

INDIA

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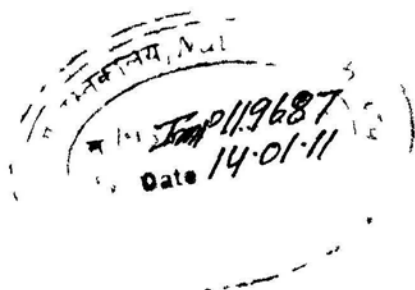
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Constitutional Development and Political Ideals

By THE RT. HON. THE EARL OF RONALDSHAY, P.C.; G.C.S.I.;
G.C.I.E.; D.Litt. (Calcutta)
Governor of Bengal, 1917-1922

THERE are certain basic facts which have to be borne in mind when considering the question of constitutional development in India and that of the political ideals of her peoples. These facts are the size of the area to be dealt with; the diversity—racial, linguistic, religious and cultural—of the population, and the past history and traditions, more particularly of the Hindu people. The Indian Empire, that is to say India proper with its Native States and Burma, is approximately as large as Europe, exclusive of Russia. It is, however, less than two-thirds the size of the United States of America and it is clear, therefore, that the mere extent of the area to be dealt with presents no insuperable obstacle to the gradual evolution of a democratic form of Government, if that be the type of Government, which the peoples of India eventually decide that they desire. The analogy of the United States suggests, however, that in form any such Constitution must be of the Federal type evolved in America, rather than a strict copy of what may be described as the unicellular pattern evolved in a small, compact and homogeneous territory such as Great Britain.

DIVERSITIES

It is, however, in respect of the size and heterogeneity of the population that the analogy of the United States ceases to hold good. As compared with the 105,000,000 of America proper, the population of India is approximately 320,000,000. And the diver-

sity of tongues of this vast aggregation of human beings is so great that hitherto the language employed, not only in the various Legislative bodies that have been set up, but in such popular gatherings of public men from different parts of India as the Indian National Congress, has been English. Actually 222 dialects belonging to six distinct families of speech, namely, the Austric, Dravidian, Indo-European, Karen, Man and Tibeto-Chinese, are officially recognised, though there are, of course, Indian languages such as Hindi and Urdu which are spoken and understood by very large numbers of Indians even though they be not necessarily their mother tongues.

It is not only the diversity of tongues, however, that has to be taken into account when considering the question of Constitutional development. The religious cleavages between great fragments of this polygenous and polyglot population, numbering as it does within its midst the adherents of no less than nine great religions, cannot be altogether ignored, for they have proved sufficiently powerful in the case of two of them to compel those who framed the existing Constitution, to concede to their adherents separate representation in the Legislative Councils by means of separate electorates. Thus throughout India the Muhammadan members of the Legislative bodies are elected by constituencies composed exclusively of Moslem electors; and in the Punjab a similar concession has been granted to the Sikhs.

Of equal importance from the point of view of Constitutional development

is the cultural chasm which sunders the people at one end of the social scale from those at the other. At one end are to be found primitive tribes sunk in almost unplumbed depths of barbarism and superstition; at the other the fine flower of more than two millennia of culture. And between these two extremes are to be found every phase of civilisation from the prehistoric to the ultra modern, from the stone age to the twentieth century. Nor can the influence of the Hindu caste system in emphasising the gulf between the higher and the lower orders of the people be overlooked. There has been also in comparatively recent times another force at work, adding to the already existing diversities.

One of the most striking contrasts in a land which revels in antitheses is that between the comparatively small English-educated section of the population and the great mass of the people. The former constitutes a versatile, highly polished minority which has imbibed the spirit of Europe, has been educated on Western lines, speaks an alien tongue—English—with remarkable fluency, produces great judges, great lawyers, fine scholars, eminent scientists, capable administrators and a large number of politicians. The latter is engaged mainly in agriculture and is, generally speaking, illiterate. It must not be assumed, however, that because it is illiterate, it is therefore unintelligent. In India the two terms are in no sense synonymous.

There is yet one more diversity which presents a problem of fundamental importance to anyone who tries to visualise the Constitutional organisation of the India of the future, and that is the existence, scattered widely over the sub-continent, of a large number of Native States, some great, some small, over whose internal affairs Great Britain exercises no direct

administrative control, but whose rulers are in treaty relations with the Crown. Such States in various stages of political evolution, governed for the most part autocratically and none as advanced politically as British India, cover nearly two fifths of the total area of the land and embrace not far short of one quarter of its population.

PARLIAMENTARY GOVERNMENT

Such then are the circumstances of the peoples on whose behalf self-governing institutions of a democratic type are being demanded. How do the demand arise? Parliamentary Government, as the peoples of the West understand it, is not a product of the Eastern mind. There are ancient records, it is true—notably in the Buddhist canon—which show that corporate activity was common in India in very early days. But such corporate life seems to have been confined to comparatively small units such as Village Boards, craft guilds, and, in the case of the Buddhists and Jains, assemblies of the members of the monastic orders founded by Sidhartha Gautama and Mahavira respectively; while in the affairs of State the system of government was much more autocratic than democratic. And it is significant that when, towards the close of the eighteenth century, Japan, the most advanced of all the nations of the East, in a Western sense, decided—not under pressure from alien masters but of her own free will—to adopt a modern form of Constitution, it was neither to Great Britain nor to America that she turned for a model, but to Germany with her Executive responsible, not to a popularly elected Parliament, but to the Emperor as the supreme authority in the State.

The Indian demand for a Parliamentary form of Government is due

to her long and intimate contact with Great Britain, and to the fact that ever since the British people assumed responsibility for the Government of India they have aimed at setting up, by slow degrees, institutions modelled as closely as circumstances would permit upon their own. The process has been instinctive rather than deliberate. When, about the year 1600 A.D., a band of merchants, with a charter from Queen Elizabeth in their pockets, set out for the East Indies, they did so with the intention of carrying on a lucrative trade, not of laying the foundations of a modern State in the heart of the immemorial East. It was the break-up of the Moghul Empire and the anarchy that followed from it that compelled the East India Company to take matters into their own hands and gradually to extend their sway over the sub-continent.

EARLY PROGRESS

Little was heard of any demand for Parliamentary Government till the nineteenth century was drawing to a close. By that time the fine spun web of an elaborate system of administration had been spread over the land, controlled by a highly trained Civil Service, acting under the direct orders of the Viceroy and his Council and the Governors and Lieutenant Governors in the various Provinces. For the management of purely local affairs, small self-governing institutions such as District and Municipal Boards had been set up, consisting of limited numbers of official and non-official members, partly nominated and partly elected on a restricted franchise, with experienced officials at their heads. It was intended that these bodies should become in course of time the counterpart of the County and Borough Councils of Great Britain. Had the founda-

tions of the ancient system of village government not been so entirely submerged by the welter of anarchy which accompanied the dissolution of the Moghul Empire, the architects who drew the plans of the structure of Local Self-Government in the days of Lord Ripon might have done so on rather different lines. But they found little to guide them in the India of their day and they, not unnaturally, drew their plans on the model with which they were themselves familiar.

The institutions thus set up excited little enthusiasm in the minds of the considerable body of Indian public men which now—mainly through the agency of the Indian National Congress—began to make itself heard. A few Indians had been invited to co-operate with the Government in a Legislative capacity, both in the Provinces, and at the Headquarters of the Central Government. But up to the year 1909 the Legislative Councils were merely the Executive Councils with a few representative Indian gentlemen co-opted to them for the purpose of making laws, and discussing, though not voting upon, the annual Imperial and Provincial Budgets.

Those Indians who at the beginning of the twentieth century were voicing the political aspirations of their countrymen were the product of two or more generations of English education—education framed on purely English lines, given at colleges whose curricula followed the lines of the ordinary courses given in England, and imparted whether in Bengal, or in Madras, or in Bombay, or in the Punjab, or in any other part of India, in the English language. They had imbibed the theories of British political science taught by Mill and other political writers, and they now demanded the fruit of the tree which had been planted in their soil. The

demand was, in the circumstances, a perfectly natural and logical one, though here again it is reasonable to suppose that just as the British authorities of Lord Ripon's day might have planned Local Self-Governing Institutions on an Indian, rather than on an English model, had they found one to their hand, so might the Indian National Congress have advocated the creation of a system of self-government more in consonance with Indian ideas and tradition, had it not been composed almost exclusively of men who had been brought up on a purely English plan.

THE MINTO-MORLEY CONSTITUTION

The first definite response made by Great Britain to the demand of the Indian National Congress was the enactment by the British Parliament of the Government of India Act of 1909, establishing what was known as the Minto-Morley Constitution. The outstanding feature of the Constitution of 1909 was the composition of the new Legislative Councils. They were composed partly of official and partly of non-official members appointed partly by nomination and partly by a system of indirect election. In the case of the Provincial Legislative Councils—though not in the case of the Central Legislative Council of the Governor-General—there was a majority of non-official members. Subject to the veto of the Lieutenant Governors, Governors and the Viceroy, these new bodies were given large powers of control over legislation, and they were also able to bring no little influence to bear on the Government in respect both of its policy and of its executive acts. Side by side with this enlargement of the size and powers of the Legislative Councils, a well-known Indian public man, Sir S. P. (afterwards Lord) Sinha, at one time President of the

Indian National Congress, was admitted for the first time to membership of the Council of the Governor-General, the supreme executive authority in India.

The avowed object of this scheme was to associate with the British in the task of Government, representatives of the landed aristocracy of India, of the mercantile and industrial classes, and of the middle and professional classes of moderate outlook, who, under the Constitution then existing, had no sufficient inducement to enter political life and found little scope for the exercise of their legitimate influence on the fortunes of their country. Neither Lord Morley nor Lord Minto was willing to subscribe to the view, either that Indian conditions admitted of the establishment of Parliamentary Government, or that the Constitution for which they were responsible was intended to lead up to it. Lord Morley declared with some emphasis that he would have nothing to do with any reform that would be likely to lead to the establishment in India of a Parliamentary system. Lord Minto was equally emphatic.

We have distinctly maintained,

he declared in the course of the speech with which he opened the new Imperial Legislative Council on January 25, 1910,

that representative Government in its Western sense is totally inapplicable to the Indian Empire, and would be uncongenial to the traditions of Eastern peoples—that Indian conditions do not admit of popular representation—that the safety and welfare of this country must depend on the supremacy of British Administration—and that that supremacy can, in no circumstances, be delegated to any kind of representative assembly. We have aimed at the reform and enlargement of our Councils but not at the creation of Parliaments.

GREAT BRITAIN'S POLICY

How rapidly opinion in such matters was changing was dramatically demonstrated when in August, 1917, only seven years after these declarations had been made, the Government of Great Britain solemnly announced in the House of Commons that their policy in regard to India was

The gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in that country.

And having made this momentous statement they very properly added that they had decided that substantial steps should be taken in this direction with the least possible delay.

The declaration disclosed a very marked change in point of view, not as to the goal to be aimed at, but as to the particular means by which the goal was to be approached. As to the goal, Lord Minto and Lord Morley, in 1909, equally with Lord Chelmsford and Mr. Montagu, in 1917, aimed at transferring control over the internal administration of the country by gradual stages from the hands of its British rulers to the peoples of the country themselves. In other words the ultimate aim of both was the granting of self-government to India. But, whereas, Lord Minto and Lord Morley held the view that Parliamentary Government in its Western sense was inapplicable to India, and was generally uncongenial to the sentiments and traditions of Eastern peoples, the Government of 1917 specifically laid it down that it was by the establishment of Parliamentary Government as understood in the West, that they intended that the goal should be approached.

That this was so is clear from the wording of the Declaration itself,

which laid down that the policy to be pursued was that of the gradual development of self-governing institutions, "with a view to the progressive realisation of *responsible* Government in India, as an integral part of the British Empire." To the Englishman "*responsible self-government*" means one thing and one thing only—Government on the English model, the fundamental feature of which is an Executive *responsible* to a popular Assembly, the members of which are in their turn *responsible* to an electorate. This view was further fortified when the comprehensive Report, embodying concrete proposals for giving effect to the policy laid down, was written. The persons charged with the task of devising a scheme in accordance with the policy decreed were Lord Chelmsford, the Viceroy, and Mr. Montagu, the Secretary of State, assisted by a small Commission, who after taking evidence in all parts of India issued a Report in which, commenting on the nature of the policy to which they had been instructed to give effect, they wrote:

The policy, so far as Western Communities are concerned is an old and tried one. Englishmen believe in "*responsible*" Government as the best form of Government that they know; and now in response to requests from India they have promised to extend it to India also.

The intention, then, was clear and it remained only to devise a scheme to give effect to it. At the very start those who were entrusted with the duty of framing the new Constitution were faced with a formidable complication. Parliament in England had not merely decreed the creation of Parliaments in India, but had laid it down that the process of creation was to be a *gradual* one. There was no difficulty in creating with a stroke of the pen—on paper at any rate—electorates and

Parliaments; there seemed to be, even in theory, almost insuperable difficulties in the way of doing these things by stages. And it was out of this difficulty that emerged the unique form of Constitution which has come to be known as Dyarchy.

DIYARCHY

It was decided that while an increased degree of influence over the Central Government with the Viceroy at its head, should be conferred upon Indians by the establishment of a quasi-Parliamentary body consisting of two chambers—the Imperial Legislative Assembly and the Council of State—and the appointment of a second Indian member to the Viceroy's Executive Council, the introduction of "responsibility" should at first be confined to the Provincial Governments, corresponding roughly to the State Governments in America. Dyarchy must be studied, therefore, in the Provinces, and Bengal as one of the most advanced Provinces may be taken as an example.

The difficulty in the way of creating a homogeneous electorate must be sufficiently obvious from what has been said as to the character of the population at the beginning of this chapter, and need not be stressed further here. Suffice it to say that in Bengal, with a population of approximately 50,000,000, an electorate of rather more than 1,000,000 was created. The Hindu electors were then invited to elect 46 of their Community to represent them in the new Parliament and the Moslems to elect 39 of their co-religionists to represent them. The remaining seats in a Parliament of 139 members were filled partly by nomination and partly by election by special constituencies such as Chambers of Commerce, large landholders, the European population and so on. In this

way a Parliament was created for Bengal.

But it was when it came to making the Government gradually responsible to this Parliament that the real difficulty began. Hitherto the Government of Bengal had been responsible through the Secretary of State to the Parliament of Great Britain. In theory there was no difficulty in relieving it of its responsibility to the British Parliament, and making it instead responsible to the Parliament of Bengal. But it had been laid down quite definitely that this was to be done gradually. Could responsibility be transferred gradually, and if so, how? Was there any possible half-way house between an Executive which was wholly independent of the Bengal Parliament and an Executive which was wholly responsible to it? There seemed to be only one way in which this could be done, namely, by dividing both the field of administration and the Bengal Government into two parts, handing one part of the field to a Government consisting of Ministers chosen from the Bengal Parliament and responsible to it; and retaining the other part in the hands of a Government consisting, as before, of a Council responsible for its actions to the Secretary of State. This was, indeed, what was done, the control of Education, Public Health, Public Works, Agriculture, etc., being vested in the representative half of the Government, and the control of the Law Courts, the Police, the jails, etc., in the Executive Council of the Governor. The Government under this new Constitution thus consisted of two separate bodies held loosely together by the Governor of the Province, who was armed with tolerably wide reserve powers, to enable him to act in an emergency over the head of the Legislature.

