

BOOK
II.

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provinces.

Central
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into others.

Chief Com-
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the latter of the Hindustani Districts of Behar now belonging to Bengal. Thus, the Hindustani speaking peoples of India would all be collected under one Government. But as all these additions would bring up the North-West Provinces to an unwieldy size, it is further proposed to divide that country into two parts, one consisting of the districts north of the Ganges, including Rohilkund, Oudh, Tirhoot, and the other parts of trans-Gangetic Behar, the seat of Government being fixed at Lucknow; the other comprising the Gangetic plain south and west of the Ganges, and extending eastward as far as Bengal proper, with seat of Government at Allahabad. To this southern province it is proposed to add the northern parts of the Central Provinces, formerly styled the Saugor and Nerbudda territories, which were transferred to the latter in 1861. If these and the other territorial changes already referred to be carried out, the Central Provinces will be entirely absorbed, the Nagpoor cotton districts falling to the share of Bombay, the northern parts to the Government of Allahabad, and the wild country to the east going to make up, with part of Bengal and Madras, the new Province of Orissa.

Whatever be the ultimate number of these so-called Minor Administrations, one change in their form of Government appears highly desirable. The device of appointing a Chief Commissioner, instead of a Governor, to the head of a province, was first adopted by Lord Dalhousie, on the annexation of the Punjab. The status of this officer differed from that of a Governor or Lieutenant-Governor in that, besides receiving smaller emoluments, he had nominally no patronage or authority; every appointment and promotion in his province was made by the Governor-General in Council, and in administrative matters, every act was deemed to be performed under the orders, or subject to the approval, of the same authority. By this arrangement the Gover-

nor-General was able to superintend the development of British government in his favourite province, and to control its proceedings much more closely than would have been possible, had his authority been delegated to a Lieutenant-Governor; while it enabled him to make his own selection of the staff required for the new Government, and to regulate himself their subsequent advancement. But when once a vigorous administration has been established, and all the posts in it filled up, the course of promotion must be virtually regulated by the local chief, who would else cease to be responsible for the success of his administration; and the patronage of the Supreme Government must necessarily be limited, in practice, to the first nomination to vacancies at the bottom of the official ladder—a kind of patronage very little valued in India. The Punjab has, indeed, been formed into a Lieutenant-Governorship; and if it were only to relieve the Supreme Government from the pressure of administrative details coming up from these minor provinces, the time has come for putting their governments on a more independent and responsible footing. Something has been done in this direction lately, by an Act of the Indian Legislative Council, which enables the Government of India to delegate to the Chief Commissioner of a province any of the powers which it may possess in regard to that territory. But, further than this, it seems very desirable that the title of Governor should be conferred on the officers holding these important posts, and exercising greater influence over the fortunes of their fellow-men than is probably possessed by the ruler of any colony. A change of title need not necessarily involve the complete transference of authority, to the extent which occurred on the appointment of the Lieutenant-Governors.* The distribution of power

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* Recent legislation recognises a marked distinction between a 'Local Government' and a 'Local Administration,' and in many cases confers different powers upon the two. But the proposed change need not interfere

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and patronage between the supreme and local governments is a matter of detail to be settled by the former, as was provided by the Act of Parliament in the case of Bengal and the two provinces of Upper India. On this head there is the precedent of the Straits Settlements, the Governor of which, although so styled, had even less independent authority, when that colony was attached to India, than have some of the so-called Minor Administrations. The expense of the change need be but trifling, involving altogether merely the addition of half-a-dozen aides-de-camp and a few personal attendants.* That kind of economy is hardly judicious, by which the time of these high officials is employed on the drudgery of that semi-public business, which in every other country would be done by the Governor's household, while this republican simplicity is far from being in unison with the feelings of the governed. The people of India attach great importance to outward show and etiquette, matters much studied by all native rulers; and that these should be replaced by plain gentlemen, who ride about unattended, and appear in public without the appendages of office, by no means tends to reconcile them to the change. A certain amount of outward state is a necessary condition of good or, at

with these definitions. . The head of an 'Administration' might legally be just as well styled Governor as Chief Commissioner.

* The Governors of Bombay and Madras have each two aides-de-camp, a band, and small bodyguard. The Lieutenant-Governors have a single aide-de-camp, besides a private secretary, and their escort is furnished from the regular native army. A Chief Commissioner has no staff, and, if a bachelor, must write his own invitations, and superintend in person all the household details of the entertainments imposed on him by his official situation. The secretaries of the Supreme Government address provincial 'governments' through their secretaries; the heads of 'administrations' are addressed in person, but reply through a secretary. These are the principal distinctions recognised by official etiquette for marking the respective differences of rank. It must be added, however, that the appointment of a Chief Commissioner is not recognised in the Royal Warrant regulating official precedence in India. He takes precedence only in virtue of being also 'Agent to the Governor-General' in his own province.

any rate, of popular government in India.* To which reasons may be added that the British public will never appreciate at their proper value the magnitude and importance of these great provincial administrations until they are brought into the scale with which they are familiar. When this is done, then it will readily come to be understood that the British possessions in India consist of an assemblage of large provinces, each of the size of a kingdom; garrisoned indeed by one army, but each furnished with its own separate civil government, under the general control of the Governor-General and Council. So soon as the hazy notions are dissipated, which conceive the country to be divided into three Presidencies, with a number of outlying dependencies, controlled in some mysterious fashion, which no one unacquainted with the country can attempt to understand, it may be hoped that public men in England will gradually acquire the same amount of knowledge regarding the nature of Indian administration, which they would be ashamed not to possess with respect to any other part of the British Empire.

* Instances no doubt occur, now and then, of rulers who can afford to dispense with the trappings of power; whose force of character alone gives them the needful dignity and influence. But such men must be the exception in India as elsewhere.

CHAPTER V.

THE GOVERNMENT OF INDIA.

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India properly a
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IN the foregoing chapters have been stated the reasons which can be advanced in favour of a more distinct and definite recognition of the form of organisation of the Indian Empire, which already exists in fact, as a number of separate civil governments; and for the establishment of each on a footing consonant with the extent and importance of the functions to be performed by it. Various territorial modifications have also been proposed (although the idea has no claim to originality), by which British India would be divided into ten provinces, namely, Bengal, Madras, Bombay, Allahabad, Lucknow, Punjab, Berar, Orissa, Assam, and Burmah. The rest of the Peninsula is made up of four native states, or groups of states, all more or less controlled by the Supreme Government, viz. Mysore, in the south, at present administered by British officials; Hyderabad; the cluster of small principalities, chiefly governed by Rajpoot princes, which make up the large tract called Rajpootana, and are under the superintendence of the Governor-General's Agent at Ajmere; and the states, some large and some small, chiefly Marhatta, which are supervised by the Governor-General's Agent for Central India.

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One effect of decomposing Bengal into three separate states would be, of course, to impose more work on the central government, already, it may be thought, overburdened, since two more provincial governments would be thus placed in direct correspondence with it. But

the general tendency of the arrangements which have been here suggested would undoubtedly be to relieve that Government of the burden of details. The business connected with the army would certainly be lessened rather than increased, were the fiction of three separate establishments swept away, and the European troops throughout India placed under one Commander-in-Chief, without the intervention of local governments and their separate departments. The fusion of the three Civil Services and the three Staff Corps each into one body would not impose any appreciable increase of business on the central government. On the other hand, the conversion of the Lieutenant-Governors and Chief Commissioners into Governors would naturally be accompanied by the transfer of much business, of a detailed kind, which has now to be referred to the central authority for disposal; and it is in matters of detail that the latter is now overburdened. But the great relief would arise from the change of financial system which has been advocated in my third chapter. This radical alteration of method would necessarily, while increasing the responsibilities of the provincial authorities, reduce the labours and, to a certain degree, the responsibilities of the Government of India.

The Government of India would, under this system, for the first time take up that position of a general controlling authority, operating equally over all India, which full consideration of the subject will probably show to be the most fitting and appropriate. There is nothing in the nature of things to make it proper that the Supreme Government should exercise a more detailed control and interference with the affairs of one or other remote parts of the country, than with those of the remaining provinces; while its immediate connection with Bengal, when that province is provided with a complete and suitable government of its own, merely from the accidental circumstance that its head-quarters are situated in that country, is positively harmful, since the responsibility

Benefits to
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of that Government is unduly relaxed, and a mistaken notion is engendered in other parts of India, that the Supreme Government has less authority and interest there—an idea quite unsupported by the existing law.

To carry out this change, moreover, would put an end to the complaint now so common, and sometimes perhaps made with reason, of the over-centralisation exerted by the Supreme Government. The exact limits of the control that should properly be exercised cannot be fixed by any Act of Parliament; the central authority must needs interfere, whenever it conceives interference to be necessary in the interest of good government, in virtue of the responsibility resting on it. But, while abundant occupation will remain for the Government of India, in the great and varied business that must perforce arise out of the concerns of the empire—military, diplomatic, financial, and public works the inducing cause to exercise the most unpalatable kind of interference will no longer be present, in the form of the references on minute points of expenditure which have now perforce to be made, and on which criticism naturally arises. Another cause of supposed clashing of authority will be removed so soon as the Supreme Government assumes the direct control of the whole Indian Army, instead of conducting the administration of a part of it, through the nominal agency of the provincial governments.

