interested in squeezing out the highest possible revenue, strict justice is more often thwarted than satisfied. In rent cases also there is a little bias present.

Would it not, therefore, be best that all rent and revenue cases went before the Civil tribunals, as is the good practice in Bengal? The quotation also proves yet another Indian contention that if the fount of Justice is to be kept free of even the suspicion of being tainted, no judicial officers should be in subordination to any executive officer. Whether he be a Magistrate or a Judge, he must look to the High Court for orders, for praise or blame, rewards or punishments. The bogey of loss of prestige is trotted out, and if it fails to frighten, then the financial nightmare of enormous increase of expenditure necessitating heavy additional taxation is produced, which [dumbfounders all but those who are the true well-wishers of both the rulers and the ruled, and who refuse to be frightened out of their impregnable position by these bugbears.

What is the *prestige* of which so much is made in this country? Is it not a legacy from the vicious days of old, of that subtle power to inspire fear in and extort obeisance from the ruled towards the ruler? To what is due this power to inspire fear? Is it not the possibility, due solely to this combination of judicial and executive functions, of being injured and oppressed, and his life made one long agony, according to the enormity of his contumacy to the powers that be, and all without any redress, that is the root cause of this fear? It is because this unholy combination of powers makes of every lower Criminal and Revenue Court in India, in the memorable words of the late Professor Maitland with regard to the notorious Star Chamber,

a Court of politicians enforcing a policy, not a Court of judges administering the law" (*Constitutional History of England*. p. 263), that it produces effects similar to if not worse than, those so strongly animadverted upon by Mr. Maitland.

Do the advocates of the argument of 'loss of prestige' realise what it means? Should people believe that because Commissioners, Governors, Members of Council, etc., have no judicial powers, therefore they are less respected than the district and deputy magistrates? This combination keeps up 'prestige' by giving to the executive officer the power to interfere in a non-judicial way in affairs, and make his will respected by means of the fear in the minds of the people of his ability to take unfair advantage of his judicial powers to get into trouble any recalcitrant person. Whether the apprehension of the people is justified by facts within their cognisance or not, is a different question and rather hard to prove or to rebut. But that this fear of an *unjudicial* interference with judicial matters is very widespread and causes resentment is certain. A question naturally arises as to which leads to greater and nobler prestige: a latent distrust of official integrity and impartiality due to the afore-mentioned fear of his confusing his two separate functions and bringing to bear the power of both in dealing with his separate executive and judicial duties; or the convincing of the people that any disastrous mixture of these two incongruent functions was absolutely impossible, by actual separation of them and so that officials

might be absolutely trusted to deal impartially with all questions arising within their respective spheres? I firmly believe that *the loss of prestige* that the Government has been suffering from, latterly, is very largely due to this combination of the two functions, and they would recover it the day such separation was brought about and the people realised that they need no more be doubtful of the utter impartiality of the officials. The present feeling of fear and distrust will be replaced by the old one of confidence and affection and on a higher plane, because of the greater spread of knowledge now-a-days of administrative questions.

The argument of financial insolvency is less easy to deal with. It requires a mass of details and statistics. The well-meaning but unfortunately short-sighted gentlemen who are oppressed with the terrible fear of danger to the stability of the British Empire in the country is if such a dreadful thing as the separation of the two functions is effected, have like their Protestant Irish brothers, worked themselves into a fit of Ulsteria. If they were to calmly consider the matter they would see that *any arrangement, however admirable, if it breeds loss of trust and thence of respect and finally of good will towards constituted authority should be modified at all costs*; that no cost is too great to win the trust, the respect and the good will of the people. Political danger, if there be any, lies not in separation, but in keeping together in unholy wedlock two antagonistic things, which are by their inherent nature precluded from running harmoniously together in harness.

The sting of the situation lies not so much in the trial of cases by the District Magistrate himself—for it is well-known that he tries very few cases, and even these he could very well give up without imposing a burden which would break the financial back of the Government—but in the fact that while he is the head of the police, he is also the head of the magistracy, and he can make things very unpleasant, if he so chooses, for the 'native' magistrate—he be Honorary Magistrate, Deputy Collector or Tahsildar. Rightly or wrongly all the *bazaar* says that the European Superintendent of Police has his ears and the Kotwal, the S. P.'s. The Indian magistrates have to be therefore very circumspect. All this may be mere slander, but there can be no doubt of its being the current belief; and no possible ground should be given for it, whatever the cost.

But the "expense" argument too has not much leg to stand on. Complete statistics are not available, at any rate to the outsider. But it may be pointed out roughly that the money difficulty cannot be so very serious as is sought to be made out by the opponents of the schemes. If the bulk of the criminal work of the country is disposed of by Indian magistrates, could not a device be found which would, while separating the two functions, add next to nothing to the expenses of the reform? I believe the solution is simple. One is, by concentrating all revenue work in the hands of a few Deputy Collectors, and relieving them wholly of magisterial work. This will leave a large number of Deputy Collectors free to concentrate on

criminal work. Similarly the criminal work of the Tahsildars should also be dealt with. In short the total judicial, and executive work that is done in a District, say by twenty officers, mixed and combined, should be divided up into the two classes and be done separately by ten each out of those same twenty officers. In Madras this is largely so. There is a class of sub-magistrates who do all the criminal work while the Tahsildar does all the executive. This bifurcation works very well. It may safely be asserted that such separation cannot lead to extra expense. Mere *division* of work does not mean increase in the *cadre*. The *second* is by adding very largely to the number of honorary magistrates and thus doubling and even quadrupling the number of *benches*. Instead of, as at present, only *one* honorary court in a town, create 3 or 4 separate courts situated at reasonable distances from one another, and even in Tahsils. These benches already exercise 2nd class powers and if their numbers are increased it is to be hoped that they will be able to dispose of the bulk of the criminal cases.

I may in passing make a few remarks on this question of Honorary Magistrates. These gentlemen are now appointed simply because for some reason or other, the District Officer has taken kindly to them—an educational qualification is not an indispensable element for the nomination. There are cases where the magistrate is so unlearned that he is unable even to sign his name at the time of his appointment. The District Magistrate does not interest himself any further in the gentleman, after he has once appointed him. Now

this is clearly not right. His training should be as much a matter of moment as that of a police or revenue official. If the honorary magistrate is to rise to the newer situation, his selection should be less haphazard. Even in England they found that the appointment of justices of the peace could not be left absolutely in the hands of the Lord-Lieutenants of the Counties, and an advisory committee was brought into existence a few years ago to help them to choose the right men. The District Councils, when they come into existence, would be able to give similar help. But as a beginning I would strongly urge that the gentlemen chosen for the honor—for it is an honor and people count it so, and are prepared to make some sacrifice for it—should, before being gazetted, pass an examination showing an elementary knowledge of the Penal Code, the Criminal Procedure Code, the Evidence Act, and Jail, Police, Municipal and District Board Manuals, and before they begin work they should be given a month's training in judicial work and another month in police work at some police station. I may also observe here that the Madras arrangement by which honorary magistrates have as colleagues stipendiary magistrates is a scandalous waste of time and money.

As I have suggested above that the proper designation for the Collector is *Commissioner*, so to keep with it my suggestion here is that the adjective 'Deputy' be dropped out and the Deputy-Collector should in future be known as *Collector*.

M. Chailley in his *Problems of British India* has