It is impossible, in the space avail-

able, to explain in detail the checks and balances of this delicately poised machinery. A typical example must suffice. The Executive Council of the Governor—known as the Reserved half of the Government—though not responsible to the Bengal Parliament in the technical sense of the word was, nevertheless, dependent upon it for legislation affecting the subjects under its control; and in the event of Parliament refusing to pass a measure deemed by the Governor to be essential for the discharge of his responsibility for the subject, such a measure might, nevertheless, become law, provided it received the assent of the Governor General and, after being laid before both Houses of Parliament in Great Britain, of his Majesty in Council. Similarly, while the Budgets of both parts of the Government had to be submitted to the Bengal Parliament in the form of demands for grants which might be assented to, reduced or rejected by it, a demand in respect of a "reserved" subject, which was reduced or rejected, might be restored by the Governor.

Such in brief is the Constitution set up by the Act passed by the Parliament of Great Britain in 1919. It carries out to the letter the policy laid down by the Declaration of August 20, 1917, for it has introduced a system of responsible self-government and it has introduced it gradually. Moreover, it has done so in such a way that at any moment further portions of the field of administration may be detached from the control of the Executive Council and added to that of the Ministry responsible to the Bengal Parliament, until the whole has been so transferred when Bengal, and *pari passu* with Bengal the other Provinces of India will find themselves equipped with full responsible self-government on the English model. The Act of 1919 does,

indeed, provide for the appointment of a Commission to enquire into the working of the new Constitution and to report as to whether and to what extent it is desirable "to establish the principle of responsible government, or to extend, modify or restrict the degree of responsible government then existing."

INDIA'S FUTURE

The Commission contemplated by the Act, with an eminent jurist, Sir John Simon, at its head, has now (1928) been appointed, and for the next year, and more, will be engaged upon its difficult and responsible task. India, therefore, stands today at the parting of the ways. Now, if ever, must she say whether she desires to see the Constitution, under which she will be governed, completed on the model provided by the Constitution of Great Britain, with such modifications as may be necessary to fit it into a Federal frame; or whether she desires to see such alterations effected in it as will bring it into greater harmony with the past practice and traditions of her peoples.

Indian opinion, so far as it has hitherto expressed itself on this point, has been far from unanimous. Leading men both Hindus and Muhammadans have advocated systems of Government for India differing in fundamental particulars from that which has been evolved through centuries of time in Great Britain. And it is at least significant that in the Native State of Mysore a Committee composed exclusively of Indians should—since the passing of the Act of 1919 for British India—have drafted a Constitution for that State which repudiates the introduction of responsible government on the lines on which it has been introduced in the Dyarchic Constitution in British India. I have given in a

volume, entitled *The Heart of Arya-partd*, a summary of the recommendations of the Mysore Committee, and have space here to mention only two of the more important features of the Constitution. One is the means by which true representation of the people is sought to be secured in the Representative Assembly. Neighbourhood is admitted to be an important bond and territorial electorates a necessary basis of representation. But the ties of common interests and common functions that bind men into groups independently of the tie of neighbourhood, that is, any profession such as medicine, or the law, acquire, in the opinion of the Committee, greater importance with the more complex evolution of society.

A citizen of a State is a citizen, not merely because he resides in a particular locality, but really by virtue of the functions he exercises and the interests he has at stake in the body politic.

The constituencies returning members to the Representative Assembly are,

therefore, vocational in addition to territorial.

The other outstanding feature to be noted is that the Executive is neither responsible to, nor removable by the Legislature, but only to and by the Head of the State. The primacy of the people is secured and the unity between them and the Head of the State made living and effective by a right of initiative and referendum, vested in the Representative Assembly.

Under the terms of the Act of 1919, the Commission of Enquiry is authorised to report, if it thinks fit, to what extent it is desirable that the principle of "responsible Government" should be modified. And for those who view with special interest the process of social and political evolution now in progress in the East, the conclusion of supreme importance at which the Simon Commission must arrive will be, not whether a larger or smaller advance shall be made along the existing Dyarchic road, but whether the structure of the system itself shall not undergo fundamental alteration.

The Indian Constitution

By SIR TEJ BAHADUR SAPRU, K.C.S.I., LL.D.

Law Member of the Viceroy's Executive Council, 1920-23; represented Government of India at the Imperial Conference, London, 1923

IT is not intended in this survey of the administration of India to trace in detail the origin and growth of British power in India. How, and by what gradual steps, and also by certain cataclysms a company of merchants originally intended to establish trade relations between Great Britain and the East Indies, ultimately succeeded in becoming a sovereign power, is one of the most fascinating chapters in human history. The fact that matters here is that by the middle of the nineteenth century the sovereignty of India had passed into the hands of the East India Company. In 1858, the British Parliament passed the Government of India Act, as a result of which the East India Company disappeared from the scene and the Crown took over the direct administration of India.

THE SECRETARY OF STATE

The Act created the Secretary of State for India to exercise such powers and to perform such duties relating to the Government of India as were exercised or performed by the East India Company. The simplest way of understanding the position of the Secretary of State is by remembering the provisions of the section of the Act which gave him the power to

superintend, direct and control all acts, operations and concerns which relate to the Government or revenues of India.

In actual practice, he was the new "Great Moghul" in the place of the old. To the people of India he was not constitutionally responsible, his responsibility being to the British Parliament alone. *Since 1919, the salary of

the Secretary of State has been placed on the British estimates, to enable Parliament to discuss Indian affairs more effectively. In actual fact, his position in Parliament continues to be as secure as ever.

With the Secretary of State was associated a council generally known as the India Council. It consists, by statute, of between eight to twelve members, each of whom must have resided in India for at least ten years and must not have left India more than five years before appointment. Lord Morley, the then Secretary of State, appointed the first Indians to the Council, in 1907. Since then, several Indians have held the office. The Act requires the Council,

under the direction of the Secretary of State, to conduct the business transacted in the United Kingdom in relation to the Government of India.

No business can be brought before the Council except by the Secretary of State, and though the latter cannot get certain types of business done, without the consent of the former, the India Council essentially remains a consultative body.

For years past, Indian opinion has protested against the continuance of the India Council. Whatever may have been the utility of such a council forty or fifty years ago, it is felt that in the rapidly changing circumstances of India, the presence of retired members of the Indian Civil Service, or of the Army, or of retired English business-men, does not supply an element of progress. The Civil Serviceman, it is felt, may have been a good adminis-

trator, but his outlook on big political issues is very far removed from that of a statesman accustomed to deal with questions of policy. Barring a few exceptions, Civil Servicemen have usually believed that efficient administration was all that India wanted, so that they have seldom been known to sympathise with Indian political sentiment of ideals.

The Secretary of State is the constitutional advisor of the Crown in all Indian matters. Appointments to all the highest judicial and executive offices in India are made on his advice. The Royal prerogative of vetoing any piece of Indian legislation is also similarly exercised. He exercises a very real control over the Government of India in three different ways: (1) He exercises administrative control in a variety of ways. The Government of India are in constant touch with him and obtain his advice, opinion, assent of sanction before they take any important step affecting the country, or come to any decision on a big question of policy. (2) He exercises financial control under Section 21 of the Government of India Act and a number of rules in force. (3) He next exercises legislative control with the result that there is scarcely a piece of important legislation which is not previously reported to the Secretary of State even when his previous sanction is not sought.

EXECUTIVE RELATIONSHIP

A controversy has for long raged on the question of the relations of the Secretary of State and the Governor General of India. Whereas, Lord Morley and certain other eminent statesmen have been distinctly inclined to the view that the Governor General was really subordinate to the Secretary of State, Sir Valentine Chirol and others have strongly contested

this theory on the ground that the Governor General is the direct and personal representative of the King Emperor in India. Leaving aside the political aspect of the question, and confining oneself to the strictly constitutional point of view, it is somewhat difficult to challenge the position of Lord Morley. No doubt the Governor General is also the Viceroy, and the two positions are absolutely distinct. But in his administrative capacity he is only the Governor General. Indeed, the statute nowhere speaks of him as Viceroy, and the fact of his being the Viceroy does not make him any the less amenable, as Governor General, to the control of the Secretary of State. Under section 33, he is required to pay due obedience to all orders of the Secretary of State, whose control, in practice, is at once open and insidious, visible and invisible. There is also a vast amount of private and personal correspondence of which no record is kept, and which is not ordinarily available to the members of the Governor General's Council or of the India Council, which is carried on between the Secretary of State and the Governor General. The Commission on Mesopotamia condemned this practice as being unwarranted by statute. It would thus appear that the relations of the Secretary of State and the Governor General are of special confidence which is not shared by the members of the India Council or the Governor General's Council.

THE CENTRAL EXECUTIVE

The expression, the Government of India, really means the Governor General in Council. The number of members of the Council is not prescribed by statute, but it is prescribed that

three at least of them must be persons who have been for at least ten years in the serv-

ice of the Crown in India, and one must be a barrister from England or Ireland or a member of the Faculty of Advocates from Scotland or a pleader of a High Court of not less than ten years standing.

The Commander-in-Chief, for the time being, of His Majesty's forces in India, is a member of the Governor General's Council, and has rank and precedence after the Governor General. If there is a difference of opinion on any question at a meeting of the Governor General's Executive Council, the Governor General is bound by the decision of the majority of those present, having the right to give a casting vote in case of a tie. In respect of a measure affecting the safety, tranquillity or interests of British India, or any part of it, the Governor General may override the decision of his Council, and on his own responsibility and authority, adopt, suspend or reject the measure in whole or in part. In exceptional circumstances the Governor General may exercise all the powers of the Governor General in Council. Ordinarily the Governor General in Council cannot enter into a war or make a treaty without the express order of the Secretary of State in Council. However, if hostilities have already commenced against the British Government in India, or against an Indian State, he can do so.

The Governor General in Council, representing the Central Executive, functions subject to the control of the Secretary of State, and is ultimately answerable to Parliament. It is not responsible to the Indian Legislature, which cannot, therefore, remove it or replace it by another. Morally it may respond to the recommendations of the Legislature, but constitutionally it is not incumbent upon it to do so.

The Government of India is divided into a certain number of departments, each being in the charge of a member.

The Foreign and Political departments are under the direct charge of the Governor General. There is a secretary attached to each department, and a certain number of Under Secretaries and Assistant Secretaries. The departments at present are: (1) Home, dealing mainly with law, order and justice, and the Indian Civil Services; (2) Finance; (3) Commerce, Railways and Ecclesiastical; (4) Industries and Labour; (5) Education, Health and Land; (6) Law. The Law Department is not an originating department. It generally advises the Government of India on constitutional matters. Ordinarily, every member in charge of a department disposes of such questions as come before him. If it is a question involving a matter of policy, he refers it to the Governor General, who may order the case to be circulated and subsequently discussed by the Executive Council. The secretary attached to a department is a secretary to the Government of India and not to the Member for the department, and may take over a matter directly to the Governor General if he dissents from the Member for that department. In such cases, ordinarily the Governor General decides the case, unless he considers it sufficiently important to make it a "Council Case."

THE CENTRAL LEGISLATURE

The Central Legislature of India, created by an Act of Parliament in 1919, consists of a Lower Chamber called the Legislative Assembly, and an Upper Chamber called the Council of State. Each Province has a certain number of seats reserved to itself, the seats being then distributed over the constituencies in the Province.

The Legislative Assembly is not wholly elected. The present composition of the elected portion of the Assembly comprises 40 representatives

electd by the Non-Muhammedans, 30 by Muhammedans, 8 by Landholders, 9 by Europeans, 4 by Chambers of Commerce, 2 by Sikhs, and 2 are generally elected. The total of these elected members comes to 104. There are 14 more who are nominated to represent special interests. In addition there are 26 official members, that is, the members of the Governor General's Executive Council, the representatives of each one of the Provincial Governments, and so on. Thus the total strength of the Assembly comes to 144. The position of the Council of State is worse from a constitutional point of view. It consists of 60 members in all, of whom 33 are elected by general constituencies spread all over the country, and 27 are nominated by Government, of whom 20 are officials and 7, non-officials. The composition and colour of the Council of State is such that the Government are almost always certain of a majority.

It is misleading to talk of the Legislative Assembly as India's Parliament. It is neither wholly representative, nor has it unrestricted powers of legislation like the Dominion Parliaments. The more important of these restrictions may be noticed here. Section 65 of the Government of India Act, 1919, defines the powers of the Indian Legislature. Generally speaking, it legislates "for all persons, for all courts and for all places and things within British India." But it cannot make any law affecting or repealing any Act of Parliament extending to India, passed after 1860, nor any Act of Parliament enabling the Secretary of State to raise money for India in the United Kingdom. Further, it cannot pass an Act affecting the authority of Parliament, or any part of the unwritten laws of England, whereon may depend the allegiance of any person to the British Crown, or affecting the sov-

ereignty of the Crown, over any part of British India. Similarly, no measure can be introduced in the Assembly without the previous sanction of the Governor General if it affects the public debt or revenues of India, or the religion or religious rights of any community, or the discipline or maintenance of His Majesty's military forces, or the relations of the Government with foreign princes or states, and certain other matters. The Governor General, as distinct from the Governor General in Council, can direct, at any stage in the passage of a bill, that no further proceedings shall be taken in regard to the bill, if he certifies that it affects the safety of tranquillity of British India.

The Legislative Assembly cannot vote upon, and, unless the Governor General permits, cannot even discuss the parts of the budget providing for interest and sinking fund charges on loans, or for the salaries and pensions of persons appointed by the Secretary of State in Council, or for expenditure classified as political or defence. The other parts of the budget are votable by the Assembly, but even in their case the Governor General in Council can restore a grant thrown out by the Assembly, if he considers it essential for the discharge of his responsibilities to do so. The Governor General has the additional power to authorize such expenditure as he feels is necessary for the safety or tranquillity of British India or any part of it. After a bill is passed by both the chambers of the Indian Legislature, the Governor General can return it to either House for reconsideration. He can also refer it to a joint sitting of the two Houses. The Governor General has, in the last resort, the right of veto, which, even after his assent is given, can be exercised by the Crown as a Royal prerogative.

The most serious limitation, how-

ever, is one by which the Governor General can certify that the passage of a bill is essential for the safety, tranquillity, or interests of British India, whereupon it becomes law even without being passed by either House of Legislature. The most notable instance of its use was the certification of the bill to double the salt tax in 1923. This power of certification has deepened the sense of conflict between the Executive and the Legislature, and has made the latter anything but an independent body. The power seriously impedes the growth of a sense of responsibility in the Legislature. To do away with it would mean converting an irresponsible Executive into a responsible one, which is the gist of the whole political struggle in India at present. Lastly, the Governor General can make and promulgate ordinances for the good government of British India, which have all the force of an Act passed by the Indian Legislature. Such ordinances are enforceable for not more than a period of six months.

REPRESENTATION AND FRANCHISE

One feature of popular representation in the Central, as also the Provincial Legislatures in India, is that the electorates are not wholly territorial. A certain number of seats in the Legislatures are held by Muhommedan members who are returned exclusively by separate Muhommedan electorates. Similarly, some seats are occupied by members who are returned exclusively by Landholders or Zamindars, or European, or Indian Chambers of Commerce.

These communal and special electorates are severely criticised by Hindu nationalists as being wrong in principle. In their opinion, they have retarded the growth of territorial patriotism, and intensified the communal consciousness in the people.