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Lastly, a fertile cause of needless antagonism would disappear, on the cessation of all direct correspondence between the India Office and the Governments of Madras and Bombay, which would be a natural corollary to the system of Indian polity here advocated. This correspondence was necessary when the three presidency towns were distant from each other by many weeks' journey, and when the three governments were perforce obliged to act independently in most matters. But the case is now entirely different. The correspondence still kept up has long ceased to have any important political or military

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bearing, and is now practically confined to matter of detail relating to 1, accounts: 2, business connected with the details of military service, shipment of stores and troops, and furlough and passage-money to the members of the civil and military services; and 3, the business of the civil administration. For none of these does direct communication appear to be either necessary or desirable any longer. CHAP.
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First, as regards the accounts. Until within the last few years the system of Indian account was a curious medley of the old presidential arrangement, combined with a recognition of the subsequent formation of provinces. The army accounts were kept, as they are still, under three heads; but the civil accounts of the larger provinces were kept distinct from each other. No central office of account existed, nor were any books kept, which exhibited the total receipts and expenditure in India: the budget of the Indian Government, and the accounts rendered to Parliament, were based merely on special statements compiled in the Financial Secretary's office. The officer styled Accountant-General of India, besides having charge of the Indian loan accounts, merely kept the accounts of the Bengal army, and of the various smaller provinces and outlying dependencies which had not their own offices of accounts. It followed as a necessary consequence from this plan, which was a relic of the old mercantile system of the Company, that each of the Indian offices of account was in direct correspondence with the London office, in respect of the remittance transactions, for stores shipped, and payments in one country on account of the other. But within the last few years the form of the Indian accounts has been entirely recast; and, among other changes, a central office has been established, where the whole Indian accounts are compiled and booked under separate provincial heads. The complication is, indeed, still maintained of dealing with army expenditure under three arbitrary heads; but

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in all other respects the accounts of the ten provinces of India are now on the same footing, each having its own Accountant-General, who renders the accounts of it monthly to the Comptroller-General for incorporation in the imperial books of the central office at Calcutta, where, finally, an account is compiled for transmission to the Secretary of State in London. The system was till lately so far incomplete, in that all the Provincial Accountants-General continued to be in direct correspondence with the India Office in respect to remittance transactions; but this practice has been abolished, and there is now only one account kept between London and Calcutta for all India. The inconvenience and anomaly involved in the present method of adjusting the army accounts, which prevents the proper incidence of the military charges on the different provinces from being determined, has already been pointed out; but this does not necessitate more than one office of communication between India and England. On the score of accounts, therefore, the continuance of this correspondence has ceased to be necessary.

Next, with respect to the correspondence on current business relating to the *personnel* of the service. It has been explained that this has already been greatly diminished, in consequence of the abolition of the local European army. Cadets and recruits are no longer sent out; while officers of Her Majesty's Service come and go, under the orders of the Commander-in-Chief and Horse Guards, without reference to the provincial authorities. The movements of troops and stores are in reality regulated by the Supreme Government, and the employment of the local government merely creates a superfluous link in the official chain. As regards the civil servants, there appears no more reason, save the force of custom, why the Bombay Government should be in direct correspondence with the India Office on the affairs of those serving under it, than that the Bengal Government should be so with respect to the very much larger official body employed in

Bengal. This would be obvious immediately on the fusion of the three bodies now maintained into one Indian Civil Service. * CHAP.
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There remains to notice the correspondence arising out of the ordinary business of the administration in its various departments—revenue, law, education, police, public works, &c. Here also the powers possessed of direct correspondence with the Secretary of State are more nominal than real. A copy of every despatch sent to England by the Governments of Madras and Bombay, is furnished simultaneously to the Government of India, to whom also the Secretary of State sends duplicate copies of his replies. Now, in matters of detail, no inconvenient delay could arise, in the present improved state of communications, were such references made through the Supreme Government, as they are from all the other Governments in India; while as regards really important concerns—such as the undertaking of extensive public works, or the introduction of great administrative changes—in practice, either the case is referred back for the decision of the Supreme Government, or the approval of that Government is obtained to the proposed measure, before the assent of the Secretary of State is signified. It may be safely affirmed that no case has occurred, in which any measure has been carried out by this mode of communication, that would not have been carried out equally soon, if the reference had been made through the Government of India. All that this power confers on the two subordinate governments, is the certainty of their opinions becoming known to the Secretary of State, but this publicity might obviously be secured without it.

It may of course be replied, that if this power is merely nominal, there can be no harm in maintaining it; and that a change of practice is not desirable, which would have the appearance of reducing the dignity and status of the subordinate, without really adding to the authority of the central government. But although it

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is certainly the case that no measure of importance is ever carried out on the direct recommendation of a subordinate, against the wishes, or without the opinion being obtained, of the Supreme Government; and the latter can no doubt always succeed, when it so determines, in making the authority respected which the law confers on it; it is hardly doubtful that the maintenance of this authority is rendered much more difficult, in consequence of the appearance of independence which the present system imparts; and that governments which are in direct communication with the India Office, are apt to forget the position of complete subordination to the Supreme Government which the law contemplates their holding. Even among officials who should be acquainted with the facts, it is not uncommon to find a belief existing that the Governments of Madras and Bombay are less completely under the authority of the Governor-General in Council, than are the other governments of the country; while in popular estimation the three governments are usually regarded as independent powers with co-ordinate authority, one of them possessing a somewhat more extensive jurisdiction than the rest. In fact, the state of India in this respect is supposed to resemble that of the Australian colonies, or those of North America before the Dominion, where one of a number of independent governors has the higher title of Governor-General, but has practically no higher powers than the rest. A reference to the Acts of Parliament bearing on the subject would speedily dissipate this notion, which, however, is obviously quite incompatible with the fact, that the Governor-General in Council is wholly and solely responsible, both to the Home Government and to the Indian taxpayers, for the management of the Indian finances.

Position of
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The time, moreover, has come when the position of the Supreme Government needs to be asserted in the most distinct way practicable. Everyone admits that India must be governed in India, if it is to be governed

properly; but the unavoidable tendency of affairs of late years has been to weaken rather than strengthen the position of that Government. The Court of Directors contained many members personally unacquainted with India; others were preoccupied with their own private business, or actively engaged in politics; the Chairman was changed yearly; and the Governor-General could often find in the Board of Control (usually presided over by a political friend), a convenient counterpoise against the pressure of the Court.* The transfer of the government from the Company to the Crown has consequently in this respect made a very significant change, especially in the substitution for the Directors of a Council whose members are all personally acquainted with India, and are obliged by law to devote their whole time to the business of the office. Moreover, its composition appears to have been regulated very much on the idea that the three Presidencies should be each represented in it; and thus it has perhaps not unnaturally come about that the Council should be a body calculated rather to secure a

* Almost every Governor-General has maintained a confidential correspondence with the President of the Board of Control, but the extent to which the double government strengthened the Governor-General's position was, perhaps, most conspicuous in the case of Lord Wellesley. The Court of Directors having censured certain acts of his, Lord Wellesley resigned his office, and at the same time complained to the President of the Board of the Court's behaviour; whereupon Lord Castlereagh prevailed on the latter to propitiate Lord Wellesley by a despatch, couched in such conciliatory terms as induced him to withdraw his resignation. It is worth noting here, that in Lord Wellesley's time, although the Act of 1793 was even less precise than the subsequent ones, and the division of the country into three separate Presidencies was then an actual and well-defined, as well as very necessary division, the authority of the Supreme Government was more absolute and unquestioned than it is at the present day. (See the *Wellesley Despatches, passim.*) Something of this was no doubt due to the genius and force of character of that statesman. Soon after his arrival in the country, an exhibition of opposition to some of his measures by the Madras Council drew down on it such an emphatic declaration of the legal relations of the two Governments, and his Lordship's determination to maintain his supremacy to the fullest extent, as effectually stopped all further remonstrance. Henceforward, officials of all classes throughout the country were the obedient, unquestioning, executive agents to fulfil his commands.

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due share of attention to class interests, than to afford a strong support to the ruling authority; and that it should contain, so to speak, three not very closely-welded sets of representatives, each of which is disposed rather to consider the interests and prejudices of the presidency which it is supposed to represent, than to take a broad and impartial view of the concerns of the whole empire, from the standpoint of the central authority. At least it would be only agreeable to the common experience of human nature, if occasionally members chosen from the 'minor presidencies,' who enter the Council chafing under a sense of what they deem the undue interference of the 'Bengal' Government, should find themselves in a frame of mind hardly compatible with an impartial view of the position and prerogative of the supreme authority in India. At any rate, these motives would sufficiently explain, if they are not actually the cause of, the tendency which sometimes manifests itself on the part of the Council, rather to encourage the subordinate governments in opposition to the Supreme Government, or at any rate not to afford that unequivocal support to the latter which is essential for the maintenance of discipline and good government. For the abolition of these feelings we must look to the removal of the causes which engender them, which would be the effect of the fusion of the services, and the total abolition of the title of presidency. When this takes place, the due relation of the supreme and provincial governments will no doubt be clearly apprehended within the Council, as elsewhere; the establishment of an imperial service will introduce imperial views of business. But there still remains the fact that the attempt to govern India from England is now possible; and, whatever may be urged to the contrary, a more prompt and sustained kind of interference with Indian affairs than was formerly habitual is a necessary condition of the times. The more rapid communication, the better information possessed, and the

more distinct allocation of responsibility on the controlling office in England, all combine to this result. It will be some compensation for this if the supreme authority of the central government within India be duly recognised; and towards this object the cessation of all direct communication between the India Office and subordinate governments would effectually contribute.

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It may, however, be not unreasonably asked, at this stage, whether the financial independence which it has been proposed to give to the Indian provinces, would not favour the maintenance of the existing practice. And the case of public works loans may be especially urged on this head. A provincial government, it will be said, may wish to obtain money from the London market for irrigation or other works. Here, then, would be a clear case for applying direct to the Secretary of State, and where it would be both needless and vexatious to require the interposition of the Government of India.