On the other hand, the Muhommedans, who form the most important minority community in India, have hitherto greatly cherished these separate electorates, and together with others who have enjoyed the privilege, are reluctant to forego it. One hopeful feature of the present situation, however, is that an appreciable body of opinion among the minorities is now favouring joint electorates with reservation of seats for the minorities. The protection of the submerged classes also has to be looked to. Without providing them perfect equality in civil matters and equal opportunities for education and general uplift, an attempt at evolving a stable constitution for India cannot be successful. The present system of Government nomination of members of these classes to represent their interests is considered at best very inefficient, and at worst it encourages such representatives to indulge in indiscriminate attack on even that section of the elected members which is in complete sympathy with their demands for social uplift and education.

The extension of the franchise in India has been a development of very cautious and slow growth. Down to 1919, the primary voter used to be represented in the Indian Legislatures by a very circuitous form of indirect representation. The Act of 1919, however, entirely swept away that system. The general franchise qualifications for the Legislative Assembly since then have been based on: (1) community, (2) residence, and (3) ownership of property of a certain value or above, usually calculated by the payment of land revenue, or income tax, or municipal taxes. Women, unless enfranchised by the Legislature concerned, have no vote. The Legislative Assembly, and the Bombay and the Madras Legislatures have accord-

ingly enfranchised women. The franchise for the Council of State and the Provincial Councils is based on similar qualifications, excepting that for the former the property qualification is much higher, and for the latter, lower, than for the Legislative Assembly. At present, 7,400,000 persons out of a total of 247,000,000 persons have got the franchise.

The number of enfranchised people is thus infinitesimally small, having regard to the population of India. The official argument against broadening the franchise is that the electorate is not properly educated and, therefore, would be at the mercy of the wirepuller. This argument is only a half truth and, therefore, all the more misleading. The Indian elector may not be competent to exercise judgment on questions of high policy, but so far as ordinary local matters are concerned the ordinary Indian villager possesses sufficient amount of intelligence to understand his good. The Indian reformers feel that the process of educating the electorate will be accelerated by freer opportunities given to the masses for the exercise of their political rights and duties, simultaneously with the adoption of an intensive and extensive program of primary and adult education. Such progress as has been made in the matter of primary education has been due to the interest taken in that cause by the much maligned middle classes who met with no inconsiderable opposition from the Government on various pretexts. It would be relevant to draw attention here to the condition of the electorate in England at the time of the Reforms Act of 1832:

Most of the English boroughs were either sold by their patrons, or by themselves, to the highest bidder. In 1793, when the members of the House of Commons numbered 558, no fewer than 354 were nominally returned by less than 15,000 voters, but in

reality, on the nomination of Government and 197 private patrons. (Taswell Langmead's *Constitutional History of England*.) Indian nationalists naturally conclude that it is neither necessary for India to wait for electoral reform till all the masses are properly educated.

PROVINCIAL GOVERNMENTS

The constitution of the Provincial Governments may now be briefly discussed. India is divided into nine major Provinces, the type of government being everywhere the same. At the head of the Executive Government of every Province is a governor. The only permanent Indian Governor till now appointed, has been the late Lord Sinha. The functions of government in the Provinces are divided into two halves, called the "Reserved" and the "Transferred." This division, effected in 1919, is generally known as Dyarchy. Its underlying principle, first accepted by Mr. Montagu, was to give Indians a chance to acquire knowledge of practical administration in certain subjects, which were, therefore, to be placed under their control. The remaining departments were to be reserved to the official half and administered by the Executive Council. Constitutionally, the essential difference between the two classes of subjects is that the Transferred subjects are administered by Ministers appointed by the Governor from the elected members of the Provincial Legislatures, the Ministers being responsible to it, while the Reserved subjects are administered by the members of the Executive Council who are appointed by the Crown and who owe no responsibility to the Legislatures. In practice, there is a considerable amount of influence exercised over the Ministers, by the Governor, in accordance with rules framed under the Act, and also because of his position as

Governor. The Act also intended that the Ministers should be given a chance to influence the opinion of the Executive Council—of which they are not members—while in practice the tendency has been to keep the two halves of Government apart. Dyarchy at first shocked both the political theorist and official opinion in India, though latterly there has come about a change in the official view of it. Indian politicians were sharply divided on the issue at the start, and a large section of them refused to have anything to do with the reforms as being unsatisfactory and insufficient. The Liberals, though dissatisfied with the Reforms, were prepared to work them. Both, however, are agreed now that Dyarchy is unworkable. It does not give a free scope to Indian talent, and is a fruitful source of friction inside the Government. It also makes it impossible to organise political parties on sound lines. The present demand in the Provinces is for the control of the Legislatures over all the subjects of administration, thus making the Executive removable by, and responsible to, the Legislatures.

The number of Members of a Governor's Executive Council varies from two to four from Province to Province, half of them being usually English members of the Indian Civil Service, and half Indians taken from non-official life. The principal subjects administered by the Reserved departments are the assessment, collection and administration of land revenue, laws regarding land tenures, land improvement and agricultural loans, famine relief, law, order and justice, mines, industrial matters, waterways, and sources of Provincial Revenue. The Transferred half, administered by the Governor acting with the Ministers, mainly includes Local Self-Government, that is, matters relating to

municipalities, improvement trusts, district boards, etc., medical administration, public health, sanitation and vital statistics, education excepting European and Anglo-Indian education, public works with certain reservations, agriculture including research institutes, fisheries, coöperative societies, excise, religious and charitable endowments, and the development of industries, including industrial research and technical education.

According to constitutional practice the Ministers ought to be collectively responsible to the Legislature. But actually, this is not so, since often they are not chosen from the same party. Further, it is not always that the Ministers represent the majority party in the Council. Their life is often prolonged by the support of the official bloc, which fact also tends to destroy the cordial and helpful relations between Ministers and their Councils.

The secretariat in the Provinces is, on a smaller scale, the imitation of that in the Central Government. It will be relevant to note at this stage that the subjects of administration in India, as a whole, are divided into Central and Provincial, those of an all India character being assigned to the Government of India, and those of a Provincial character to the Provinces. Rules framed under Section 45A of the *Government of India Act*, technically known as the *Devolution Rules*, define the limits within which the Government of India may interfere with the administration of the Transferred subjects in the Provinces, the financial relations between the Central and the Provincial Governments, and the limits of the financial autonomy of the Provinces. They also provide for the allocation of revenues between the Central and the Provincial Governments, the temporary administration

of Transferred subjects in case of emergency, and so on.

The unit of administration in every Province is the District, divided into a number of subdivisions. The head of a district is generally called a Collector. He combines in himself judicial and executive powers; he is the head of the magistracy and the police; he is responsible for the collection of land revenue, for the maintenance of peace and order, and general supervision. Until recent years, he was the ex-officio president of the municipalities in urban areas, and of the district boards in the rural areas. In rent and revenue matters appeal lies against the judgment of the district officers to Commissioners and then to the High Courts. Above the Collector comes the Commissioner over a group of districts, and above the Commissioner comes the Board of Revenue. Indian opinion has always condemned the combination of judicial and executive functions in the District Collector, though the system still continues.

THE PROVINCIAL LEGISLATURES

The Provincial Legislatures are, on a less grandiose scale, a copy of the Legislative Assembly. The important difference between them is that unlike the Central Legislature, they are unicameral. Their normal term, too, like the Legislative Assembly, is three years and they also have elected presidents. Then, they have an elected majority, as also the official and the nominated blocs. Their powers of legislation are limited in exactly the same manner as those of the Assembly, with the Governor in the place of the Governor General. Their legislative functions are naturally restricted to the subjects assigned to them by the Devolution Rules. A bill passed by a Provincial Council has usually to get the Governor General's assent also, after the Governor gives his. The Legislative Coun-

cils have the right to move non-binding resolutions, and the right of putting questions, just like the Assembly.

In regard to the Reserved subjects the powers of the Legislatures are much narrower than in the case of the Transferred subjects, and even taking the Provincial Legislatures as a whole, they cannot be described as independent bodies acting free from outside control. The Indian Constitution has no resemblance to well-recognised models of federal constitutions. Power is centralised in the Government of India, which again is subject to the superintendence, direction and control, of the Secretary of State. What powers are enjoyed by the Provincial Legislatures are more in the nature of a devolution from the top than anything else.

THE JUDICIARY

India does not possess a Supreme Court for the whole country. There are, however, High Courts functioning in most of the big Provinces, the total number in India being seven. Each High Court consists of a Chief Justice who is a member of the English bar, and a certain number of judges. Of the seven Chief Justices, only one, namely, Sir Shadi Lal, of Lahore, is an Indian. At least one third of the judges of each High Court have statutorily to be recruited from the Indian Civil Service. All judges of the High Courts are appointed by the King, and hold office during His Majesty's pleasure and not during good behaviour as in England. Chief Justices and other judges of the High Courts are paid salaries of Rs 5,000 and Rs 4,000, per mensem, respectively.

Ordinarily the High Courts exercise civil, criminal, probate and testamentary, and matrimonial jurisdiction. The maritime Provinces exercise admiralty jurisdiction also. The High Courts have appellate and revisional

jurisdiction both in civil and criminal matters over subordinate courts. Most of the law in India has been codified, and India possesses exhaustive codes on nearly every branch of civil and criminal law, both substantive and adjective. In the absence of any positive rule of law on any subject, courts are required to follow the rule of equity, justice, and good conscience. Indian lawyers have been appointed judges of High Courts from the earliest times of British rule in India, and their great ability and scholarship, judicial independence and integrity, have been acknowledged on all hands. India has also produced powerful and independent advocates and erudite lawyers. The contribution of some to legal literature has acquired more than Indian fame.

With certain reservations regarding the pecuniary value of the suit, and the nature of the question involved, appeal lies on the civil side, from the High Courts to the Privy Council. The Privy Council is not a court of criminal appeal, but at times it has interfered with criminal cases also.

The trial in civil suits takes place without the aid of a jury, but in certain criminal cases such aid is taken. Till very recently, there existed a very marked racial distinction in criminal procedure between Indians and Europeans, though now it has been modified.

THE PRESENT POSITION AND FUTURE AIMS

The existing constitution of India is still very far removed from anything like responsible government or Dominion Status. Thus, though administratively the control of the Secretary of State has been relaxed in certain matters, even now, in theory, and largely in fact, the Government of India is still in the leading strings of the Secretary of State. What the next step of advance

will be, it is difficult to say. The Simon Commission, which has been appointed to investigate and report on the present situation, consists wholly of British members of Parliament. The exclusion of Indians from it has evoked a storm of criticism all over India, and a considerable section of politicians have decided to hold aloof from the Commission altogether.

Public opinion in India has, at times, loosely spoken of Provincial autonomy as the next possible step in India's political advance. During the last one year, however, opinion has been taking a different shape. The All Parties Conference held in Bombay in May last appointed a committee to frame a draft constitution for India. The report of this committee has been, generally speaking, very well received in India, though not in England. It recommends the establishment of full responsible government as the next immediate step in the political evolution of India, and has adopted the Dominion model, with large residuary power vested in the Central Government. Further, it lays down certain fundamental rights of the people, such as their equality before the law, the possession of equal civic rights by men and women, freedom of conscience and religious practices, the right to elementary education, freedom of association, combination and speech, and so on. It also provides for adult suffrage, particularly because, in its opinion, it affords the best solution of the communal difficulty in India. Side by side with these provisions, there are provisions for the protection of minorities also. This report may be said to mark a definite milestone in Indian politics, and the beginning of a new struggle against forces of conservatism in India and in England, which in the name of statesmanship are bound to resist the demand for the transfer of

political control and power from the people of England to the people of India. The future is uncertain, but Indian nationalism is gaining strength every day. It has acquired a new consciousness and a new self-respect. It is alive to the difficulties that lie ahead, but hopes to face them in a spirit of hope, confidence, and courage.

The Army and Navy in India

By SIR P. S. SIVASWAMY Aiyar, K.C.S.I.; C.I.E.

Member of the Executive Council, Madras, 1912-17, Advocate-General, 1908-12; President, Recruitment Committee for India Defence Force, 1917

THE subject upon which I have been asked to contribute to the pages of this journal is a very large one to which it is not possible to do even the barest justice within the limits usually allowed to an article. The subject may be dealt with from various points of view. I do not propose to deal with it from the professional and technical points of view, not merely because as a civilian and an outsider I do not feel competent to deal with these aspects, but also for the reason that these aspects are not likely to be of interest to the general public. I will therefore content myself with dealing with the general aspects only of the subject which are likely to appeal to the ordinary reader.

The army of India in the broad sense of the term includes not merely the regular and professional army of British India but the Non-Regular Forces, consisting of an Indian Auxiliary Force, the Indian Territorial Force, the Indian Army Reserve of British India, and also, the Indian State Forces, which are maintained by the various Indian States and placed at the disposal of the Government of India in time of need. The most important portion of the defensive forces in India is that which may be called the Regular Army of British India. This army again consists partly of British troops and partly of Indian troops.

• EARLY HISTORY OF THE REGULAR ARMY

The beginnings of the Regular Army of India may be traced back to the year 1662 when a detachment of King's

troops was sent to garrison the island of Bombay. When the island was transferred to the East India Company, the control over the garrison also passed to the Company. After the renewal of the charter of the East India Company in 1798, the three presidencies were formed and each had an army of its own. The army then consisted of Europeans recruited from England or locally enlisted, of half-caste Goanese and of Indian sepoys.

It was in 1848 that the Company made the first appointment of Commander-in-Chief of its forces in India and it was in the same year that, following the example set by the French, the Company raised a small body of sepoys in Madras for the defence of its settlement here. It is not necessary to refer to the course of events which obliged the Company gradually to expand its army side by side with the growth of its territorial acquisitions; nor is it necessary to refer to the numerous changes in the organisation of the Company's army. Till the year 1857 the Indian troops which were organised in companies were under the command of their own Indian officers. When the introduction of a British element in the Indian units was resolved upon by Clive, he decided to retain the Indian command and a higher proportion of Indians to British officers. When the army was reorganised in 1796, the proportion of British officers assigned to the Indian Infantry Battalions was greatly raised and the number of British officers was fixed at 22 per infantry battalion. The power and status of the Indian officers, which had already

been affected by the changes introduced by Clive, were still further reduced by the later reorganisation.

REORGANISATION

The European troops in British India consisted partly of the King's troops and partly of the Company's troops. After the mutiny of 1857, steps were taken to reorganise the army and in accordance with the recommendations of the majority of the Peel Commission, the distinction between the Royal troops and the Company's European troops was abolished as the result of an amalgamation between the two.

The recommendations of the Peel Commission were of a momentous character and laid down several principles which have to this day continued to influence the organisation of the Indian Army and the military policy of the British Government. Before the mutiny, the greater part of the artillery in India was manned by Indian soldiers. After the mutiny, the total strength of the European troops was largely increased and that of the Indian army largely diminished. It was decided that the ratio of Indian to British troops should never greatly exceed two to one and that the field and other artillery should be exclusively or almost exclusively manned by Europeans. They considered the military police to be an element of future danger and would not therefore give them a stricter military training than was required for the maintenance of discipline. The commission further recommended that the Indian section of the army should be composed of different nationalities and castes which should, as a general rule, be mixed promiscuously in each regiment; that Europeans alone should, as far as possible, be employed in the scientific branches of the services and that a Corps

of Pioneers should be formed for the purpose of relieving European Sappers from duties entailing exposure to the climate.

In pursuance of the policy of amalgamation of the European troops of the Company with those of the Crown, the system of linked Battalions was introduced by the Cardwell scheme of 1872. The problem of providing European troops for British India and the colonies, besides the British Army serving at home, was attempted to be solved by this arrangement. The Infantry Regiments of the line were linked together in pairs. Out of each pair of battalions, one was to serve at home and be responsible for supplying men to the other battalions serving abroad. Prior to the mutiny, the total strength of the military establishment in India was 2,77,746 of which 24,363 was the strength of the Royal troops.

Another important commission under the presidency of Sir Ashley Eden was appointed in 1879 for the purpose of exploring the avenues for retrenchment of military expenditure and suggesting measures for improving the efficiency of the army for war. The strength of the three presidency armies in 1879 was 2,00,000 consisting of 65,000 British troops and 1,35,000 Indian troops. The most important recommendations of the commission were the abolition of the presidential system and the placing of all the armies under the direct control of the Commander-in-Chief in India, the linking together of Indian Infantry regiments in groups of two or three battalions, the addition of British officers to Indian Cavalry and Infantry regiments and the reduction of the strength of the Indian section of the army.

PURPOSES FOR MAINTENANCE

The purposes for which the army of India was maintained were defined to

be (1) preventing or repelling invasions actual or threatened from foreign countries, (2) the prevention and suppression of rebellion within British India or its feudatory states and (3) watching and overawing the armies of feudatory Indian states. They pointed out also that the duty of preserving order and of protecting property and quelling disturbances was the primary function of the civil police employed by the civil government. They emphasized the importance of keeping the strength of the forces maintained by the Indian feudatory states within the limits prescribed by the treaties and of not allowing them to be equipped with improved modern armament. Arms of precision were not to be supplied to the troops of Indian States and the British Government should take no steps to employ the contingents of different states together.

As regards the position of the Commander-in-Chief, the commission were in favour of removing him from the Executive Council. Apart from the inability of the Commander-in-Chief to maintain continuous personal contact with the whole army and being in his place in the Executive Council at the same time, the commission pointed out that the existing system was unprecedented in the organisation of any European Government or army and that it was contrary to one of the most essential and salutary principles of sound administration and to the common instinct and experience of all administrations whether representative or despotic. The commission accordingly recommended that the relative positions of the Government of India and the Commander-in-Chief should be the same as those of the Secretary of State for War and the Commander-in-Chief in England. The separate existence of the presidential armies came to an

end in 1895 and they were all brought under the direct control of the Commander-in-Chief. The reorganisation of the army with a view to the improvement of its efficiency has been engaging the attention of the Commander-in-Chief and the Government of India almost continuously since the appointment of Lord Kitchener as Commander-in-Chief in 1902.

POST-WAR CHANGES

In 1912, a committee was appointed under the presidency of Lord Nicholson to consider and report on the numbers and constitution of the army required to meet the military obligations of India. Before the recommendations of this committee could be carried out, the great war broke out and the various defects of organisation which were brought to light by the experience of the war led to the appointment of a committee in 1919 under the presidency of Lord Esher. This committee was asked to report upon the organisation of the army in India, including its relations with the War Office and the India Office and relations of the two offices to one another, upon the position of the Commander-in-Chief in his dual capacity as head of the army and member of the Executive Council, and upon other relevant matters. This committee made many important recommendations and the task of reorganisation was vigorously taken in hand by Lord Rawlinson who was appointed Commander-in-Chief in 1920. Various important changes have since been made in the organisation of the army. The enormous growth of military expenditure involved in the very extensive proposals for reorganisation and reëquipement and the embarrassed condition of Indian finances, led to the appointment of a retrenchment committee, under Lord Inchcape, which recommended con-

siderable reductions in expenditure. At the same time, the committee expressed the opinion that no vital service of the army should be unduly weakened and that it should retain the essential features of the organisation of a modern army and a capacity for expansion in war.

The strength of the army at the present time according to the estimates for the year 1928-29, is for India proper and Burma 231,511 of which 68,000 odd may be roughly taken as representing the strength of the British officers and other ranks and 163,000 as representing the strength of the Indian officers with Viceroy's commissions and other ranks. The total strength of the Fighting Units alone, British and Indian, is 197,000 odd, and the remainder is distributed among the staff of the Ancillary Services, including the Training establishments, Educational establishments, Army Service Corps, Army Ordnance Corps, Medical Service, Veterinary Service, Remount Service, various miscellaneous establishments and the Air Force establishment. The strength of the Reserve sanctioned for the new financial year is 35,750. Of the total number of officers holding King's commissions, that is, 6,998 in the Indian army, the number of Indians holding such commissions on the first of April 1928, will be only 84. The budget estimate of the total of the military expenditure for the new year is Rs. 55,10,00,000 which amounts at the official rate of exchange to 41,000,000 pounds sterling while the total estimated revenue for the next financial year is 97,000,000 pounds odd. The military expenditure of the country is, therefore, a little over 42 per cent of the whole of the central revenues of the country.

FUNCTIONS IN WAR

With reference to the functions of the army in war, it has been divided

into three classes: the covering troops, the field army and the internal security troops. The covering troops are stationed on the North-West Frontier of India and are intended to bear the brunt of the first attack of a hostile force and to secure sufficient time for mobilisation of the troops behind. The field army is the striking force in any major war and is intended to deal primarily with external danger. The Internal Security Troops are primarily intended to deal with internal disorder and maintain the internal security of the country. While, in time of external peace, the field army may be utilized to assist in the maintenance of internal order, it should be released in time of war to carry out its duties in the field without being disturbed by any calls to assist in the preservation of internal order.

One curious feature of the arrangements for these three purposes is that while in the covering forces the ratio of British to Indian troops is one to 6.7 and in the Field army the proportion between the British and the Indian soldiers is one to 2.7, the ratio is very much higher in the internal security troops, the proportion of the British troops to the Indian troops being 1.24 to one. This feature calls for an explanation. The fact that in the Striking forces the British element bears only a proportion of one to 2.7 of the Indian element is explained by a reference to experience in war as to the most efficient proportion of combination. Making allowance for the fact that the British portion of the Internal Security Troops may have to serve the purpose of making good the wastage in the British section of the Field Army during war before further recruits can arrive from England, there can be no doubt that the proportion of the British element in the Internal Security Troops is excessively high and it can only be

ascribed to a policy of distrust of the people.

The control of the army under the Commander-in-Chief has been divided into four commands, the object being to restrict the areas of command for the purpose of securing effective administration. The enormous distances in India and the defects of communications in the interior are among the reasons which have led to the increase in the number of commands to four. Various other considerations are said to be responsible for the arrangement but it is needless to enter into them.

MILITARY POLICY

• It has been already pointed out that the policy of distrust, which inspired the recommendations of the Peel Commission in 1859, has continued to inspire the military policy in India down to the present moment. It is part of this policy that Indians should be carefully excluded from the Artillery and all branches of the military service requiring any scientific knowledge. It is part of this policy that Indians should not receive any training which could develop initiative and capacity for leadership. In pursuance of this policy, Indians have till recently been practically excluded from the ranks of King's commissioned officers. It is part of this policy that Indians have been practically excluded hitherto from the Air Force, the Tank Corps, the Indian Signal Corps, the Royal Engineers and the Royal Artillery. Indians are now employed as drivers and artificers in the Royal Horse and Field Artillery and in Medium Batteries and as gunners, drivers and artificers in the Pack Artillery. In the Frontier Garrison Artillery, they are employed as gunners and artificers and in the Indian Coast Artillery as gunners only.

In consequence of the services of the Indian Army during the war, a few

King's Commissions have been granted to Indians since the year 1918. The number of commissions granted every year is ten and they have been confined only to the Cavalry and the Infantry. There are no Indian officers holding King's Commissions in the Head Quarters, in the staff of Commands or in the Ancillary Services, such as Supply and Transport, Veterinary Services, Ordnance, Remounts, Military training and Educational services. It may be mentioned here that there is an inferior class of commissions known as Viceroy's commissions granted to men in the ranks. The highest office under a Viceroy's commission is that of a Subedar-Major or a Risaldar-Major. But these officers, however long their standing, and however meritorious their services, can take rank only below the latest subaltern holding a King's commission.

It was the same policy of distrust that led to the exclusion of Indians from the Volunteer Corps until the exigencies of war suggested the formation of a Territorial Force. This policy of distrust was not confined to the people but to all classes of the Indian Army and the Police and the States. It rested upon the belief that the British rule in India can only be maintained by the sword and by inculcating in the Indian's mind the idea of his permanent racial inferiority to the British soldier and the invincibility of the white races. Various circumstances have occurred to produce a change in the outlook of the Indian and the Englishman alike. The defeat of Russia by Japan, the achievements of the Indian Army in the great war, the growth of a national consciousness among Indians, the declaration of the 20th of August, 1917, by the British Parliament and the discovery of the value of India as a reservoir of military strength have brought about a slight

change in the angle of vision of the British Government. It cannot be said, however, that the change has been considerable or has gone very deep or that the feeling of distrust of the people has disappeared from the British mind.

EFFORTS FOR INDIANISATION

The disabilities under which Indians labour in the army of their own country and their natural aspiration to make their country self-contained in the matter of defence have found repeated expression in and outside the legislatures. When Indians ask for responsible government, they are told that they cannot expect full responsible government until they can defend themselves and when they ask that they should be trained for undertaking the defence of the country, they are denied adequate facilities for the purpose. The whole question was dealt with in a series of resolutions in the Indian Legislative Assembly in 1921, the very first year it came into existence, and though the resolutions were passed with the concurrence of the Government of India, no serious attempt has been made to give effect to any of them.

One of these resolutions pressed for the establishment of a military college in India corresponding to Sandhurst, at which Indians should be trained for all branches of the army. Another resolution recommended that the King Emperor's Indian subjects should be freely admitted to all arms of the military, naval and air forces in India, the Ancillary Services and the Auxiliary Forces, that every encouragement should be given to Indians, including the educated middle classes, subject to prescribed standards of fitness, to enter the commissioned ranks of the army. Another resolution urged the organisation of an adequate Territorial

Force on attractive conditions and the abolition of all invidious distinctions between the Territorial Force to which Indians were admitted and the Auxiliary Force to which Europeans and Eurasians were admitted. It would take too much space to reproduce all the resolutions which were passed on this occasion which summed up the demand of Indians for the Indianisation of the army on lines which recommended themselves to the Government of India as then constituted, and to the Commander-in-Chief.

COMMITTEE RECOMMENDATIONS

A committee was subsequently appointed in 1924 under the presidency of the Adjutant-General, Sir John Shea, to consider the problems connected with the Indian Territorial Force and Auxiliary Forces, and another committee was appointed under the presidency of the Chief of the General Staff, Sir Andrew Skeen, to consider the feasibility of establishing a military college like Sandhurst in India. Both these committees submitted unanimous reports. The recommendations of the Territorial Forces Committee have been substantially accepted in theory, but there is no sign of any intention of giving effect to these resolutions.

The most important recommendations made by this committee were that the University Training Corps should be expanded to the fullest possible limits and that Urban Battalions should be created for the purpose of giving military training to educated Indians on the same conditions as those under which it is given in the Auxiliary Force to Europeans and Eurasians. The existing strength of the University Training Corps and the Territorial Forces is 19,000 odd. The maximum strength of these two forces for which provision is made in the military budget for 1928-29 is only 20,000 and

the margin for increase is less than a thousand. Though there is no room for any doubt that the University Training Corps can be easily doubled and a few complete Urban Battalions can be raised, it is impossible to do so owing to the limitation of the maximum strength to 20,000. On the other hand, the provision made for the Auxiliary Forces contemplates a strength of 36,000 odd of all ranks and an expenditure of Rs. 61,00,000 odd. If there was any bona fide intention of giving effect to the recommendations of the Territorial Forces Committee, provision should have been made for a much larger expenditure than 29 lakhs.

The recommendations of the Sandhurst Committee have been practically rejected by the Government. The Government declared their intention of raising the number of King's commissions granted every year to 37, including a few commissions in the Royal Artillery, the Engineers and the Air Force. The recommendations for annual increments in the number of commissions have been turned down and the Government have refused to establish a military college in India for the training of Indian cadets for the Indian army.

Another recommendation made by the Skeen Committee was that what has been called the Eight Units' Scheme should be abandoned. For the benefit of American readers, it may be stated that the Eight Units' Scheme was condemned by nearly all the witnesses, official and non-official, military and civil, who appeared before the Skeen Committee, and was condemned by the committee itself. This scheme was devised by the military authorities for the purpose of posting Indian cadets who succeeded in obtaining King's commissions to these Specified eight units of Cavalry and Infantry only

and not to any other units. The object of the scheme was to prevent the remotest possibility of any European commissioned officer who may be recruited in future years from serving under an Indian officer. That this was the real object of the scheme has been admitted by the Army Secretary in the debate which recently took place in the Indian Legislative Assembly on a vote of censure on the Government.

At the rate at which King's Commissions are proposed to be granted to Indians in the Indian Army, it will probably take a few centuries before the army can be Indianised or an Indian Officer can rise to a high position of command. It is no wonder that the policy, which has been pursued by the British Government in the matter of the organisation of the army in India, has caused deep discontent and distrust in the minds of the people of India. They are unable to believe that the Government could be sincere in the declarations of their intention to help India to attain responsible government.

INDIAN NAVY

A few words will suffice for the description of the situation with regard to the Indian Navy. It was an oft repeated demand of the Indian people that they should be eligible for admission to the Naval Force. It was announced by Lord Reading in 1926 that the Royal Indian Marine would be converted into a Royal Indian Navy and that commissions would be granted to suitable Indians by competition.

The necessary measures for the creation of the Royal Indian Navy was passed through parliament a short time ago, but, when the bill which was intended to provide for the discipline of the navy, was introduced in the Indian Legislative Assembly, it was

rejected by the Assembly. At first sight, the attitude of the Assembly would seem to require explanation; but the reasons for which the Assembly refused its consent to the measure will satisfy an impartial observer that they are not arbitrary or inconsistent with a due sense of responsibility. The main reasons which influenced the rejection of the measure were that the control of the proposed Navy is intended to be vested not in the Government of India but in the British Government, that the proportion of commissions to which Indians would be eligible is one out of three, that it imposes no statutory obligation for the manning of the ships by Indians and that it enables the Imperial Government to employ the Indian Navy in any part of the world without legally imposing upon it a liability to pay the expenses incurred during the period of such employment. All these objections were pointed out during the passage of the bill in the House of Commons but the Conservative Government was obdurate and made no concessions. If the Indian Legislative Assembly felt that it would prefer not to have a Navy at all to having a Navy on these conditions, could it be said that the Indian Legislature acted unreasonably? There was an Indian Navy in existence in India but it was abolished in the year 1863. Like the famous chapter on snakes in Iceland, the chapter on the Indian Navy will now have to contain only one word "nil."

ATTAINMENT OF IDEAL

The ideal of modern India is to have an army, navy and air force of its own manned and officered by Indians in the same way as the forces of the self-governing Dominions are constituted and under the control of the Government of India. Indians recognise that the attainment of their ideal must take some time, but they contend that an earnest beginning should be made at once and that a definite programme should be framed for Indianising the defensive forces within a reasonable period of time. Of this there is no sign on the part of the British authorities and it is one of the root causes of the distrust of the British Government. Can Indians be blamed if they feel that they are only hewers of wood and drawers of water in the army of their own country, which is maintained entirely at the cost of the Indian taxpayer, and if they resent the treatment accorded to them as dictated solely by racial considerations and a distrust of their loyalty? How can loyalty be ever promoted by a policy of distrust? Self-government within the British Commonwealth is still the ambition of India. But the narrow-minded Imperialism of the British Government is calculated to instil the belief in the minds of Indians that England is not really prepared to satisfy their legitimate natural aspirations to full responsible government within any reasonable distance of time.