Effect of
proposed
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changes.

It may be as well, then, at once to say, that this is a degree of financial independence which the foregoing scheme does not contemplate; and a little consideration will, I trust, render it clear that such latitude would be found quite impracticable. A provincial loan could only be placed on the London market on the credit of the financial stability of that province; Indian credit generally could not, it is plain, be pledged to a debt incurred without reference to the Supreme Government. But the credit of any one province is, from the nature of the case, not wholly at the disposal of its provincial government. The revenues of the province, so far as that province is concerned, would be the surplus disposable after the claims of the central government had been satisfied—that is, after the quota demanded by the latter had been furnished to the imperial exchequer. Now, it will be manifest that the amount of this quota, and consequently of the disposable provincial surplus, can only be known to the party which makes the demand, and that the provin-

Loans can
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cial government will seldom be in a position to say whether it has any surplus. We have only to suppose for example, the case of the Government of India having in view the prospect of being required to embark upon some great military undertaking, which would absorb all the current resources of the empire, at a time when the provincial government, in ignorance of the state of political affairs, might be desirous of effecting a great extension of irrigation-works with borrowed money. In fact a provincial government pledging its credit, would be much in the position in which the Church of England places a sponsor, who is required to engage that his god-child shall be brought up in a godly fashion, although the law gives him no sort of control over the parents to ensure that this shall be done.

These considerations will therefore, I conceive, make it plain that—not to press the obvious objections there would be to the different provincial governments bidding against each other in the money-market, nor the fact that the inferior security offered would render borrowing in this fashion unreasonably expensive—the negotiation of loans for the use of any part of the Indian territories must necessarily continue to be managed and controlled by the Supreme Government, which alone can be in a position to judge whether in each case the raising of a loan is both desirable and practicable. In short, these affairs must continue to be regulated much after the manner in which a loan was lately raised for certain improvements to the town of Bombay, when the money was borrowed by the Supreme Government on the credit of the general revenues; the appropriation of the loan and the manner of its liquidation, being a matter of separate arrangement between the two governments, with which the bondholders have no concern.

Having said so much on this head, a few remarks will now be offered on the constitution of the Supreme Government. The business of that government has for

many years been conducted in separate departments, at the present time five in number—Financial, Home, Foreign, Military, and Public Works. The proceedings of these departments are recorded each in a separate office, presided over by a secretary, under whose signature or that of his deputies all orders of the government are issued, and to whom all communications are addressed, excepting the despatches from the India Office. Thus the Secretary occupies the same position with respect to the Indian Government, as does an Under-Secretary in England with respect to the Secretary of State for his department, or the Secretary of the Treasury with respect to the Chancellor of the Exchequer. The kind of business conducted in each department is indicated generally by its name, except as regards the Foreign and Home Departments. The latter used formerly to deal with all business coming up from the regulation provinces,* while the former conducted all correspondence with the diplomatic agencies and subsequently the administrations of the different non-regulation provinces, as they were by degrees annexed to British territories. Of late years, however, since the introduction of the penal and criminal procedure codes, and the establishment of an uniform body of police, have removed some of the principal differences which originally marked the two systems, the territorial distribution of business has been gradually replaced by one of branches, and the Home Department has undertaken the business of the police and some other services throughout the country. It resulted that this department was found in time to have more than its proper share of work, and, by way of more equal distribution of labour, the Post-office has lately been placed under the Finance, and the Telegraphs under the Foreign Department, so that these names no longer denote expressly their respective functions. The Finance Department, besides being, like the English Treasury, the

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* Madras, Bombay, Bengal, and North-West Provinces.

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final authority in all matters involving an increase to the public establishments, or a permanent charge on the State, exercises also direct administrative control over several branches of the revenues, including opium, salt, excise on spirits, and assessed taxes.

For purposes of account, the administration is divided into three branches, civil, military, and public works—the first comprising all the classes of expenditure which are not comprehended in the two last. The civil accounts of each province are compiled by the provincial Accountant-General, who is an officer of the Supreme Government, and rendered monthly to the Controller-General's office, which is attached to the Financial Department. The public works accounts are also audited in provincial offices, independent of the local authorities, and are brought together by the Accountant-General attached to the Public Works Department of the Government of India. The military accounts, as has been already explained, are compiled separately for the three 'establishments' maintained in India, at Bombay, Madras, and Calcutta, under the superintendence of a Controller-General attached to the Military Department of the Supreme Government.

Business of
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The records and correspondence of the provincial governments are also conducted, in the same way, in five separate departments, but a corresponding number of separate offices is not maintained. Most of these governments possess a staff of two secretaries—one for public works, and the other for all other business. At Madras and Bombay the maintenance of an army renders a military department necessary, and the civil business is divided between two departments, the styles of which do not, however, represent very closely their actual functions. The title of a 'secret and political department,' handed down by the traditions of times gone by, is no longer appropriate to the purpose, since those governments have no independent political [diplomatic] business

to perform, while secrecy is a condition resulting from the nature of business, and is not confined to one department more than another.

Although its affairs have thus been conducted for many years in separate departments, they were until lately superintended by the Government as a collective body. The law recognised only a Governor-General in Council, and by the Governor-General in Council all business was carried on. In earlier times, indeed, the Government was a board, whose proceedings, as is well known, the President with difficulty controlled, and whose conflicting decisions, swaying to and fro as the majority turned to one side or other, spread confusion, indecision, and disgrace over the land. This defect was remedied by the Act of 1786, which placed the whole power virtually with the Governor-General, and thereon an extreme reaction set in. In the Marquis Wellesley's time the Council appears to have become a perfect cypher. The 'board,' as he used to term it, was seldom consulted till after the event, and orders were more often issued in his sole name than on their joint authority. This practice appears to have been scarcely legal, so long as the Governor-General was residing with the Council at Calcutta; and after that nobleman's departure from India, the procedure seems to have reverted to what the Acts of Parliament contemplated, and so continued until Lord Dalhousie assumed charge of the Government. At this time all papers requiring the orders of Government were circulated by the secretary of the department among all the members of the government, in order of seniority, and therefore being first laid before the Governor-General. Cases, the opinions recorded on which were in accord with each other, were then usually disposed of by the secretary; those on which there appeared to be a difference of opinion were brought up to meetings of Council for personal discussion.

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of business.

The main defect of this procedure was plainly the

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inconvenient order of circulation; the member of the Council best qualified from previous experience to deal with a case might often be the junior, and would therefore get the papers last, so that his colleagues might have no opportunity of learning his opinion on it before recording their own. This was remedied by Lord Dalhousie, who directed that papers should first go to the member most conversant with them—*i.e.* the business of the military department to the military member, and so on. About this time another difficulty had begun to make itself felt, and Lord Dalhousie, before resigning the office of Governor-General, recorded an opinion that the magnitude of the business which engaged the Government of India, had even then attained a development beyond the power of any one man to deal with effectively. The enormous extension of territory which occurred during his term of office sufficiently accounts for the great increase of business which dated from that time; and to prevent an utter collapse, under the pressure of affairs in all departments—military, political, and financial—caused by the mutiny, Lord Canning abolished the practice of dealing with business by the Council collectively, and established the present system, under which each member takes the management of one or more branches of the administration, and only important affairs are referred to the Governor-General, or to the whole Council. This, however, was at first merely a private arrangement: the first public announcement of the introduction of what is virtually a Cabinet Government, was in effect made when the late Mr. Wilson was appointed, in 1859, as fourth Member of Council (filling the place which heretofore had been occupied by a lawyer), ostensibly in order to take charge of the financial business of the Government, the responsibility for which was distinctly accepted by him and his successors, and recognised by the Governor-General and rest of the Council. The appointment of an additional

member in 1861, who must be a barrister, and who is understood to have the charge of all Government bills in the Legislative Council, helped also to mark out this division of duties and responsibilities. The arrangement was not, however, in the first instance, legal, since the Act of 1853 and previous ones required that every proceeding should be conducted by the Governor-General acting with his Council; but a clause in the Act of 1861 * remedied this, by providing that the Governor-General should be empowered to make any arrangements he may deem fitting for the more convenient disposal of the business of the Council, and that any act done under the orders so passed, 'shall be deemed to be the act of the Governor-General in Council.'

Thus the Supreme Council now practically forms a cabinet, the premier of which, however, besides holding a much higher official and social position than the other members, takes a much more active share in the direct administration and superintendence of the various departments, than is the case in any other government. Perhaps the position may be more accurately likened to that of an absolute monarchy, where the king rules through responsible ministers, but yet rules himself.† The extent of this great change—by which the councillors, who formerly were the mere auditors of the Governor-General's proceedings, have become the ministers of departments, with a power of initiation in all business connected with them—is scarcely yet apprehended, even in Indian official circles; where an able civilian is not uncommonly held to be placed on the shelf, or, at best, transferred to a post of more dignity than usefulness, when promoted from some prominent administrative office to a seat in Council. This misapprehension does

* The Indian Councils Act, 24 & 25 Vict. cap. 67.

† This simile, of course, puts out of sight the controlling power of the India Office, and regards the Indian Government merely in respect to its relations with India.

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not, however, extend to the case of the legal and financial members, whose status seems to be publicly recognised in all quarters. That it holds regarding the other councillors, is probably due to the fact that they do not take each a separate department, but divide the remaining affairs of government amongst themselves in a way not always clearly understood. Thus the Governor-General usually superintends himself the diplomatic or political business of the Foreign Office, while the rest of it falls to one of the councillors. And so with the Home Department. The nature of the military councillor's occupation is indeed manifest; but then the Commander-in-Chief has also a seat in Council, so that their respective shares in the administration of the Military (or War) Department may not always be clearly distinguished. Lastly, it may be observed that the departmental system has not been carried out to the fullest extent possible. A much greater proportion of business continues to be referred to the whole Council than goes before any European Cabinet.