Emigration

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Deputation to South Africa

THERE is a popular and widespread belief that the stay-at-home Indian, far too attached to his hearth, will never take kindly to colonisation which is the predominating feature of public activities in all live societies and virile communities. This is, however, a baseless imputation.

*EARLY HISTORY

The story of colonisation and movement of population found in the Ramayana, Mahabharata and Srimad-Bhagvat may perhaps be relegated to the pre-historic period and thought to contain much fiction with a few facts. There can, however, be no escape from the conclusion that east of India, in Burma, Siam, China, Japan, Java, Sumatra, Bali, Cambodia and southwards in Ceylon, the course of Indian colonisation by Hindu missionaries, Buddhist monks and merchants of both denominations was large, prolonged and unimpeded. Tibet, Tartary and Central Asia were similarly affected. Mr. Kennedy has shown that Indians had settlements in Babylonia, Arabia and the East coast of Africa. Muhammadan colonisation from India towards the East in later days was also a notable feature of movements of populations, and there is more than a remnant of Muhammadan population in some of the islands and settlements mentioned above, whose spoken language is, strangely enough, still Sanskrit, at least one of its dialects. This is a thing not to be noted even in India, the home of the Sanskrit language, which is spoken as a learned

language only by some of her learned men. And in these islands, recently visited by Dr. Robindra Nath Tagore and Professor Suniti Chatterjee, Muhammadans to this day are bearers of Sanskrit and Sanskritised names. I met one such Muhammadan in 1912 in that old seat of learning—Leyden. He spoke good Sanskrit. Remains of noble edifices and monuments in these countries that have engaged the loving interests of scientific researchers like Foucher are abundant testimony of successful Indian colonisation in fairly recent times.

Indian pilots were thus instrumental in piloting western enterprise from the West to the East and assisting the East and West to meet. Why there was a lull in the tide of Indian emigration and colonisation in comparatively recent times has never been well understood. Nor is it clear why, after the successful enterprise of not very ancient times, a ban came to be placed upon Indian emigration and colonisation abroad among Hindus. A noted writer on Indian emigration writing under the pseudo-name of "Emigrant," who is unquestionably well posted in everything relating to emigration in modern times, says:

Why the spirit of adventure, the zeal for conquest, which flung Indian invaders into Ceylon, Java and the remote land of Cambodia, should have suddenly shrivelled under the blight of Muhammadan invasion is a mystery which still awaits solution.

The solution is not of much practical importance to the latter day problem, and it is more than doubtful whether

Muhammadan invasion itself had anything directly to do with this influence of the "paralysing hand of religious anathema that neutralised initiation and courage." Many causes probably combined in limiting the volume, importance, and usefulness of Indian colonisation in the middle ages of India and later; and Bengal, where it had flourished most, suffered most by such shrinkage.

Sea-faring people along Chittagong coasts, who manned and still man merchant vessels and go by the name of *Laskars*, had close contact with the Portuguese and manned their vessels as well as the vessels of rulers like the Maharaja Pratapaditya of Jasehar (not to be confused with modern Jessore) that in time was engulfed by the Sunderbans. Their activities were, however, confined chiefly to navigation, and not to emigration or colonisation. Madras, however, sent strong contingents to Ceylon and the Eastern islands, and later on to Mauritius, South Africa and the Western Islands. Bombay, Gujarat and the southern parts of the western coasts of India sent constant contingents to East Africa and later on to South Africa when the call came. The charge could never be properly and fairly laid at the door of these people that they ever shirked their duties and responsibilities as colonists and colonisers. The charge may well be the other way. Though compared to its vast population and poverty, India's contingents of emigrants and colonists have been infinitesimal, they have never found real hospitality abroad except when they were wanted and encouraged as servitors and almost as serfs.

When Indians succeeded in overthrowing age-long prejudices and overcame difficulties, obstacles and handicaps in the way of colonisation, the smallness of their numbers was no passport to cordial relations in the countries

of their sojourn and they were received and tolerated only on sufferance, so long as need of their services made them useful or indispensable.

BACKGROUND OF SENTIMENT AND PRESTIGE

Considerations like these made the mid-ancient legislators all the more averse to promotion and encouragement of emigration. And these considerations in much later time made the British legislators similarly averse, because of the incapacity of the Government fully to protect and promote Indian interests abroad. Stress of public opinion and popular demand made our later Viceroy—Lords Hardinge, Chelmsford, Reading and Irwin take up strong and pronounced attitudes regarding this question, enabling India to maintain "a semblance of self-respect."

Small and almost microscopic as the question is from the point of view of mere numbers, there is a strong background of sentiment and prestige which has made the Indian question of emigration bristle with difficulties. In theory these difficulties are not large. In October 1923, Viscount Peel, Secretary of State for India, and his colleagues put forward a powerful plea at the Imperial Conference for the treatment of Indians, who have settled in various parts of the Empire, on a basis of equality. The people and the Government of India and the Secretary of State for India had always a fair degree of unanimity on this question, and it was not for lack of will on their part that Indian interests had suffered. Mr. Cecil Rhodes himself admitted that "all civilized men should have equal rights;" and Lord Milner held that

When a colored man possesses a certain high grade of civilization, he ought to

obtain what I may call "white privileges" irrespective of colour.

The Indian question could not long be dealt with directly by the Secretary of State for India, but had to be circuitously dealt with through the Secretary of State for Colonies. Mr. Winston Churchill, as Secretary of State for Colonies said in this connection:

We wish to apply broadly and comprehensively, and so far as is practicable, Mr. Rhodes' principle of equal rights for all civilized men. That means that the natives of India who reach and conform to the well marked European standards should not be denied the fullest exercise and enjoyment of civil and political rights.

As the result of two Government of India delegations to South Africa (of the first of which I had the honour to be a member), a Round Table Conference on the Indian questions was recently held in South Africa. Among other things the South African Government agreed to the supreme necessity of the uplifting of the Indian community there. In the summary of conclusions reached by the Round Table Conference is the following notable admission by the South African Government:

The Union Government firmly believe in and adhere to the principle that it is the duty of every civilized Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities, and accept the view that in the provision of educational and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the people.

Apart from this notable admission, a still more notable feature of this historic Conference was that, henceforward, negotiations on behalf of India would be between the Govern-

ment of South Africa and the Indian Government directly, and not through the Secretary of State for India and the Secretary of State for the Colonies as heretofore. Thus India has entered upon a new phase of emigration and colonial development. In the Right Hon. Mr. Srinivasa Sastri, India has the first recognised plenipotentiary abroad. A striking personality of great eloquence and experience, he has remarkably impressed the South African people and the South African Government. India is thus on the threshold of coming into her own in this direction, and will do so if her people and her Government will duly persevere.

It is but right that justice, though belated, should ultimately be done. The Marquis of Curzon whose contribution as Viceroy to the demands for recognition of Indian claims was no less notable than that of his successors, in a speech on the subject said:

If you want to rescue the white men's legations from massacre at Peking, and the matter is urgent, you request the Government of India to despatch an expedition, and they despatch it; if you are fighting the Mad Mullah in Somaliland, you soon discover that Indian troops and an Indian General are best qualified for the task, you ask the Government of India to send them; if you desire to defend any of your extreme outposts or coaling stations of the Empire, Aden, Mauritius, Singapore, Hong-Kong, even Tien-tsin or Shan-hai-Kwan, it is to the Indian Army that you turn; if you want to build a railway to Uganda or in the Sudan, you apply for Indian labour. When the late Mr. Rhodes was engaged in developing your recent acquisition of Rhodesia, he came to me for assistance. It is with Indian coolie labour that you exploit the plantations equally of Demarara and Natal; with India-trained officers that you irrigate Egypt and dam the Nile; with Indian forest officers that you tap the re-

sources of Central Africa and Siam; with Indian Surveyors that you explore all the hidden places of the earth.

Referring to some other phases of Indian activities, the Indian deputation to South Africa, of which I was a member, argued before the Joint Select Committee of the Union Parliament as follows:

Since the days of Alexander, the march of events in the great sub-continent has found faithful chroniclers. Its history stretches into a remoter antiquity; their records bear ample testimony to India's civil splendour and military renown. Before the Christian era, Indian colonists penetrated into Java and portions of the Far East: the temples of Borobodur and Nakhon Vat still bear testimony to the impress of their genius on these countries. India gave birth to two of the world's greatest religions, Hinduism and Buddhism. Among her earliest rulers was Asoka, whose temporal power was greater than that of Charlemagne, and whose spiritual fervour firmly established Buddhism in China and Tibet. Among her earliest poets was Kalidasa, whose beautiful lyrical drama "Sakuntala" won the spontaneous homage of Goethe. Schopenhauer eulogized one of her best-known systems of philosophy in the following words:

In the whole world there is no study so elevating as that of the Upanishads. It has been the solace of my life, it will be the solace of my death.

The confluence of philosophic subtlety and mysticism characteristic of early mediæval Hindu Society, with the artistic energy and political genius of her Muhammadan rulers, further enriched Indian civilization.

Numerous travellers and ambassadors from Europe have written of the magnificence and organization of the

most illustrious Mussulman dynasty that governed India. The fabled peacock throne is a memory of that magnificence; the Ain-i-Akbari, an impartial witness to that organization. We shall not enlarge on either at too great a length. We shall only mention the two most abiding monuments of Moghul influence: the magic mausoleum of the Taj Mahal at Agra, and the system of land revenue organisation, which the British power in India has adopted. When dominion in India passed to the British Crown, the civilisation of her people received recognition in the gracious declaration of Her Majesty, Queen Victoria, that neither their colour nor their creed would be a bar to their advancement.

ADVANCEMENT

That promise, which was re-affirmed by His Late Majesty King Edward VII, and His Majesty King George V., has already been fulfilled in a generous measure, for Indians have been promoted to the British Peerage and His Majesty's Privy Council, have been elected to the British House of Commons, and, with the exception of the Viceroyalty, have held every high office in India. In the world of literature and science they have vindicated their ready adaptability by the completeness with which they have assimilated western culture. In literature and art, Tagore; in science, Roy, Bose and Raman; in oriental scholarship, Bhandarkar and Shibi; in mathematics, Ramanujan; in educational statesmanship, Sir Syed Ahmad; in politics, Gokhale, have worthily upheld India's claim to be included in the world's intellectual aristocracy. In sport, which occupies so important a place in the life of Western nations, the pre-eminence of an Indian Prince, Ranjitsinghji, is universally acknowledged. Her industrial advance has been no less re-

markable. It is submitted, therefore, that by virtue of the antiquity and vitality of their civilization, Indians have established a strong claim to be treated as the equals of any race. Most civilized countries recognize this in their treatment of Indian nationals.

This point of view was accepted by the Union Parliament and later on by the South African people, and on its basis the Right Hon. Mr. Srinivasa Sastri is attempting to place Indian Colonies in South Africa on a better footing than has hitherto been possible.

Space and time will not permit examination of the details of the long drawn struggle conducted chiefly before the return of Mahatma Gandhi from South Africa to India. The Late Mr. Gokhale, Mrs. Sarojini Naidu, and the Rev. Mr. Andrews well championed the Indian cause, and the final work on behalf of the Government of India was in the hands of our Deputation and the Habibulla Deputation, the labours of which have been closed with credit and honour to all parties and with benefit to India.

All this was, however, in the interest and for the benefit of no more than 1,060,000 Indian men, women and children, who in the natural course of things will be wiped out and extinct in but a few generations. The cardinal points of this settlement are that all emigration from India and, therefore, colonisation, must stop for good and that the remnants of the Indian subjects in South Africa shall be repatriated under settled terms and conditions as soon as, and as far as possible.

PRIVILEGES

Here, therefore, is more than incipient finality of the prospects of Indian emigrants abroad on a large scale or on a lasting basis. Though from the

viewpoint of mere numbers the question of Indian emigration is not very large, it is spread over a fairly large and diversified area and includes Ceylon, Malaya, the Straits Settlement, Mauritius, Trinidad, Jamaica, Fizi, British Guiana, Canada, Australia, New Zealand, South Africa, East Africa, Uganda, Nijisaland, Kenya and Rhodesia. To these must be added the mandated territories, which are not integral portions of the British Empire, but which for practical purposes form a part of the problem, in spite of the question of "Trusteeship for the indigenous population" about which one hears when convenience and expediency bring it up. The Indian asks everywhere for full freedom of movement, for complete equality of opportunity, for absolute parity of rights in all Crown colonies and self-governing Dominions. Following the reciprocity resolution of 1918 at the Imperial Conference, I made myself responsible in the Council of State of India in 1925 for what came to be known as the Reciprocity Act after it had been duly passed by the Indian Legislative Assembly. As a condition of faithful observance by India of the reciprocity resolution and not merely as a corollary, India insists on the admission of Indian subjects to the Dominions with the same privileges, political and economic, that are enjoyed by the most favoured classes of His Majesty's subjects.

Within the limited space at my disposal it is not possible, nor necessary, for me to go into the details of the question affecting the various countries, as mentioned above, that are a part of the British Empire, of which Indians are citizens in the same sense as any other races and people. Historically, and on principle, the Indian claim stands on firm ground. Their right to emigrate to any part of the Empire cannot be questioned and has not been questioned

in theory. They have always cherished it as a privilege of imperial citizenship. To deny equality would be to deny justice which is the basic rockbed of Empire. The development of autonomy, which is said to be the goal everywhere in the British Empire, should and may be well compatible with the ideal of equal rights and opportunities for all. The proposal in certain quarters for a separate colony for the surplus population of India is veritably a counsel of despair. Economic objections on behalf of the white settler cannot be urged, for the Empire has vast unpeopled tracts, clamouring for population and development. There can be no distinction between various classes of His Majesty's subjects regarding migration, and the imperial character of the problem cannot be too strongly emphasised. To harmonise different civilisations is an unquestioned objective and a clear need of the Empire, for equality is the key of Imperial Unity.

HISTORICAL DATA

The lull in Indian colonisation to which reference has been made above, strangely enough, came to an end with the abolition of slavery in the British Empire during the ministry of Earl Grey, in August, 1833. A system of seven years' apprenticeship was established as a transitional period of liberty; this was practical slavery for all intents and purposes. Economic depression of the West Indian Colonies followed and became the subject of anxious parliamentary enquiry in 1842 and 1848. The distress was attributed to the difficulty of obtaining labour; and because white hands are averse to hard and continued manual labour in adverse climates, India presented itself as a likely source of new supply of labour. Mauritius used to have labour supplied from India as early as

1819, but the scale became larger in 1834 as a result of the abolition of slavery. Between 1834 and 1837 as many as 7,000 emigrants left Calcutta for Mauritius. In 1838 two ships carrying 400 emigrants left British Guiana. The first consignment of labourers was shipped to Trinidad in 1844. Indian emigrants were introduced into Jamaica in 1845. By 1847 the Colony had received 4,000. Natal got its first supply in 1860. To lesser islands like Granadà, St. Lucia and St. Vincent, emigration started in 1856, 1858 and 1861 respectively. Slavery was abolished in the French Colonies in 1848, and the planters in Reunion and other islands began to look to India for labour supplies. A formal agreement with the French Government was negotiated in 1860 when emigration to Reunion, Mauritius, Guadeloupe and its dependencies, and French Guiana was recognised by law. Emigration to the Danish Colony of St. Croix was thrown open in 1863. A convention to regulate emigration to the Dutch Colony of Surinam was negotiated in 1872, and made operative by the Government of India the same year.