Former
practice of
Governor-
General
quitting
his
Council.

Another change lately introduced, of great practical importance, should here be mentioned. Ever since the time of Lord Cornwallis, it has been usual for every Governor-General to visit various parts of the country, and remain for long periods absent from his Council. In such cases, although the law required that, when he was with his Council, all business should be transacted by the whole body collectively, it conferred on him the power of acting, when thus absent, entirely without reference to that body.* And since on every important occasion, of war, insurrection, or political emergency, the Governor-General has found it necessary to proceed into the

Its incon-
venience.

* To be more accurate, it should be said that the law confers on the Council the power of delegating their powers to the Governor-General. On every occasion of his departure from the seat of Government, an Act of the Legislative Council is passed, pursuant to the provisions of the Act of Parliament, empowering the Governor-General to act while absent without his Council.

interior, it has happened that the benefit contemplated to be obtained from a Council, whether in the value of their deliberations, or as a check on precipitant action, has invariably been lost. This was one defect. Perhaps a greater evil was that, on such occasions, India was handed over for a time to a double government. The Governor-General took a staff of secretaries with him, and the departments at Calcutta were filled up by acting appointments; and usually the superintendence of India was divided into two parts, the President in Council taking the southern provinces, and the Governor-General the northern, with the understanding, however, that the former should refer all important cases for orders; while the Governor-General, being accompanied by only a small establishment, and being on the move, frequently sent the less important business arising in his portion of the empire to Calcutta for disposal. The arrangement, indeed, rather resembled the disposition of the later Roman Empire, when one Augustus created another Augustus to rule over a part of his dominions, than the businesslike provision of a modern European government. The inconvenience necessarily occasioned by it, from the facilities for misunderstanding and shelving of business, afforded in the references made from one part of the government to the other, may readily be understood; while the embarrassment caused to the provincial governments, by correspondence carried on with two superiors, to say nothing of their dislike to being subordinated to an authority like the President in Council (which naturally did not carry with it the weight due to the presence of the Governor-General), must have amounted often to a virtual suspension of the course of business. The evil became aggravated, as will be readily understood, in proportion as the departmental system of government superseded the consultative; but although the law provided for the assembly of the Council taking place in any part of India, the idea of

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II.

Practice
has been
abolished.

Different
proposals
made for
modifying
composition
of
Council.
Proposal
to appoint
a native
member ;

removing it from Calcutta seems never to have occurred to anyone till the viceroyalty of Lord Elgin. That nobleman fixed a meeting of the Council to take place at Lahore in the end of 1863, but his untimely death prevented it, and the practicability of the measure was first demonstrated by the late Viceroy. Sir John Lawrence took the Council and the whole staff of secretaries with him, when his Excellency left Calcutta to proceed to the upper provinces in the early part of 1864, returning with them to Calcutta at the end of the year; and the practice has ever since been annually repeated. The result has been that the Governor-General has been enabled to visit various parts of the territories under his rule, while maintaining the course of public business uninterruptedly. Never before have the affairs of government in all departments been so promptly and punctually disposed of; and it may be safely predicted that, the absence of all difficulty in making the change having been abundantly shown, the extraordinary inconvenience occasioned by the interregnums of a President of the Council will never again be allowed to occur.

With respect to the constitution of the Council itself, various opinions have been broached, from time to time, both in the Press and in Parliament, regarding which I shall venture to offer a few remarks. First, it has been urged that the people of India ought to be represented in the Government, and that this should be done by the appointment of a native of rank to the Governor-General's Council. A little consideration will probably serve to show that the idea, although at first sight plausible, is not really practicable. In the first place, even supposing that a suitable person could be found (say, a ruling prince of one of the mediatised states), qualified by intelligence, experience in the conduct of business, and impartiality and soundness of judgment, for the duties of the position, the appointment of such a one would probably give offence to all the other high nobles in India. In fact,

their interests would no more be represented by the selection of any one from their body, than the interests of the crowned heads of Europe would be satisfied by the selection of one of them to govern the rest. There is not, indeed, the same separation of races in the native governors of India as there is in the people they govern, most of them being themselves the descendants of foreign conquerors: their position rather resembles that of the different monarchs who succeeded to the fragments of the empire of Alexander the Great; but of this we may be sure, that their jealousy of each other would be quite as great as if they belonged to different races. Another objection, which is alone quite conclusive, lies in the fact that not a single native, occupying the social position which would render his elevation to a post in the government otherwise appropriate, is sufficiently master of the English language to be able to take an active share in its affairs. The greater part of that business, as in the case of every civilised government, consists of course in writing orders on the papers submitted by the different public offices, in all which the presence of the native member would perforce be quite overlooked. Therefore, not to dwell on the probability that such a man, if consulted at all, would be a mere echo of the wishes of the President—an argument most forcibly addressed to those personally conversant with the country—it will be plain that the appointment of a native to the Council would be nothing but a sham, and a sham of a glaringly apparent kind. That the natives of India should be admitted to a share of the administration of that country—that what has been done in this direction, so far, falls very short of what is demanded by both justice and policy, may be freely admitted. Some considerations on this head are offered in other parts of this work; but the change from their total exclusion from all valuable preferment to a full recognition of their claims can only be gradually made.

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The movement must begin at the bottom of the official ladder. They must first be trained to serve under the Government, to become qualified for admission to a share in it.

and a
European
non-official
member.

Another change proposed is embodied in the claim sometimes put forward for a representation of the 'non-official community' in the Council. It need hardly be said that this term is always applied to the four or five thousand European settlers in the country, as opposed, as well to the official class, as the two hundred millions or thereabouts of native non-officials, and some apology seems almost due for occupying the reader's time with a serious examination of these pretensions. So far as making their wants known goes, the European non-official classes are in no need of assistance, for practically they have the command of the whole European press in India, which certainly does not err in the way of an undue backwardness in pressing the claims of those whose interests they represent. And, as regards approved fitness for the business of governing the people of India, a person, as I have remarked elsewhere, may spend a lifetime in the country in profoundest ignorance of them. The leading merchants who, from time to time, have been nominated to seats in the *Legislative* Council, have unanimously distinguished themselves by a judicious silence upon almost every subject under deliberation; and if a non-official councillor were wanted on the score of ability without special knowledge, a much better selection could be made in England. But the subject need not be seriously pursued. To say nothing of the claims of distinguished public servants to succeed to the higher posts of the public service, in no country in the civilised world are the members of the executive government selected at random, without evidence of previous training or qualification; and the experiment is not likely to be first made

in India. It may, however, be admitted that a much stronger case can be established for supplying an outside councillor to *Bengal*. The number of European settlers in that province is exceptionally large, and many Bengalee gentlemen of standing are versed in the language in which the business of the government is conducted. Moreover, the duties of that government have no connection with political or military affairs.

Two changes, however, in the constitution of the Council appear to be called for. First, one of the most important branches of administration is still unrepresented in it. The superintendence of the principal business of the Foreign Department is conducted, as has been said, by the Governor-General in person. The law member, of course, superintends the legislative business of the Government; the Financial and Military Departments have each their recognised head; the miscellaneous work of the civil administration in all branches is provided for by the two civilian members. But the Public Works Department has no responsible head. The want is an accident developed by the growth of the Indian Government. That Government was originally based on the theory that the Civil Service was the constituted governing body in every branch; agreeably to which the two members who composed the Council, the secretaries, and the heads of all departments, were chosen from that body. In process of time certain alterations were made in these respects; military men were appointed to the military secretariat, and pay and audit departments;† on

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V.
An additional member needed for public works.

* It needs hardly be said that the composition of the English Government forms no exception to this rule. A man may indeed be elevated to the post of a cabinet minister without previous service in a subordinate office, although such cases are not common; but he must in such case, at any rate, have given evidence of skill as a debater, which is one of the most important parts of the business of an English minister.

† The Court of Directors, however, ordered the Marquis Wellesley to revoke the appointment of a military man to the military secretaryship, and certainly, according to the letter of the law, it was illegal.

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II.

the councillors being increased to three, it became usual to fill one appointment from the army; in 1833 an English member was appointed for legal business, and an additional member was added in 1861 for finance; but public works have not yet been represented. The omission till lately would have been natural, because the Court of Directors, until almost the termination of their existence, did not recognise the prosecution of public works as a necessary part of their policy. The construction of a road or canal was regarded by them, in their earlier days, much in the same light that a war would be—as an unavoidable evil, to be undertaken only when it could not be postponed any longer, and not, if possible, to be repeated.* Latterly, the force of circumstances led the Court to acquiesce in the prosecution of several extensive new works; but the great development of progress in India under this head dates from the transfer of the Government to the Crown, and the annual expenditure on this account has now advanced from about half a million sterling (the rate in 1850) to nearly eight millions, to which must be added, the expenditure of the guaranteed railway companies, which is practically State expenditure, since the interest on the capital raised is paid out of the public revenues. Altogether, between railways, irrigation works, and the large military and civil works in progress throughout the country, this branch of public business has now become of extraordinary importance, but for the proper conduct of it no one member of the Government is specifically responsible, and the department is made over from one to another, as individual leisure or inclination may suggest. Latterly, since Lord Mayo's assumption of office, it has been conducted directly by the Governor-General, as was done by Lord Elgin, and by Lord Canning during a part of his Viceroyalty; but the head of the Government,

* Some amusing exhibitions of this sentiment may be found in the work known as *The Bouleau Code*, published at Calcutta in 1854.

perhaps the hardest worked official in the empire, can of course only give a part of his time to the detailed business of any one department, and the Secretary thus becomes virtually the permanent head of this one, but without the power which the position requires; and it would not be surprising if the want of a distinctly responsible minister, and the frequent changes of management, were to produce a degree of uncertainty and oscillation in the mode of dealing with public works, highly detrimental to their steady and persistent progress.* An additional member of Council specially appointed, and distinctly responsible for the conduct of public works, in the same degree that the finance and legal members are responsible for their branches of the administration, is a very necessary requirement of the times.