EFFECTS OF EMIGRATION

Without going into further and unnecessary details it may be summarised that emigration from India both westward and eastward was a matter of necessity for the development of the resources of the Empire and its allies. The indentured system of overseas emigration and inland emigration served its purpose for a time but soon outlived its usefulness, stood condemned and was ultimately abolished. It is a long drawn tale of misery, woe and shame that has left a dire back-trail. This is only historically important, showing how the economic demands of civilisation in the west made abundant use of India's labour resources,

and how in the end, when the need of such use disappeared, adverse feeling was roused everywhere against Indian labourers and also Indian settlers and merchants, who came in their wake.

It was but natural that trade, and ultimately commerce, would follow the path of labour and that family ties would grow leading to permanent settlement in lands of the emigrants' choice and adoption. From the very nature of things men and women belonging to the lower strata of life would be the first to go and for lack of education and of suitable sanitary and economic ideals would make unfavourable impressions on their surroundings. This, in turn, operated as a recoil on the situation, and attempts have been made to bar the better classes, not coming exactly under the category of labour or trade. So successful has this bar been in South Africa that social workers in sufficient numbers are deplorably lacking for the people's uplift. Priests and preachers are conspicuous by their absence, and when Mr. Srinivas Sastri, himself an eminent educator, began his educational campaign in South Africa, the absence of the right type of teachers was his first difficulty. It stands to reason that if the Indian people are to have their place and take their stand among those who regard them as aliens, the educational level and the sanitary and economic ideals must be commensurate with the surroundings. The members of our Deputation, in 1925-26, insistently urged this point of view on Indians settled in South Africa, and there was considerable response which was followed up when the Habibullah Deputation went there later on. Those who talk lightly of enforced or "persuaded repatriation" of these people forget that they have been away from India for many generations and have

lost all touch with it and its customs, manners and institutions.

FUTURE EQUALITY

Theoretical equality of the races in the Empire has never been overtly denied. Mr. Lloyd George, addressing the Imperial Conference in London in 1921, said:

No greater calamity could overtake the world than any further accentuation of the world's divisions upon the lines of race. The British Empire has done signal service to humanity in bridging those divisions in the past; the loyalty of the King Emperor's Asiatic peoples is the proof. To depart from that policy, to fail in that duty, would not only greatly increase the dangers of international war; it would divide the British Empire against itself. Our foreign policy can never range itself in any sense upon the differences of race and civilisation between East and West. It would be fatal to the Empire

This is completely different from the Dutch ideal in South Africa that was enshrined in the language of the *Grootwet* of 1883 "that there shall be no equality between the white and the non-white." Since then, there have been the Boer war and the Great European war, in the trenches of which "non-white" troops, particularly Indian, have fought side by side with "white" troops, and have given good account of themselves and have laid down their lives in order that the Empire might live and grow ever greater. The final phase of the Indian question in South Africa destroys the Dutch ideal, for the Union Government has now declared

That they firmly believe in and adhere to the principle that it is the duty of every civilized Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity.

It has also accepted the view

That in the provisions of educational and other facilities the considerable numbers of Indians who remain part of the population should not be allowed to lag behind other sections of the population.

In Kenya and Tanganyika a definite challenge, however, has been thrown out against the claim of equality of Indians. Opposed to this, the Commonwealth Government of Australia have redeemed their promise to place their domiciled Indian subjects on the same footing, in all respects, with the white population. The Canadian position, on the other hand, is by no means free from difficulties. It is summarised by Professor Rushbrook Williams in his official publication, *India in 1922-23*. He says:

The impending struggle between East and West, foretold by many persons who cannot be classed either as visionaries or as fanatics, may easily be mitigated or even entirely averted if the British Commonwealth of Nations can find a place within its wide compass for three hundred and twenty millions of Asiatics fully enjoying the privileges, and adequately discharging the responsibilities, which at present characterize the inhabitants of Great Britain and the self-governing Dominions.

The numbers involved are infinitely small. There are in Canada fewer than 1,200 people and in Australia there are not more than 900. Why then is there the marked differentiation in the treatment of the same questions in two different countries belonging to the Empire? There may be the fear of foreign complications, for both in Canada and Australia there are settlers from China and Japan who are without votes. But the reply is that the British subjects by birth have a higher footing than an alien seeking to acquire citizenship by domicile. Local hostile opinion, resulting from ignorance and prejudice, should not be allowed to prevail. A

question that affects the unity of the Empire should be above mere party politics. There is no foundation for the fear that confirmation of rights on Asiatics would mean domination by them. In no responsible Indian quarter does such an intention or claim find any place. This has been abundantly proved in India itself where in spite of abundant Indians, alien interests are carefully safeguarded. The theoretical position is absolutely clear. The Indian admits the right of the Dominions to regulate the composition of their population in deference to their autonomy—an autonomy which he hopes to secure for his own country within the orbit of the Empire. In the Crown Colonies he asks for a fair field and no favour.

From the above short sketch it will be clear that the Indian emigration question, as it is known to-day, has large possibilities, but is by no means free from difficulties. The people and the Government of India are determined to have their rights, and they expect the British Government fully to back and support them. After repeated pronouncements by British Statesmen in the foremost rank in the Councils of the Empire, Indian claims cannot be lightly set aside. The Indian Legislature has clearly indicated its attitude in the matter by the Reciprocity Act and the various resolutions carried from time to time in the Legislative Assembly and the Council of State. At the same time, one must recognise that the ethical pre-eminence of the principle of universal brotherhood will not be sufficient to overcome the love of autonomy or the dictates of self-interest. Legitimate expansion of India's colonial and emigration ambitions must be a matter of reason and reasonable compromise, and adequate educational, sanitary, moral and economic standards must be cultivated

and maintained if that expansion is not to receive a check. India has still a high message of spirituality and morality for the super-materialised West and the manner in which the least of her missionaries are still received in Europe and America must be a matter of encouragement, nay, inspiration, to those who want to make India better known abroad. The least, therefore, of those

who go abroad, however humble their station in life and however inadequate their equipments may be, must deem himself an ambassador of the Great Mother in other lands and behave accordingly. By them, by their character and conduct must she necessarily be judged, and whoever causes that judgment to go against her is an arch traitor to his country.

Local Self-Government in India

By HON. S. N. MALLIK, M.A., B.L.

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IN India from very ancient times there existed the very interesting and important social institution of village communities which have all along attracted the attention and impressed the imagination of the celebrated observers of Indian social structure from Megasthenes in the third century B. C. to Lord Metcalfe a century ago and Sir Henry S. Maine in the mid-Victorian era.

ANCIENT INDIA

The constitution and form of those village communities have not been exempt from the general course of progress and decay; but there can be no doubt that their general characteristics have been handed down through several centuries with an extraordinary pertinacity which is to a very large extent the secret of the persistence of Hindu civilization, which has survived and survived with full force when other equally ancient civilizations in other parts of the world have long disappeared. These communities were based on a marvellous combination of the spiritual as well as the social and the economical forces of the ancient Hindu race, and, as such, contributed more than any other cause to the preservation of the Indian people through all the conquests and revolutions which they have suffered, and were conducive, in a remarkably high degree, not only to their happiness and spirituality, but also to their enjoyment of a great portion of freedom and independence.

The village communities were each a separate little state in which the needs

of the villagers for their individual and corporate lives were well provided for. Village officers used to be appointed for such purposes, and in virtue of caste and heredity they were remunerated by land or fixed fees for their services to the community. They looked after agriculture and arts, public health and sanitation, trade and commerce, as well as education and protection. Minor functionaries like the potter, the barber, and the cobbler used also to be appointed and even the goldsmith and money-lender were not forgotten. The groups of these village communities could also in times of trouble arm and fortify themselves. If the force which opposed them was irresistible, then the people would flee to distant but friendly villages and would return as soon as opportunities occurred. A generation might pass away, but a succeeding generation would return and the sons would take the place of their fathers—on the same site, the same homestead and the same lands. Thus in India from the distant past there was a highly organised system of village self-government, the pertinacity of which was so well described by Lord Metcalfe in 1830:

They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution; Hindu, Pathan, Mughal, Mahratta, Sikh, English are all masters in turn; but the village communities remain the same.

So far as the bigger towns were concerned, we find it provided in the celebrated code of Manu that every large town should have a superintendent who should personally inspect the work of

all officials and obtain secret information about their behaviour, as the great lawgiver quaintly observes, that

For the servants of the King who are appointed to protect the people generally become knaves who seize the property of others; let him protect his subjects against such men.

In the account of Megasthenes again, we find that the large cities used to have six bodies of five members each and that each of these bodies used to be entrusted with particular and important departments of human activities, amongst which even the care and entertainment of foreigners was included, and the registration of births and deaths was not neglected. Thus it is that in ancient India local self-government, with all its implications, was an important and well-organised institution which had its roots in the very fundamental conditions of life.

THE MUHAMMEDAN SYSTEM

This system of village communities and self-government continued to a great extent during the Muhammedan period for several centuries without any serious modification. In the days of the Moghul Empire local self-government through village communities continued in the rural areas and through their caste and hereditary officers, and in the bigger towns there used to be appointed officers, called the *Koetwals*, who were not only the chief executive officers for all magisterial, police and fiscal matters, but they were also the chief officials for discharging such functions as are now classed as municipal. The great Abul Fazl, in his notable book *Ain-i-Akbari* (or the institutions of Akbar), has handed down to us detailed descriptions of the duties and liabilities of the *Koetwals* which are highly interesting and illuminating from the point of view of

town life and administration of those times. The duties of the *Koetwal* were truly multifarious, severely exacting and frequently unpleasant, and he was expected to be a man of refined address to make his vigilance reflect credit on his administration. He was called upon to see that thieves were discovered and stolen goods recovered from them, or be himself responsible for the loss, and it was also his duty to see that the rich should not take beyond what was necessary for their consumption; the former, an impossible duty in modern days and the latter, a more than hopeless task at all times.

In India local self-government was not vested in a representative body of the people of the locality exactly according to the type of western countries, but it had its authority vested in the local officials, particularly in the towns. In the rural areas the local government was originally by the Panchayet, that is, the Board of Five—though the body so called was not always limited to five. They were the heads of superior families with the rules of caste and heredity as the regulating factors. Such was the system which best suited the social, religious and economical concepts of the race, and the people in general were none the less happy in the absence of a western system of popular representation.

THE BRITISH PERIOD

The system of local self-government as it exists now in British India is very largely an exotic institution and for the most part of comparatively recent introduction. The urban and rural areas are not only differently constituted, but they have different names as well. The local self-government boards of the urban areas are called Municipalities, while those of the rural areas are called the District

Boards, and the former have a much earlier origin than the latter. For convenience of treatment the Municipalities may be taken up first.

The Municipal government of the English pattern first came into existence owing to the insistence of Sir Josiah Child, the then Governor of Madras, for the solution of the difficult problem of the conservancy of that town, with the result that in 1687, James II, King of England, conferred on the East India Company, the power of establishing a Corporation and Mayor's court in Madras, by charter. This new civil government was established with the full paraphernalia of a Mayor, aldermen and burgesses, who were empowered to levy taxes for the building of a Guildhall, a jail and a schoolhouse and for other works of public utility and ornament, and for paying the salaries of municipal officers, including a schoolmaster. The Mayor and aldermen were made a Court of Record for trying civil and criminal cases. The ornamental features of municipal life were closely copied from London, and on solemn occasions the Mayor used to have carried before him two silver maces, gilt, not exceeding three feet and a half in length, and he and the aldermen used to ride, robed in scarlet serge gowns, on horses richly furnished with various trimmings.

But, notwithstanding all this pomp and circumstance, the people strenuously opposed the imposition of a direct tax, and so the work of the new corporation could not be undertaken till permission was obtained by the Mayor to levy an octroi duty to provide the funds for street-cleaning. Thereafter, in 1726, was established by a Royal Charter a Mayor's Court, with aldermen but no burgesses, in each of the three Presidency towns of Calcutta, Madras and Bombay, but these courts were intended to ex-

ercise judicial rather than administrative functions.

Long after this, the first statutory enactment of real municipal administration was made in the Charter Act of 1793. This Act was passed by the British Parliament soon after the East India Company accepted political responsibilities in India. By this Act was appointed a Governor-General of India and he was empowered to appoint Justices of the Peace for the Presidency towns, who in addition to their judicial duties were vested with the power to raise funds by assessing the lands and houses in the towns for scavenging, watching, and maintaining the streets.

About half a century later (1850-53) the municipal constitutions of those three Presidency towns were widened and the elective principle was introduced to a very limited extent, but within a very short time, in 1856, a very reactionary policy was resorted to, and municipal functions were concentrated in a body corporate of three nominated and salaried members.

It is interesting to note that since 1793 it had been the practice to raise money for municipal improvements by means of lotteries, the proceeds of which, in Calcutta, used to be made over to the Town Improvement Committee, which was appointed by Lord Wellesly, in 1803. These lotteries yielded a good deal of income, with which many useful public works and services were performed. This method became so very popular that in 1817 a Lottery Committee was framed, which for 20 years carried on works of great utility and improvement, till, public opinion in England having condemned this method of providing funds for municipal purposes, the Committee came to an end in 1836. The Town Hall of Calcutta, amongst other great works of public service, was built during those

years with the proceeds of the lottery funds.

It was after the passing of the Councils Act in 1861 that the system of municipal administration was remodelled through the Provincial legislatures which were then called into existence, and henceforth the history of the growth and development of municipal affairs in each of the three Presidency towns is different. Through local legislation, Bombay, Calcutta and Madras, in the years 1872, 1876 and 1878, respectively, obtained for the first time the system of election of representatives by the ratepayers, but it must not be supposed that anything even distantly approaching a full local self-government, was granted to them through those Acts. For nearly half a century after, the policy of the Government has been to keep an unnecessarily stiff control over these municipalities through official chairmen and various other contrivances calculated to deprive them of real popular control. Through various steps, however, some even positively retrograde in character, those three municipalities have eventually obtained more or less developed real self-government. Practical autonomy has been obtained by the corporation of Calcutta (III of 1923) and also by those of Bombay (III of 1888) and Madras, (IV of 1919) though to a somewhat lesser extent.

MUNICIPALITIES IN THE COUNTY TOWNS

Outside the Presidency towns, no attempt at establishing municipalities was made before 1842. Bengal was the first province where this attempt was made by an Act which was far in advance of the times. It was, however, purely of a voluntary character, enforceable on the application of two-thirds of the householders, and the funds provided were to be the proceeds

of a direct taxation. For all these reasons it failed to impress the public mind. It was introduced into only one town, and when the time came for realizing the tax, the whole town not only refused to pay, but actually prosecuted the Collector for Trespass, when he proceeded to levy it.

In 1850, the next attempt was made by an Act for the whole of British India. That was also a permissive Act, but it was more successful, as taxation by indirect methods had been provided. This Act was applied largely in the then North West Provinces and in Bombay but it was very little resorted to in Bengal and Madras, where other methods of municipal efforts were attempted. Thereafter, the report of the Royal Army Sanitary Commission came to be published, in 1863, and urgent attention being shown to the needs of municipal measures in the County areas, (Mofassils) there came to be passed, between 1864 and 1868, Acts for Bengal, Madras, Punjab and North-west Provinces. The Act of 1850, with certain modifications, was accepted in Bombay and the Central Provinces, and Oudh accepted the Punjab Act. In the activity that followed a very large number of municipalities were created, and in many instances zeal overpowered discretion and insignificant rural areas were saddled with municipalities which were subsequently withdrawn. The Acts for Bengal, Northwest Provinces and Punjab made the elective principle permissive, but in almost all places the commissioners were nominated. Though from the point of view of local self-government these Acts did not go very far, yet they were certainly helpful in improving the sanitary conditions of many country towns.