On the other hand, the presence of two military members in the Council, one performing the duties analogous to those of a Minister of War, while the other also holds the executive office of Commander-in-Chief, appears plainly to be open to objection. In earlier times, when it first became the practice to give the Commander-in-Chief a seat in Council, there was no second military member; and after 1833, when the latter was added, the command of the army involved a residence in the upper provinces, where the great bulk of the troops was stationed. Thus, with rare exceptions, the Commander-in-Chief never entered the Council Chamber, except to take the oaths of office, and his membership therein came to be merely a matter of form, useful only as carrying with it certain additional emoluments and higher official precedence. But the removal of the Council for half of each year to the seat of army head-quarters,

CHAP.
V.
Two military members not needed.

These defects are very forcibly pointed out in the evidence given before the Select Committee on Indian Communications, in 1865, by Colonel Strachey, secretary to the Supreme Government in the Public Works Department.

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II.Anomaly
of present
arrange-
ment.

and* the improved state of communications throughout the country, have rendered it possible to combine the two functions of executive administration of the army with an active share in the proceedings of the Government. Now, an important part of those proceedings consists, of course, in the control of the executive departments of the state—that of the military departments, including the army staff, falling to the military member. That the head of the army should thus sit and vote at the council-meetings as the senior member, and should have the power of appealing, as a member of the Government, from the criticisms passed by the Government on his acts as an executive officer, appears an anomaly quite opposed to the principles which ordinarily govern English administrative polity. The conclusion therefore seems warranted, either that the duties of Commander-in-Chief and Indian War Minister should be united in the same person, or that the Commander-in-Chief should not have a seat in Council, but that in either case the military element in the Government should be represented by a single member. A division of the overgrown Bengal establishment into two separate corps, which has been suggested in another part of this treatise, might seem compatible with the former plan; on the other hand, the fusion of all the British troops and establishments serving in India into one homogeneous body, which has been offered as a part of that scheme, would, it may be thought, constitute ample reasons for maintaining that high officer for the performance of these separate functions. To which may be added, that the distinguished military qualities for which a Commander-in-Chief is usually selected, are not always found in conjunction with the aptitude for detailed business required from the head of a great office. No Parliamentary action would be necessary to effect the change. The Act of 1861 renders it lawful for the Secretary of State in Council to nominate the Commander-

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in-Chief to a seat in the Council, but it is not imperative on him to do so.

With respect to the further development which some urge should be given to the change from the consultative to the departmental system, contending that the circulation of proceedings is still carried too far; it may not be out of place to point out that the analogy is very incomplete between the Indian Government and the Ministry of a country where the power is regulated by representative assemblies. An English Secretary of State, it is true, disposes of almost all the business of his department on his own responsibility, without reference to his colleagues; but his proceedings are watched by an independent and active press, and he is constantly required to explain and defend them in Parliament. A great degree of publicity is thus attached to the proceedings of the English Government. But in India all Government business is conducted in secret; public opinion or discussion there is none; and although the proceedings of the Indian Government in every branch are very fully reported for the scrutiny of the Secretary of State, a post-audit of this sort is never so effectual in preventing mistakes as previous criticism. Practically, therefore, the only publicity and control which the acts of an Indian Minister undergo, consist in the circulation of his proposals among his colleagues. And those who bear in mind the peculiar organisation of the Indian official world—where the governing class is one body which fills all but the very highest offices, sometimes even those—and how closely connected many of the members of it often are, by ties of relationship and previous acquaintance, will probably admit the soundness of Mr. Mill's opinion, already quoted (p. 113), on the value of a government by councils.

Further, under any circumstances the authority of the Governor-General must be paramount in all departments; and however far the division of employments may be

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Cabinet
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Limits
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cable.

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Effect of
promoting
Council-
lors to be
Lieutenant
Governors.

carried, his responsibility for all the affairs of government must continue unabated; and consequently he must always be consulted much more freely and frequently, by his different colleagues, than would be the premier of any European cabinet. In fact, the utmost development the departmental system could ever attain to, would virtually take the form of a set of committees, consisting each of the Governor-General as chairman, and a departmental member. In short, the separation of business might be carried out as regards the members of the Council, but as regards them only.

Another point connected with the subject deserves a word of notice. Since 1853, the salaries of the Councillors have been reduced to 8,000*l.*, and those of the Lieutenant-Governors increased to 10,000*l.* a-year; thus the former post becomes a stepping-stone, in course of promotion, to the latter, and it would naturally happen that the Councillors should frequently be selected for these preferments. The Government of Bengal has indeed, on every occasion of a vacancy, been filled in this way. But though a person thus selected, from having merely a share with others, goes to the undivided management of affairs, the change is in some respects to a less important class of affairs. Moreover, he is frequently succeeded in the Council by the secretary of the department which he was lately in charge of, who thus, under the cabinet system, becomes for the time his virtual superior. The knowledge that the instructions issued in the name of the Governor-General in Council, from time to time, regarding the affairs of his province, are in most cases simply the orders of a councillor who was lately his immediate subordinate, might not unnaturally impart to them a different degree of authority from what such instructions would otherwise bear. On the other hand, it would scarcely be surprising if a councillor—who is himself expecting preferment to the government of a province—in dealing with the numerous

cases which arise involving the relations between the superior and subordinate authorities, should be unconsciously biassed towards a decision more favourable to the claims of his future than his present office. At any rate, it may readily be conceived how in this way a very appreciable practical difficulty might be experienced in the course of Indian administration, and the authority of the Supreme Government be sensibly weakened. This would be obviated, either by placing the Councillors on the same footing of emolument as the Lieutenant-Governors—which the increased responsibilities placed on them of late years appear on general grounds to render quite appropriate—or by a special enactment, declaring them to be ineligible for further advancement in India.

One more remark remains to be offered. The law provides that the decision of the Council shall be recorded in the sense of the opinion of the majority, the Governor-General having a casting vote, but with power to override the majority, in matters which he considers so important as to make it necessary to do so, after recording a minute explanatory of his reasons. So long as the Council consisted of only three members, the Governor-General could never be outvoted; and even when it was increased to four, he would have a majority so long as one Councillor voted with him. But now that the Council consists of seven members (including the Commander-in-Chief), the liability of the Governor-General to divide the Council in a minority must obviously be largely increased; while the power of overriding the majority, with all the formalities involved, could not in practice be exercised in every instance that arises, compatibly with a prompt disposal of public business, but must be reserved for matters of importance. Thus the result of an increase to the Council necessarily tends in practice to diminish the individual force of the Governor-General, and to make the guidance of affairs depend on

Amplification desirable of Governor-General's power of veto.

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His
appoint-
ment as
Captain-
General
also de-
sirable.

the opinion of the majority in each case. And as this result would certainly form a strong objection against a further increase to the Council, although an addition on other grounds might be admitted to be desirable, the time would appear to have come for abrogating so much of the law as refers to the votes of the majority, and for limiting the power of Councillors to a record of their dissent, in cases where difference of opinion arises in the Council.* Further, since the control of the local European troops in India has now been transferred to the Commander-in-Chief, the position of the Governor-General, as the head and fountain of authority, and the representative of Royalty in India, seems to render it desirable that he should now be commissioned as Captain-General and Commander-in-Chief of all the forces in that country. A commission of this kind was granted to the Marquis Wellesley; it is usually given to all colonial governors; and from the want of it in India, a question of control and authority over the British forces there might possibly some day cause inconvenience.

Legislative
Council.

The foregoing observations have had reference solely to the Executive Council. Until 1833, this body was also the sole legislative authority,† when one additional member was added for legislative purposes. In 1853, a separate Legislative Council for India was established, which (as subsequently modified in 1861) now consists, besides the members of the Executive Council, of not less than six or more than twelve members, of whom one-half must be unconnected with the public service—which gives a total of nineteen members. The six official members have usually been civilians, of experience obtained in different parts of the country; of the non-officials, the

* Note to 2nd edition. A Bill containing this provision has lately been brought into Parliament.

† For the Bengal Presidency. Each Presidency used, until 1833, to make its own enactments. From that year until 1853 the Supreme Council legislated for all India.

practice has been hitherto to appoint two leading Calcutta merchants and four natives of rank, chosen from different parts of India. All of these hold their seats for two years. The annual session lasts for about five months. Strangers are admitted by orders to the meetings, which are held in the Council Chamber of the Governor-General's residence. Members speak without rising; the standing orders control the proceedings in a very strict manner, especially as to the power to bring in Bills; and the Governor-General has a veto over all measures passed. Similar Councils have been established for Madras, Bombay, and Bengal, so that the measures of the Council of India are limited to matters either of general importance, or affecting those provinces which are unprovided with local Councils.

The addition of the official members brings experience acquired in different parts of India, necessarily of great value; while, as they are relieved during the session from other duties, they are enabled to bestow a greater amount of attention on the work of legislation than is possible for the executive members, busy with the duties of their respective departments; in consequence, a variety of comprehensive and important measures have been passed since 1861, calculated to confer great benefit on the country, which it would have been hopeless to look for if the Council had not thus been amplified. It cannot be said that the native members have taken any active share in the proceedings; indeed many of them, being unacquainted with the English tongue, have been able to understand what was going on only through the interpreter who attends the meetings. But there can be no doubt that a seat in the Council is generally prized by natives of rank, as conferring a personal distinction. As serving, therefore, to give an interest in the institution, in the estimation of the people of India, which would be wanting to an assembly composed wholly of Europeans, the addition of these is an undoubted gain, while wholly

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recent
changes
in it.

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free from the objection which would exist against their admission to a share in the executive government.

But it will be clearly understood that the Legislative Council is thus merely a body of nominees, and, whether extended in number or maintained at its present strength, it must continue to bear this stamp. A representative assembly of any sort, in the present state of India, is a simple impossibility. Even to increase the number of members, retaining their nominee character, would be difficult. The European non-official community, besides that it is numerically very limited, is composed wholly of persons actively engaged in business. Fortunes can still be made in that country in trade and commerce; but the possessor of a fortune quits it as soon as the fortune is acquired, and there are no men to be found there, combining wealth and leisure, who could devote themselves to the business of legislation. A non-official European could be secured to give his whole time to such an employment, only by making it worth his while to give up his professional pursuits—that is, by converting him into a paid servant of the state. And with respect to the natives, any large increase to their number would aggravate the difficulty already felt, in the presence of members unacquainted with the language employed; while, to whatever extent they might be multiplied, they would no more represent the people of India, than the members of the Roman Senate, in the latter days of the Republic, represented the interests of the nations subject to the Roman authority. The interests of the princes and people are very far from being identical. An increase of official European members would be objectionable on the score of expense. On the other hand, a larger chamber would perhaps lead to greater freedom of debate, and so the proceedings of the Council would assume a more interesting and important character than they now possess in public estimation. There is, too, the advantage to be considered, in admitting as many

natives as possible to the benefit of the training in responsibility and habits of business afforded by a seat in the Council. CHAP.
V.

The question, in what place the seat of the Supreme Government should be established, has for some years been under discussion, both in India and England. * In considering the matter, the fact that it is at present nominally at Calcutta need not be taken into account as a determining cause, this being merely an accident, arising from the fact that the Supreme Government has been gradually developed, by force of circumstances, out of what was originally the Government of one isolated province. Nor are there any important considerations involved of the maintenance of public buildings, since, with the single exception of the Viceroy's residence, no public buildings worthy of the name, or suitable for the purpose of government offices, are in existence, save those connected with the Government of Bengal; the different public departments being scattered about the city, occupying for the most part hired houses. At the same time, this is no reason for overlooking the claims of Calcutta to be the head-quarters of the general government. Its advantages are that it is the seat of the largest European community, and the greatest commerce in India; and that while it possesses a crowded port, it is secure from attack either by sea or land. These are undoubted advantages, but they are more than counterbalanced by serious defects. The first of these is its extreme unhealthiness. Much stress need not be laid on the depressing nature of its hot damp climate, because, although there are probably few parts of the world less favourable to the exhibition of any kind of energy, there are few places where all classes, official and non-official, work harder and take less relaxation;* but not to press the

Site for
capital of
India.

Advantages pre-
sented by
Calcutta.

Its disad-
vantages.

* This assertion may appear surprising to those who hold the popular notions about Anglo-Indian life; but it will be borne out by all who are

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palpable disadvantage involved in attaching, as a condition of the viceregal office, that it shall be passed in the worst climate of India, it may be urged that the same cause which makes it a risk to any man to live there, involves also the certainty of a high percentage of casualties among the whole official body, creating constant change, and a larger staff in all departments than would otherwise be necessary, to supply the places of inevitable absentees during the annually-recurring sickly season.*

These drawbacks, however, should of course be faced, if the balance of reasons was in favour of doing so. But a more inconvenient situation than Calcutta for a central government, placed as it is in the corner of the country, could not well be found. The disadvantage in this respect is no doubt to a certain extent overcome by the construction of railroads; but a more serious objection to Calcutta consists in the exceptionally provincial character

acquainted with it. The merchants are all short-handed, and work hard in order to get away from the country the sooner. In official society, the rapid change of its members is always bringing up new and young men to the head of affairs; and thus the public departments are, so to speak, being constantly swept by new brooms. This, coupled with the fact that there is absolutely no other mode of occupation for a great part of the year, and none of the distractions and amusements which are found in European cities, explains why official business should assume the prominent place in men's time and thoughts, which it certainly does in the East. But nothing is so unlike the India of popular imagination as that arid country itself, with its dull monotony of life, and the extreme ugliness of its scenery in most parts.

* The extreme unhealthiness of Calcutta, at any rate for persons not acclimatised, can be best inferred from the numerous casualties of late years among the very small body of members of the Government. Mr. Drinkwater Bethune, Sir Walter Gilbert, Mr. Wilson, Mr. Ritchie, Sir James Outram, all died either while in Council, or of disease contracted while serving there. Some of them hardly took their seats but to die. The lamented death of Lord Canning was due to climatic disease. Mr. Laing escaped by timely flight. That the General commanding the Presidency division should complete his tour of office is the exception to the rule. Nor can the effect of the climate be estimated only by the rate of mortality. When the disease is not too swift, the patient is hurried away from the place, and the frequent change of officials from this cause sometimes creates quite a paralysis of public business. Since the Government has been moved yearly away from Calcutta, there has been no recurrence of this dislocation of affairs.

of the people. There is, indeed, no part of India which completely represents the characteristics of the people of India generally, just as there is no country in Europe which furnishes a type of the whole Continent; but any conclusions, formed from the characteristics of the Bengalese of all classes regarding the people of India generally, will certainly mislead. So long as the central government is located at Calcutta, it must necessarily be open to the reproach of partaking rather of the character of a Bengal Government than of a Government of India, especially when the two civilian councillors are chosen, as often happens, from the province; and there has usually been a marked change in the policy of each Governor-General before and after he has made his first visit to the Upper Provinces, and shaken himself clear of the local ideas and prejudices imbibed in that place. To all which objections may be added, that a Government stationed at Calcutta sees nothing of the army, with the condition of which it ought above all things to be thoroughly conversant. The first requisite of good government in India is a sound and vigorous army administration, which is not likely to be attained, unless the Government comes into frequent contact with the troops. Lastly, the Bengal Government will never assume in public estimation, or in fact, its proper relative degree of importance and independence, so long as it continues to be overshadowed by the presence of the central government as its own head-quarters.

Bombay is less hot and unhealthy than Calcutta, and is the second commercial city in India, while it is the point of arrival and departure of the English mails. Much stress cannot be laid on this last advantage, since in a short time no part of the country need be worse off by many hours, while Bombay has many drawbacks. It is open to attack by sea; it is situated on a barren island, already overcrowded and overpopulated, whence all supplies are brought from a distance, and where the

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Merits and
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influx of a great government establishment would aggravate the already high cost of living. Further, the climate of Bombay, although better than that of Calcutta, is still for many months of the year very bad. The provincial government, indeed, does not face it. During the hot months the Governor of Bombay, with the public establishments and the army head-quarters, usually takes refuge from the heat on the plateau of the Western Ghats, which slope up gradually from the east to a height of 4,500 feet, and project, an almost unbroken precipice, over the shore of the western ocean. When driven away from this retreat by the torrents of rain which the south-west monsoon precipitates on these heights, the Bombay Government resorts to Poona, situated on the elevated table-land of Western India, a region subject to the cooling influence of the same monsoon, but sheltered from excessive rain by the Ghats to the westward, which act as condensers of the moisture borne in from the sea. Thus the Bombay Government has virtually three capitals; but offices and accommodation at these places could not reasonably be found for the larger establishments of the central government. Besides, to fix the latter always in the same place with the Government of Bombay, would be open to precisely the same objection as lies against keeping it in Bengal.

of Poona; Poona itself, or some other neighbouring spot on the western table-land, has been frequently proposed as a suitable site for the capital of India. But this plateau, although safe from attack by sea, and cool and healthy during the rainy season, when the climate of Eastern and Northern India is at its worst, is badly watered and wooded, and liable in consequence to constant drought. A visitor to that region, at any other than the rainy season, when a brief period of vegetation sets in to refresh the eye, can hardly fail to carry away the impression that this scorched, stony, and ill-wooded tract is

ill-adapted to support a large population, or to be the site of great cities.

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Then, again, the idea has been broached in certain quarters, that some spot not yet precisely indicated in Central India should be selected, and a capital built there. As has been already pointed out, the superiority of a central position, if one could be found, is very much diminished by the introduction of railways and telegraphs; and a capital in the wilds of Central India would be, in all other respects, open to every objection that could be made against all other places. These table-lands are certainly free from the excessive heats of the river-basins, and the great Gangetic plain, or the eastern coasts; but it is very doubtful if they are exceptionally healthy for Europeans, while they are certainly liable to the ravages of epidemic cholera, from which both Bombay and Calcutta have so far been generally free. In a military and political point of view, such a place would not be safe from any side, while a government located there would be liable in an especial degree to the fault of provinciality. But, in truth, the proposal to establish the Government of India in some place where no great city already exists, or has ever existed, far away from the centres of trade and population, Native or European, is not one that needs serious criticism.

of Central
India.

It seems not necessary to pass in review the merits of the various other places, more or less suitable, which have been from time to time suggested. The fact seems to be, that no one place which can be named fulfils the needful conditions. When the importance of the public opinion exerted by European settlers is urged as a reason for setting down the Government at Calcutta or Bombay, it seems to be sometimes forgotten that, besides the eight or ten thousand persons who compose this class, there are about two hundred millions of native subjects who have to be considered; and that, even if their opinion be

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able.

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not worth ascertaining, it may be worth while, at any rate, to give them the means of forming some acquaintance with their rulers.