Two important steps taken by the great Viceroys, viz., Lord Mayo and Lord Ripon, in subsequent years afforded a great encouragement to local

self-government in India. The Resolution of Lord Mayo's Government introduced the system of Provincial finance, which distinctly aimed at affording opportunities for the development of self-government and also for the association of Indians and Europeans in taking a large share in the administration of local affairs. To carry out this beneficent policy new Acts were passed for almost all the Provinces, and it came to be extended to Burma also. The Acts widened the sphere of municipal usefulness and also extended the principle of election. The elective principle, however, could not be successfully introduced into any province except the Central Provinces, owing to objections from the people themselves.

About ten years after, in 1881-82, the Government of Lord Ripon issued orders which had the result of further encouraging the development of local self-government. He took a keen and statesmanlike interest in the matter, as he believed that local self-government was a means of popular and political education. The progress that followed could have been greatly expedited if the bureaucracy, to whose hands the actual organisation had to be entrusted, had been less shortsighted and more statesmanlike. However, Acts were passed in 1883-84 which greatly altered the constitution of the municipal bodies and also added to their power and functions. A wide extension was sought to be given to the elective system, and some towns were allowed to have elected chairmen in the place of the executive officials. There was also a great change made by Lord Ripon by releasing the municipalities from the burden of paying the costs of the town police over which they had no control. In the place of such costs, the municipalities were called upon to support education, medical aid, and local

public works, and at the same time some parts of the Provincial revenues were allocated to local self-government, with proportionate liability. The principles laid down by Lord Ripon for local self government are still in force through the later Acts (Bombay III of 1901, Bengal III of 1884, Madras V of 1920, Punjab III of 1911, United Provinces II of 1916, Central Provinces II of 1922 and Burma III of 1898), though they have, in the light of past experience and modern municipal methods, made necessary modifications in powers and liabilities of these public bodies.

Space will not permit a detailed examination of the growth of municipal constitution in the different provinces of India. The Municipal government is vested in a body corporate, composed of members who are partly elected from the ratepayers and also partly nominated by the Government. There is a chairman of the municipality under the Acts, and in the advanced provinces he is generally an elected member of the body. The Municipal funds and properties are vested in these bodies. A considerable portion of the work is done in committees.

Elections are ordinarily held every three years, and the rules for elections are framed by the Provincial Governments concerned. Voters are required to have a certain property or status qualification. The elections in bigger bodies are held ordinarily by wards or classes of the community, or both. The enfranchisement of women is rather the exception than the rule, but the desirability of it is being gradually recognised.

The history of Government control over the municipalities is not a very happy one. Though it was the policy of Lord Ripon to substitute outside control for inside interference in municipal matters, still the desire of the

bureaucracy to hold these local bodies perpetually by the apronstring in the name of efficiency had all along been a very marked one. This unfortunate circumstance thwarted the growth of genuine local self-government for about a third of a century after Lord Ripon's time. As it is, this control is generally exercised through the District Magistrate and the Divisional Commissioner. Since the introduction of the Reforms, however, the final control now rests with the minister in charge of local self-government in the various provinces, who is selected from among the elected members of the provincial Legislative Councils. Special control is exercised over finance and important appointments, and the annual budget has to be sanctioned by the Government.

The functions of the Municipalities are gradually increasing, and their duties, which are now comprehensive, may be divided into those that are either obligatory or discretionary, each Municipality being called upon to fulfil such duties as its means will permit. The Acts and by-laws framed under them confer various powers on the municipalities for enforcing sanitary requisitions or preventing adulteration of food, etc. by fines and other penalties.

Though the municipalities in British India have not much increased in numerical strength, they have certainly improved considerably so far as efficiency and constitutional progress are concerned. In 1881 they were 722 in number with a population of 11,000,000, and the percentage of elected members was only 22.5. In 1891 they were 739 with a population of 13,000,000, while the percentage rose to 53. In 1901 the number rose to 742, but the percentage dropped down to 50. In 1921 the number rose to 749 with a population of over 18,000,000 and the percentage rose to 83, while in 1926 the figures were 762, 19,000,000

and 96 per cent respectively. The total income of the municipalities has risen from Rs. 10,000,000 in 1881 to Rs. 27,000,000 in 1902 and to 75,500,000 in 1925. The incidence of taxation has risen from three-fourths of a Rupee to about .8 Rupees per head. As for population, the Presidency towns of Bombay and Calcutta have each a population of over 1,000,000, while that of Madras has only 500,000; but out of the aforesaid 763 municipalities only 24 have a population of over 100,000 each, and 70 only have each a population of 50,000 or over. In this connection it may be mentioned that over 85 per cent of the people of India live in the rural areas.

THE DISTRICT AND LOCAL BOARDS

As has been said before, local self-government in the rural areas was started much later than in the municipalities, and their growth is also much more slow. In Madras and Bombay, semi-voluntary funds for local improvements were the first germ of local self-government in the rural areas of British India. This system did not extend to Bengal and the United Provinces, where there were consultative committees to help the District Collector in the management of the public funds for education, roads and dispensaries. Sindh, of all the places in the country, was the first to raise a local cess for public purposes, in 1865, and Sindh was followed by Madras in the next year. Bombay followed suit in 1869. The proceeds of these cesses were to be administered by committees nominated by the Government and under the tutelage of the District officers, and for a long time to come the application of the elective principle was not thought of, and the interest that the people took in such committees was necessarily most perfunctory.

The financial decentralisation scheme

of Lord Mayo, referred to above, brought about, however, a certain amount of improvement in the administration, and in 1871 were passed *Acts for Madras, Bengal, Northwest Provinces, Punjab, while Bombay and Sindh stuck to their previous Acts*. In these Acts, passed in 1871, provisions were made for local taxation to help the resources of Provincial finance.

In Bengal, which was a permanently settled province, the passing of this Act (Road Cess Act 1871) was very much resented, as it was considered to be a breach of faith on the part of the Government to empower the local bodies newly created to levy a rate on landed properties. The Act, however, provided that these local bodies might be either nominated or elected by the ratepayers—a privilege which was not conceded to the other provinces in Northern India, with the result that the newly created bodies in those parts took very little interest in the work, which used to be practically carried on by the District officers. For the next ten years or so matters went on thus, till the wise and sympathetic policy of Lord Ripon led to the abolition of those committees and to the establishment of a network of boards all over the country. The principle of securing the interest of the members and also their local knowledge led to the formation of smaller units of administration, which were to be under the control of the District Boards. The District Boards were to be composed of delegates from those local Boards and also of official and non-official members nominated by the Government. The elective principle was partially recognised, and certain items of Provincial revenue, with proportional share of expenditure, were transferred to the Board. Owing to the fact that conditions in various parts of the country were not sufficiently advanced or uniform, a large measure of

discretion was retained by Government in its own hands. Acts of the legislatures were passed in the different provinces during the years 1883-85 to give effect to the policy of Lord Ripon, and that policy is still mainly in force in different parts of the Country, though a certain amount of progress can easily be noticed in the latest legislation of the different provinces on the subject, that is, the introduction of the elective principle and the non-officialisation of the post of the chairman of the Boards, etc.

The Indian Local Self-Government Policy of 1915 contemplates the removal of some of the restrictions on the powers of the Municipal and Rural Area institutions. A detailed examination of the growth and the present condition of the constitution of these bodies in connection with the various Provinces is beyond the scope of a very limited treatise. The local self-government Acts in the provinces are: Bengal III of 1885, Bombay VI of 1923, Madras XIV of 1920, Punjab XX of 1883, United Provinces X of 1922, Central Provinces IV of 1920, and Burma IV of 1921.

The number of Rural Boards of all kinds in 1889 was 970 in a population of 171,000,000; in 1900, it was 1,073 in a population of 193,000,000. Their income was Rs. 26,000,000 in 1889, and Rs. 31,000,000 in 1900. In 1915, the number rose to 1,144 with an income of Rs. 75,000,000; while in 1925, the number was 1,279 with an income of Rs. 121,000,000. The incidence of taxation has risen roughly from one-fifteenth of a Rupee in 1889 to about one-half Rupee in 1925. Though a large percentage of the Boards are yet far from efficient, yet there cannot be any doubt that there are signs of growth and vitality on all sides, but there are considerable difficulties here in the way as well.

There are other kinds of activities in the line of local self-government into the details of which it will not be possible to go. There are the Improvement Trusts of Bombay and Calcutta which have rendered excellent service in improving the sanitation and the general amenities of those cities. Then again, there are the Port and Harbour Trusts in Calcutta, Bombay, Madras, Rangoon and Chittangong. All these have chairmen appointed by Government with a limited amount of representation of municipalities and of Chambers of Commerce on their respective Boards of Management. These Trusts have been empowered to raise funds by loans to meet capital expenditure.

THE DIFFICULTIES

In the Rural Boards as well as in the minor municipalities the chief difficulty has always been the smallness and inelasticity of local revenues and the difficulty of devising further forms of taxation. This is more or less the result of a very low economical condition of the country, where the income per head is nothing above 3d. per head per day and it is a fact that a considerable portion of the people cannot get even one full meal a day. The second important reason is to be found in the fact that there is still prevailing, in the country, a great deal of indifference towards all forms of public life. This is undoubtedly the result of extreme want of education, as only 12 per cent of the males and 2 per cent of the females are literate. Severe poverty and lamentable illiteracy, forming a strong and vicious brotherhood, will have, it is feared, the strength to keep alive that deplorable indifference for yet a long time to come. The third important difficulty that exists consists in the fact that even educated Indians of the better class are often unwilling to submit to the trouble, expense, and incon-

veniences of election. In this connection the most serious difficulty proceeds from the fact that the "higher classes" of Indians, as a whole, have a serious dislike for door to door canvassing, as it is considered to be derogatory to dignity to go about soliciting votes, specially of the "lower classes."

Another important class of difficulty arises from the fact that the sense of responsibility in public affairs has not hitherto been allowed by the policy of the Government to develop in an adequate measure. Undue interference with the executive of the public bodies, and improper leniency in the matters of assessment and realisation of taxes, are glaring instances of this class. To them might be added such other difficulties as arise from the ignorance of the laws of public health and from an absence of the power of making intelligent anticipations of public needs. This unfortunate list, however, cannot be closed without mentioning the most lamentable difficulties that very frequently arise from severe party spirit, communal feeling and even most unjustifiable and protracted litigation over elections. The mischief that is created by these difficulties cannot be too strongly condemned. Recently, again, the result of the growing habit of introducing a strong political feeling into these local bodies has often been to shake those institutions to their very foundations.

SOME SUGGESTED REMEDIES

The Indian Local Self-Government Policy of 1915 has gone somewhat thoroughly into the question and has laid down certain definite directions for the improvement of those bodies. The fault of the British Bureaucracy in always holding the people in leading strings, in the past, has been partly recognised, and directions have been given to withdraw or minimize the old

system of rigorous internal control over these bodies according to their capacities for self-administration. The real remedy will be to extend useful mass education in the land—a duty which the Government has so far faced with lamentable indifference, as will be quite evident from the fact that the Government spends only 5 per cent of its revenues on Education. In that education the rudiments of local self-government in its important features regarding Sanitation, Public Health Coöperation and “Mass sense” should be taught to enable the future citizens to acquire the necessary ideas and conceptions and a few of the principles of Election and Public Life.

Respect for public property and public funds are unfortunately often absent, and strength of private influences and personal considerations in public matters is also often lamentably high. To remedy all these a strict system of public audit and supervision is necessary, though more of education in the fundamentals of civic life is certainly the only effective remedy, particularly against party spirit and communal bitterness. The whole organization must be rebuilt from village unions upwards with more expanded electorates and with gradually decreasing internal con-

trol and interference. There should be given to the local bodies more ample control over their budgets and a genuine power of reappropriation of grants. To the municipalities and the Boards there should be given full powers of levying local taxes for their own purposes. There is always a strong opinion against raising local taxes, but the public mind has got to be gradually educated in this matter. There is no doubt that the crushing poverty of the people as a whole is at the root of this difficulty, and any suggestions of remedial measures in that behalf will be quite out of place here.

Another urgent step necessary is the establishment of Provincial Training Institutions for the entrants in the Local Self Government Departments for previous training, including practical, and the creation of a distinct Provincial Service for them with decent prospects of promotion to executive offices.

In spite of all these difficulties, the present system of local self-government is becoming more and more popular every day, and the institutions are daily attracting the intelligence of the country and the better class of her citizens; there can be no doubt that there is a glorious future before it.

The Internal States of India

By KERALAPUTRA

THE Indian Empire consists of two distinct parts: the area known as British India which is under the direct sovereignty of the British Crown and the protected States which are under Indian Rulers. These latter cover one-third of the total area of India and comprise one-fifth of its population. They vary in size and importance from Kashmir, which is bigger than France and Hyderabad, which has a population of 12,000,000, to little States in Kathiawad consisting of a few acres of land. They are scattered all over, from Kashmir in the extreme north touching Central Asia and the Pamirs to Travancore in the extreme south. Leaving out of consideration such small principalities and jurisdictions, there are in India 108 States whose rulers enjoy a measure of independence in their own government and who are bound to the British Government by treaties of alliance guaranteeing them their authority.

POLITICAL POSITION

The position of *Indian States* is unique. From the point of view of international law, they have no existence, and their peculiar position receives no recognition. So far as the British Empire itself is concerned, the relationship of the States to the Crown is recognised officially to be that of *alliance*, but this alliance is declared to be indissoluble, and the British Government with whom the States are allied have claimed, as we shall see, various rights of paramountcy and suzerainty which have no basis in the original treaties. In fact, though the relations between the British Government and the States are said to be based on

treaties of alliance, there has grown up during the last 100 years a system of political law, resulting mainly from the accumulation of usage and precedent which have to some extent modified the original condition of the treaties.

Even so, the political system which has developed is not based on any legal sanction, for the issues between the States and the Government of India are not decided by courts; nor are the decisions based on statute. It is a system of semi-international law, wherein the Supreme Government, in virtue of the suzerainty claimed for the Crown, decides questions according to the conditions of individual treaties and the general practice that has developed in relation to Indian States.

But it cannot be too strongly emphasised that the Indian States are not parts of British India. It is true that the Rulers acknowledge the suzerainty of the Crown, but their own sovereignty in relation to their subjects is at the present time unchallenged. The British Parliament and the Indian Legislative Assembly cannot legislate for the subjects of Indian States; nor can British Law be extended to the territories of Indian States without express grant of permission from the Rulers. There is no appeal from their Court to any judicial body in India or even to the Privy Council in England. In fact, they are the last and final source of legislation and judicial authority within their territories.

Again, a great many of the Major States have their own coins, postal arrangements, and customs tariff; and at least one State has its own telegraph. They maintain military establishments,

some of them being very considerable. In short, their legal independence is a matter which the British Government fully recognise and accept. The existence of these States gives rise to a twofold problem—first, in relation to their internal government, and, secondly, in relation to the Government and people of British India.

The problem of Indian self-government is rendered infinitely more complicated by their presence, as a definition of their proper relations with the rest of India is an essential condition to the evolution of an Indian polity. This question has come to the front a great deal during the last two years, and the British Cabinet have now appointed an expert Committee to examine and report on the position of Indian States. This Committee, which consists of an experienced Indian administrator, an eminent jurist, Professor Holdsworth of Oxford, and an authority on international finance, has been studying the question in India, especially the economic and political aspect of the relations between British India and the States.