Yet, whether the government is settled permanently at Calcutta, or oscillates by a hurried journey between that place and Simla, in either case the great mass of the people see nothing of their rulers. The great durbars which have of late years been held at Lahore, Agra, and Lucknow—where the splendid camp of the Viceroy and his establishments is surrounded by those of the princes and chiefs, assembled from all parts of India to pay their homage—where the visits of ceremony and public receptions constitute a gorgeous pageant, extending over several days: no doubt these grand ceremonials, which form the staple of talk in every town throughout the country, are of great value as an element in the business of administration over a people peculiarly susceptible to the influence of outward appearance. But they are, I venture to think, even less valuable in this respect than the great viceregal progresses which used formerly to be made through the country. These tours, besides bringing home the reality of the government to the people, afforded also to the governors a means of gaining personal knowledge of the country—of its wants and capabilities, and still more of the character and qualifications of the various officials engaged in the administration, such as could be obtained in no other way. The value of the intimate knowledge on these heads, which the Marquis of Dalhousie obtained from his frequent tours, is apparent in every act of his administration, and the difference in the character of Lord Canning's earlier and later government may reasonably be assigned in part to a similar cause.

The abolition of these viceregal tours appears then to be cause for unmixed regret, and no arrangement for the final location of the administration would be completely satisfactory which did not provide for their resuscitation,

in a form adapted to the present improved means of communication. Their expense, it may be added, is perfectly insignificant, compared with the revenues of the country which the Government administers. Indeed, when expense is talked about, the extraordinarily economical character of the ornamental part of the Indian Government would seem to be lost sight of. The whole expenditure on the viceregal civil list and household is far less than that incurred for the head of a third-rate German principality.

Under this view, a fixed capital for the Supreme Government is not necessary or desirable, but for a part of each year that Government should follow the old practice—so far modified that the Governor-General would be accompanied by his Council—of visiting from year to year different parts of the country. A different place should be selected each year for the assembly of the Legislative Council, and as the session need not probably in future occupy more than a few weeks, and camp-life is practicable for at least five months in the year during the cold season, it would be possible to make tours from the temporary seat of government throughout the neighbouring provinces, and in this way, with the facilities now afforded by railways, every part of the country might be visited during a five years' tour of office. Nor need Calcutta and Bombay be neglected. Provided the cold season be thus occupied, it does not matter greatly, in the present improved state of communication, for the purpose of supervision and the convenient despatch of business, where the Government may pass the rest of the year; while Simla, or some place near it, is probably on the whole by much the most convenient spot that could be chosen.

It will be useful to lay marked stress on this point, because it is not unusual for writers in the local press to allow their imagination on the subject to get the better of their facts, and to designate the annual settle-

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The Government should move from place to place,

during the cold season.

Simla the most suitable residence during rest of year;

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centraland easily
defended.

ment of the Government at Simla as a retreat from the cares of office, and from the influence of public opinion—as if the presence of a few overworked merchants and tradespeople, far too busy in the pursuit of wealth to occupy themselves seriously about public concerns, constituted a necessary aid to the machinery of government—and to represent all business as being for the time suspended. On the latter point, it is hardly necessary to observe that the Government of India has, in itself, no direct administrative functions. The whole country being mapped out into provinces, each of which is provided with its own administration, the business of the central government lies in the supervision of these subordinate authorities, and all its measures are carried out through their instrumentality. This business is, of course, done by correspondence; nor has the Supreme Government any more immediate connection with the government of the province where it happens to be quartered for the time, than with any other part of India. The course of business goes on uninterruptedly throughout the year, but the hot season is usually the busiest part, since those movements of officials throughout the country are then suspended, which during the cold season are throughout all grades of the administration of necessity more or less of an interruption to the labours of the desk. A spot more favourable to the steady pursuit of those labours than this mountain ridge, which offers not even the distractions of an English watering place, could scarcely be found; while as to the situation of Simla, it is but the distance of a day's ride from the great plain which extends from Calcutta to Lahore, and from the trunk line of railway shortly to be completed. The Government, when residing there, is therefore cut off from the supervision of affairs below, just to the same extent as a government residing in London would be incapacitated from controlling Devonshire or Yorkshire. Simla further possesses the great advantage of being pro-

tected by the largest body of British troops which can be assembled in any part of India, and in immediate proximity to the finest and best-affected nation in the country. From Simla, too, the politics of the frontier can be more directly and efficiently controlled than from any of the other proposed capitals. In fact, the country west of the Sutlej is the natural watchtower of the empire; * in this neighbourhood have been fought most of the great battles which have decided its fate, from the days of the first Mahomedan invasion; and to this point has hastened each Governor-General, on the appearance of danger, from the time when Lord Auckland sent forth from the slopes of Simla the proclamation announcing war with Afghanistan. When the railway system is complete, this part of the country will be nearer to Bombay than will be Calcutta. On the whole, then, the balance of advantages seems to be against any fixed seat of government during the season when movement is possible, and in favour of selecting some central and healthy spot, for a place of resort during the hot months, and where the records and bulk of the establishments could be left during the movement of the cold season. And these conditions of healthiness, central situation, and accessibility, appear to be better satisfied, by some spot on the edge of the Himalaya, north of the country between Agra and Lahore, than by any place that can be named. The question presses for settlement, in view to a termination of the inconvenient, hand-to-mouth fashion in which the business of the Government is perforce conducted, pending a decision of some sort. The public offices are at present scattered over Calcutta, mostly in hired buildings far too small to hold their establishments properly. A large part of the records is huddled away in stables or outhouses, where, in that hot

Importance of settling the question.

The nearest town in the plains to Simla is Sirhind ['head of India'], which is the watershed of India—the streams to the east falling into the Bay of Bengal, and those to the west into the Indian Ocean.

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and moist climate, their preservation in good order is impossible. While at Simla, the public departments are lodged, for want of better accommodation, in crazy, dilapidated cottages, into the recesses of which, even under an Indian sky, the light of day scarcely penetrates.*

Simla itself was first selected as being the highest ridge (8,000 feet above the sea) in that part of the Himalaya, and for the beauty of the forest in which its summit is clothed. But the place is now overgrown; and is one of the foulest, worst-drained, and worst-kept towns in the country. Something might be done towards improvement, by substituting an efficient management for the existing local municipality, which partakes of the nature of a petty English vestry, while the funds at its command are quite inadequate to the wants of a metropolitan town, even on the Himalaya. But the place has been badly laid out, the best sites have been taken up with unsuitable buildings, and it is to be feared that the process of agglomeration has advanced beyond redemption almost as completely as in the suburbs of London. Other ridges, however, equally lofty and well-wooded and even closer to the plains and the new railway, are available within a few miles, where a new and convenient town might be laid out, with public offices, private residences, and barracks for troops. Rancekhet, a newly established sanitarium in the mountains north of Rohilkund, about 6,000 feet above the level of the sea, presents also many advantages for a new station. In no part of

* The present public offices at Bombay, (new ones are building), are even worse. They present the extremity of squalor and inconvenience. The whole form a striking contrast to the palace in London occupied by the Indian Council, the furniture of a single room in which would purchase the fee-simple of one of the Simla 'public offices.' The same state of things obtains in many other parts of India. In fact, the inference that a stranger or a native would draw from the appearance of most of our public departments, would be that we considered ourselves as occupying the country only on sufferance, and as a temporary arrangement, and were prepared to pack up and be off on the shortest notice.

India could a capital be built so cheaply as in the Himalaya, from the facilities on the spot in the way of building materials, and because in that climate a much simpler and less extensive style of accommodation could suffice for the wants of Europeans, than would be necessary in any part of the plains of India.

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BOOK III.

THE CIVIL ADMINISTRATION.

CHAPTER VI.

DISTRICT ORGANISATION.

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the civil
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an Indian
district.

THE duties of the civil administration of British India are principally connected with the collection of the revenue; the maintenance of order and dispensation of justice; education; and the preservation and extension of public works. The last of these heads will form the subject of a separate Book.

For the purposes of civil administration each province is divided into districts, which correspond with the 'departments' of France and other continental countries which have a centralised form of Government. The head-quarters or *suddur* [chief] station is fixed at the principal town of each district, where reside the group of English officials with their establishments, who represent the government of the province, and form the medium of communication between it and the people.

The number of districts in the different provinces varies according to their size and population. Bengal, which is both the largest and most populous province in India, contains thirty-five districts, exclusive of Assam and the other extensive outlying countries not subject to the general regulation law. The Punjab contains thirty-two districts, the North-West Provinces twenty

nine, the Central Provinces, Madras, and Bombay each nineteen. The average size of a district varies considerably in the different provinces.) Some of the Madras districts contain more than 12,000 square miles, a larger area than that of Belgium, and the average Madras district is a good deal larger than Yorkshire. In Bengal and the North-West Provinces, which are generally the best-cultivated parts of India, the districts vary in size from 1,200 to 6,000 square miles, and the average area is somewhat larger than that of Devonshire. The average population of a district is about one million in Madras, Bengal, and the North-West Provinces; three-fourths of a million in Bombay; and half a million in the Punjab and Central Provinces.

The representative of the Government in each district is the officer who fulfils the united but distinct functions of Collector and Magistrate, and the system of administration pursued is that which was established by Lord Cornwallis, with various modifications which have been developed by the course of time. The principal change has been the junction of the two offices, in place of the maintenance of both a magistrate and a collector. The magistrate, moreover, under Lord Cornwallis was also district judge, a post now held by a separate officer.)

Head district official the collector and magistrate.