THE EXTERNAL PROBLEM

The present position of Indian States is the result of the accidents of historical growth. When, after the decay of Moghul power in the middle of the eighteenth century, the East Indian Company began to intervene in the political affairs of India they had to solicit the favour of Indian Rulers like the Nizam and the Mahrattas and seek their alliance in order to maintain their position against the French. The Company was not at that time a political power, and the same circumstances which favoured the growth of their power also operated to strengthen and to establish on an independent footing the rule of the local chieftains and viceroys who owed nominal allegiance

to the Moghul. Thus though the majority of bigger Indian States are not survivals of old Indian monarchies, they are not, except in the single case of the State of Benares, the creations of British policy. Without a knowledge of the historical conditions which gave rise to the present position, it is therefore impossible to understand the relations subsisting between the Government of India and the States.

Originally the East India Company, like other European trading companies in India, was interested merely in trade and had no political ambitions. It was only after 1740, when the political genius of Duplex forced the issue on the east coast, that the English Company turned its attention to political power. From the occasion of its first intervention in Arcot against the French, to the Battle of Buxar and the consequent reduction of the Nawab Vazir, and the acquisition of the Dewani¹ in 1765, the Company stood in relation to Indian States in the position of subordination. From the time the acquisition of the Dewani to the end of Warren Hastings' rule the Company is engaged in a life and death struggle, first with Mysore and then with the Mahrattas with the object of establishing an equality of status with the Indian powers.

This period saw the development of the theory of subordinate alliance, not indeed as a general scheme for India as it became under Wellesley and the Marquis of Hastings, but as a scheme for defending the Company's possessions from external aggression and carrying on offensive warfare if necessary, without any expenditure.

The first of such subsidiary treaties was negotiated with the Nawab Vazir of Oudh in 1765² after the Company's forces had marched into Lucknow. The Company was not in a position

¹ Dewani means the right to collect taxes.

to annex the State, as it would have given the British merchants, whose strength lay on the sea, an extensive land frontier which they would have had to defend against two Powers who were at that time stronger on the land than they were—the Afghans under the Duranee King and the Mahrattas. The result was an alliance by which Shuja-ud-Dowla was restored to the throne and the Company undertook to defend his frontier on the condition that he defrayed the expense of such defence. The Company recognised that the defence of Oudh was the defence of Bengal. *Thus the subsidiary system began as a method of defence without expenditure.*²

During the period between 1765 and 1782, the Company increased in authority and prestige owing to the grant of the Dewani by the Moghul Emperor and the reorganisation of its political administration by the intervention of Parliament. The Regulating Act transformed the Company from a purely trading corporation into a semi-sovereign political body under the control and direction of the Parliament. But except for the reduction of Oudh by successive treaties to the position of absolute dependence, the relation of the major Indian powers to the Company remained unchanged.

When Lord Cornwallis succeeded to the Governor Generalship, the Company was fully content with the position of equality attained under Hastings. The main States at that time in India were the Mahrattas, the Nizam, the Nawab of Arcot and the Sultan of Mysore. They maintained relations of a friendly character with the Mahrattas who ruled the whole of Hindustan excepting the Punjab and Bengal. With the Nizam their relations were more cordial. Even at the

Court of the Nawab of Arcot their position was not one of superiority, while with Mysore their relations were merely correct but hardly friendly.

The campaign against Mysore, consequent upon Tipu's attack on Travancore, united the Company, the Nizam and the Mahrattas, in what was called a triple alliance; but this alliance was only of a temporary nature meant for a specific and agreed purpose and dissoluble at the will of any of the parties. The treaty with the Nawab of Arcot underwent, however, a significant change. By the treaty of 1787 the Company bound itself to maintain the *whole military force required* for the protection of the Carnatic in consideration of which the Nawab was prohibited from entering into any political negotiations or correspondence.

CHANGE IN AUTHORITY

The relative position of the States *vis à vis* the Company continued to be the same until the arrival of the Earl of Mornington, later on, the Marquis of Wellesley. But among themselves their power and authority had undergone considerable change. The Nizam was reduced to impotence after the fatal field of Kurda in 1795, where his army capitulated to the Mahrattas under Parusuram Bhau Pattavardhan. In the Mahratta Empire itself, the death of Mahdajee Scindia had altered the balance of power. The central authority of the Peshwa had weakened. Mysore remained under Tipu, but that redoubtable Sultan's power was very greatly reduced. Scindia alone remained a power of first class military importance in Hindustan and the forces of Holkar held Central India.

It is the masterful personality of Wellesley who transformed the position of the Company from that of one among a number of rival Indian States

² Letter to Colonel Champion. Gleig's *Life of Hastings*, i-443.

to one of paramountcy. A new treaty was negotiated with the Nizam by which he was rendered a subsidiary ally of the Company. This treaty was unlike the former agreements negotiated between the Nizam and the Company at least in three important matters:

1. It was indissoluble. After the signature of this treaty the Nizam was not free to pick and choose his friends. The State, came to be in "permanent alliance" with the British.
2. There was a British Army officered by Europeans but paid for by the Nizam established in his territory. This force was for the purpose of internal as well as external defence and it gave to the Company a handle wherewith to influence the internal affairs of the State.
3. The treaty stipulated that the foreign relations of the Nizam should be conducted exclusively through the Company.

These three characteristics were, as we have pointed out, developed slowly during the 55 years of relations with Oudh and Arcot. The subsidiary system did not come suddenly into existence with all its characteristics fully developed. With the increasing power of the East India Company, new restrictive clauses were introduced to the original stipulation of a subsidiary force to be paid for by the Ruler. It is in the Hyderabad Treaty that we meet with all these clauses in their fully developed form.

The Hyderabad Treaty may, therefore, be said to be the subsidiary treaty *par excellence*, and the consequences that followed from the special characteristics noted above may, therefore, be analysed.

First, it may be said here, that the East India Company did not in any way conceal their object in negotiating

the Hyderabad treaty. "The fundamental principle of His Excellency the Governor General's policy in establishing the subsidiary alliance is to place the States in such a degree of dependence on the British power as may deprive them of the means of prosecuting any measure hazardous to the security of the British Empire."³

The permanent and indissoluble character of the alliance made the Ruler a subordinate and unequal. Though the Nizam realised that in allowing the Mahrattas to be crushed, he was sealing his own doom, the treaty gave him no loophole as his own forces were under the effective command of the British Resident. The permanent nature of the alliance also tended to give the executive decisions of the British Government the force of finality, as there was no method of settlement by arbitration or otherwise of questions on which there was divergence of opinion.

The second feature, the establishment of a "subsidised force" within the territory of the Ruler, is even more pregnant with disastrous consequences for the State. A subsidised force meant an army kept within the allied State by the British Government for the expenses of which a subsidy was given by the protected Ruler.

It was usually postulated that the subsidy (which formed generally about one third of the revenues of the State) should be paid annually. The Company's Government knew well enough that so heavy a demand on the States' revenues could not easily be met with any regularity especially in India, where revenues shrink or expand according to the monsoon. The result was, as the Duke of Wellington foresaw, that the States fell into arrears. This gave the Company opportunity to annex the most valuable portions of the

³ Despatch of the Government of India to the Resident at Hyderabad, 4th Feb. 1804.

territory of its allies. The principle on which the commutation of subsidy was generally negotiated is put in the following words by the Marquis of Wellesley himself in a Despatch to the Secret Committee of the Board of Directors. In advising the Court of Directors to follow the Hyderabad precedent in the Oudh negotiations, Wellesley stated:

• In commutation of 40 lakhs a country rated at the annual value of 62 lakhs of rupees was taken away in full sovereignty in the Nizam's case.⁴

• The pay and allowances of the Nizam's contingent officered by Britishers but paid for by the Hyderabad State were many times more than what prevailed in the Company's forces or in the British Army. The Commandant was paid £5,000 a year, and the other officers were paid in proportion.⁵ The object of this contingent was thus explained in a moment of candour by the Government of India:

When for our private views that prince was constrained to support a body of our troops to be stationed near his capital the then Government disguised the *interested oppressiveness* by the sturdy declaration that His Highness had spontaneously sought the aid of a subsidiary force to secure his person and territories.⁶

The subsidiary force besides dislocating the finances and demoralising the administration also gave the Company the pretext for internal interference. Wellesley enunciated this principle in relation to Oudh. As the Nawab's

authority is upheld by the terror of our name and exercised by the immediate force of our arms,

and as the Nawab himself is

sustained exclusively by his connection with the Company's Government and the reputation and honour of the British nation,⁷

the Governor General claimed that the right to interfere in any matter whatsoever rested with the Company. This principle in the form that Wellesley enunciated was capable of application to every case of a subsidiary alliance.

The third characteristic was the stipulation that the State in subsidiary alliance should have no foreign relations. It was only in 1787 that this clause was introduced in the treaty with the Nawab of Arcot. But with no other State had the Company so far insisted upon this restriction. In the treaty with the Nizam, Wellesley introduced it as an essential feature of subsidiary alliance, because his policy from the beginning was to isolate the Mahrattas and make any alliance between the Deccan powers impossible.

Though with the Hyderabad Treaty the subsidiary alliance in all its essential features came into existence and all the problems of internal intervention, restriction of sovereign powers, forced appointment of dewan and control of succession began to agitate Anglo-Indian statesmen even at the beginning of the century, it should not be thought that a political system embracing the whole of India was brought into being at the time. The treaty with Scindia in 1804 left him a sovereign power whose independence was acknowledged. The treaty with Holkar was also not of the kind which reduced him to the position of a subordinate ally. In 1809 Lord Minto refused to enter into an alliance with Bhopal. By the agreements negotiated by Minto after the departure of Wellesley and the death of Cornwallis, who was sent out to replace him, the commitments in

⁴ Wellesley's *Despatches*, p. 295.

⁵ Kaye's *Life of Matcalfe*, Vol. II, p. 15.

⁶ *Bengal Political Letter*, 20 Dec. 1822 (Government of India to Matcalfe).

⁷ Wellesley's *Despatches*, p. 299.

Central India were reduced and the subsidiary alliances of the Company even dissolved in some cases.

There are two considerations with regard to the relations of the Company with the Indian powers at this time to which attention should be called.

1. All the treaties, except that with Mysore, are negotiated on a basis of equality. The Company did not claim any paramountcy or authority, and the treaties themselves clearly show that at least in the case of those States which were not conquered there was a spirit of reciprocity. As the great Mahratta powers and the Nizam were in the enjoyment of absolute internal and external sovereignty, the reciprocity established with them was not merely a verbal formality or something to soothe the wounded susceptibilities, but a historical fact.

Each of these treaties guarantees in a most absolute manner the absolute authority of the Ruler over his own subjects and most unequivocally repudiates any claim to intervene in the affairs of the State. That the clause so laid down was not merely a friendly profession may be seen from the fact that Wellesley recognised its baneful influence and, where he had the chance as in Mysore, tried to remedy it in the treaty itself.

Recollecting the inconveniences and embarrassments which have arisen to the parties concerned under the double Governments and conflicting authorities unfortunately established in Oudh, Carnatic and Tanjore, I resolved to reserve for the Company the most extensive and indisputable rights of interposition in the internal affairs of Mysore.⁸

If, after realising the baneful influence of this system of guaranteeing absolute authority, Wellesley and his successors were forced to insert a clause of this

kind uniformly in all treaties, it is clear it could not have been done as an act of mere formality.

A NEW PERIOD

With the Marquis of Hastings a new period opens in the relations of Indian States with the Government of India. By the destruction of Mahratta power in 1818, the Company was left supreme in Hindustan (excepting the Punjab), and from that time up to the assumption of sovereignty by the Crown in 1858, the position of the States underwent a slow but imperceptible change. In 1818 Scindia was still an independent power. Holkar had not been fully absorbed into the subsidiary system. Sir John Malcolm in 1822 had declared that

with Scindia we have only general relations of amity and we can claim no right of interference in any part of his administration.⁹

When Dowlat Rao Scindia was lying seriously ill in 1826, the Government of India ostentatiously denied that they had anything whatever to do with the succession in the State or with its internal administration. The position was similar in Indore.

The British Government hereby declares that it has no manner of concern with any of the Maharaja's children, relatives, dependents or subjects or servants with respect to whom the Maharaja is absolute.¹⁰

But a new political system was coming into existence, side by side with this. A new group of States had come into existence mainly in Central India (excepting Gwalior, Indore and Bhopal) and in Kathiawad, over whom the Government of India claimed complete authority. The alliance with the states in Rajputana concluded after the defeat of the Mahrattas was the basis of "subordinate coöperation."

⁸ Despatch to the Court of Directors, Aug. 3, 1799.

⁹ *Central India* Vol. II. P. 452.

¹⁰ Article X of the Treaty of Mandsaur.

In fact, the agreements made after 1818, with the single exception of Kashmir, due to geographical and political considerations at the time, were of such a character as to reserve for the Company full powers of authority and control.

The policy of the Company during the period was neither uniform nor consistent. It treated the major Rulers as Independent Sovereigns. In the case of the minor rulers it tried a policy of feudalisation with incidental claims of escheat, wardship, etc. But the policy of the Company, except in States like Oudh, Hyderabad and Mysore, where a different tradition had grown up, was not based on intervention but on annexation.

The Court of Directors in 1841 enunciated the policy of "abandoning no just and honourable assession of territory or revenue." This instruction was faithfully followed by the Marquis of Dalhousie with the results that Oudh, Satara, Nagpur, Tanjore and numerous other States were annexed and became part of the territories of the Company. It was only when the disastrous results of the creed of grab were written in letters of blood during the Mutiny that the authorities came to realise its failure. After the mutiny annexation on any pretext ceased to be a part of British policy towards Indian States.

The position before 1858 was acknowledged officially to be that of friendly and non-interfering alliance with the more important States.

In the Act that transferred India from the Company to the Crown, it was specially declared that the treaties made by the Company were binding on the British Crown. Queen Victoria's proclamation also announced the same fact. The transference of the Company's possessions to the Crown could not, it is obvious, make the least difference in the legal theory of the position

of the States and the British power. And yet in 1861, almost immediately after the Mutiny was put down, mainly owing to the loyal exertions of the Princes, the claim was put forward that the independent allies of yesterday had all of a sudden become transformed into dependent chiefs, liable to be punished, deposed and dishonoured according to the wishes of the Government of India. A claim of paramountcy, not only as a historical fact but as a legal principle capable of interpretation and expansion, was introduced. Lord Canning expressed the principle thus in his address to the Princes of Rajputana:

The last vestiges of the royal house of Delhi from which, for our own convenience, we had long been content to accept a vicarious authority, have been swept away. The last pretender to the representation of the Peishwa has disappeared. The Crown of England stands forward the unquestioned ruler and paramount power in all India and is for the first time brought face to face with its feudatories. There is a reality in the suzerainty of the sovereign of England which has never existed before and which is not only felt but eagerly acknowledged by the chiefs.

This theory of suzerainty on the one hand and feudal subordination on the other which was put forward as a uniform principle in relation to all the States for the first time was further expanded, annotated and underlined by Lord Mayo. In his speech to the Princes assembled at Ajmere, Lord Mayo said as follows:

If we respect your rights and privileges you should also respect the rights and regard the privileges of those who are placed beneath your care. If we support you in your power, we expect in return good government. We demand that everywhere throughout the length and breadth of Rajputana, justice and order shall prevail; that every man's property shall be secure; that the traveller shall come and go in