The Collector, in that capacity, is the agent of the Government for the collection of the district revenue, the principal item being derived from the land, of which the Government is deemed to be the landlord or proprietor. His duties in this respect vary according to the nature of the tenures under which the land is held. In Bengal and a portion of the North-West Provinces, the land has been leased for a perpetuity in large estates at a fixed rent, under the arrangement known as the 'perpetual settlement,' effected by Lord Cornwallis; and the ordinary business of the collector is confined to receiving the sums payable by the renters at certain fixed dates. In the North-West Provinces and Punjab the

Duties of collector—in regard to land revenue;

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leases at present run for terms varying from ten to thirty years, and are granted direct for much smaller estates, the community of each village usually taking a lease for its own lands. In Madras, where the ryotwar [or what may, roughly speaking, be termed the cottier] system obtains, the settlement is annual, and, in some districts, the separate leases granted every year by the collector number many thousands. His court is also the office of registry, where are recorded all leases, and the particulars of all landed rights with which the Government is concerned. Besides performing these duties as Government land-agent, the collector is also vested with certain judicial powers, in executing the claims of Government against defaulters, and in determining claims which arise of tenants holding from Government against their under-tenants for arrears of rent—on the principle that, since the Government exacts punctual payment of its own rents, it is bound to afford its tenants means of obtaining their rents in turn. He superintends the partition of estates, and regulates the distribution of the Government assessment among the different subdivisions. He has also in certain cases to assume direct management of the landed property of minors renting land from Government, acting in this respect in a capacity resembling that of the English Court of Chancery, in respect of the wards in his district.

other kinds
of revenue;

as district
treasurer;

The rent from land constitutes the principal source of Indian revenue, and its realisation occupies the principal part of the collector's time. (He is also the representative of Government for receiving all other descriptions of revenue levied from his district, acting as superintendent of excise, and assessor of the income, licence, or other personal taxes. He is also the Government treasurer, as well as the banker for the different public departments, which keep their public moneys in his treasury, and make all payments by means of cheques on the collector. In addition to these duties, he acts as

president of the local committee which, analogous to the English county boards of justices, is charged with the maintenance of the district roads from certain local cesses; in some parts of India he has also the charge of the numerous tanks which supply water to the cultivators, and they are repaired and maintained under his superintendence.

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duties connected with public works.

(In his capacity of magistrate, the same official is the general representative of Government within his district. With him rests the responsibility for peace and order being maintained, the superintendence of the police, and the management of the jail. It is to him that all classes of the people look for aid in times of disturbance, and by him would be initiated any proposals needful for cases of emergency, as well as, at all times, for the improvement or wellbeing of the district. In this respect his position resembles very much that of the *préfet* of a French department. In addition to these general responsibilities, the Indian magistrate has extensive judicial as well as ordinary magisterial functions. As his name imports, his court is the tribunal for first investigation of all criminal cases; but only those involving a heavy punishment are committed to the court of session. The rest he finally disposes of himself, his powers extending to a sentence of two years' imprisonment, and fine of one thousand rupees [1000]. This arrangement is derived from the system originally established by Lord Cornwallis in Bengal, which was gradually extended to the other regulation provinces, as they came under British rule, and under which the offices of district magistrate and judge were united in the same person; although, it should be observed, the district judge had at this time no criminal jurisdiction, the jail deliveries being made by a separate court of circuit. (The collector was a separate officer, whose establishment dates from the time of Warren Hastings, when the management of the revenues of Bengal was first directly undertaken by the English.

Duties of magistrate: general—

magisterial—judicial.

Reason for junction of the two offices.

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Subsequently, the duties of the magistrate were separated from those of the judge (as part of a reconstitution of the system of judicature which need not be detailed here)—the former, however, being vested with the judicial powers above-mentioned, in view to relieving the pressure of business which had arisen in the higher court. Thus it fell about, that the office of collector having a higher salary attached to it than that of magistrate, the course of a civilian's promotion came to be from magistrate to collector; and thus the former grade was usually held by officers of comparatively small standing and experience. To remedy this practical defect, the offices of magistrate and collector were eventually united in the same officer. In the North-West Provinces, Madras, and Bombay, this amalgamation was carried out many years ago; in Bengal the change is of comparatively recent date.

Joint Magistrate.

The Joint-Magistrate and Collector comes next in rank of the district officials. This officer has passed all the tests imposed by the regulations of the service; and, as his name imports, he has coequal powers with the magistrate and collector in the hearing of all suits brought before his court. He acts, in fact, as the deputy of the latter, for the disposal of such portion of the various business of the district in all departments as the magistrate may make over to him. In Madras and Bombay this officer is styled Sub-collector and Joint-Magistrate.

Assistant-Magistrate.

An Assistant-Magistrate and Collector, with the official status of Subordinate Magistrate of the First or Second Class, is usually attached to each district, also a covenanted civilian; in the first instance *in statu pupillari*, with but trifling powers, which are gradually extended, until, after passing two examinations in the practical business of the administration, he is vested with the full powers of a magistrate, and is eligible for promotion to the post of joint-magistrate on the occurrence of a vacancy in the province. These examinations are held annually, at some central point in the province, by com-

mittees consisting of civilians of standing, and embrace the subjects connected with the practical business of the administration—especially the vernacular languages, the land tenures of the province, the procedure of the courts, and the laws and regulations of the country.

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(The Deputy-Collector of the district is an uncovenanted officer, appointed to the public service by the government of the province, and may be either a native or European. This officer is sometimes also a deputy-magistrate, but generally he is employed only on revenue duties, and he has usually executive charge of the district treasury and accounts, under the general responsibility of the collector.

Deputy-Collector.

(For administrative purposes, the district is divided into a convenient number of subdivisions—usually from six to eight—termed *tehsils* in Upper India, and *talooks* in Madras and Bombay, each under the charge of an officer, styled *tehsildar* or *talookdar*, who acts as the deputy of the collector; the land-revenue being paid into his office in the first instance, and remitted by him to the collectorate. He is also the agent and representative of the magistrate with respect to his *talook* or *tehsil*, and sometimes holds the rank of deputy-magistrate. This officer is almost invariably a native; and the post is the highest in the revenue line, except that of deputy-collector, to which any uncovenanted servant can attain. As a general rule, the collector distributes the business of his district between himself and the joint and assistant-magistrates, by making over to each of them the charge of a certain number of *tehsils*, retaining of course a general superintendence over the whole. In some parts of the country, the joint-magistrate is required to reside, by himself, at an outstation of the district.

District subdivisions.

(In Bengal, where the land is let in large holdings, the districts are not divided into *tehsils* or *talooks*, but the revenue is paid direct into the collector's treasury. In this province, however, the districts, some of which are

Deputy-Magistrates in Bengal

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III.District
court-
house.

exceedingly extensive, are usually divided into several subdivisions, each under an uncovenanted deputy-magistrate, who may be either a native or European. Most of the deputy-magistrates have the full powers of a covenanted magistrate.)

The central courthouse is, of course, at the headquarters of the district, and is generally placed a little outside the town, near the residences of the English officials. It contains a separate court for each of the officers above-named, an office for the collector's clerks, a muniment-room for the district records, and a strong-room for the treasury. The different officers of the court are always natives, and the proceedings are conducted and recorded in the vernacular language of the district. The correspondence of the magistrate and collector with his superiors, and with the officials of other departments, is carried on in English, and the clerks of the office may be English, East Indians, or natives.

District
Police.

(Until within a few years ago, the Magistrate was also at the head of the Police of his district, and it was his duty to apprehend criminals as well as to try or commit them. But a radical change has been made in this respect, since the establishment of the new constabulary; and the police-force of each district is now under the control of a Superintendent (often a military officer), with a staff of inspectors, some of whom are Europeans, usually taken from the army. With respect to the distribution and movements of the police, the preservation of order, and the repression of crime, the district superintendent occupies a position of subordination to the magistrate, who in this as in other matters is the head authority and representative of government within his district. In matters connected with the general organisation of the force—the pay, clothing, promotion, and so forth—the district superintendent takes his orders from a provincial inspector-general of police, who resides at the head-quarters of the provincial government.

The district jail is usually in charge of the district medical officer (who is styled the civil surgeon) under the general responsibility of the magistrate. In this jail are confined all prisoners undergoing short sentences. Those sentenced to long terms—that is, extending beyond two years—are removed to central jails, of which there is usually one to every five or six districts. Persons condemned to transportation for life are transported to Port Blair, a convict settlement at the Andaman Islands, in the Bay of Bengal, or to the neighbouring Nicobar islands.

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District
jail.

It has already been stated that the collector is the assessor of the income, licence, or any other personal tax that may be levied. He has also usually the superintendence of the excise within his district. In some parts of India the sale of spirits is a government monopoly, and the manufactories of spirits are government establishments, leased out to contractors, who pay duty on the amount of spirit they distil. In other parts the whole business is farmed out, the right to manufacture and sell spirits within the district, or a portion of it, being sold by auction to the highest bidder.

Superin-
tendence
of excise,

A considerable part of the Indian revenue is derived from the stamp-duties. Stamps are sold to the public by licensed vendors, who obtain their supplies from a depot, kept in the collector's treasury.

and of
stamps.

The channel of communication between the Government and the district officer varies in different provinces. In Bombay the intermediate agency is a Commissioner, of whom there are three—besides one for the non-regulation province of Sind, to whom the collectors are subordinate in all business except that connected with the trial or commitment of prisoners to sessions in the magistrate's court. In Madras, the head authority in revenue business is a board, but the collector-magistrates are in direct communication with the Government in all miscellaneous affairs. In Bengal and the North-West Pro-

Duties of
Commis-
sioner of
revenue.

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III.

vinces, boards of revenue are maintained, but there is also a staff of Commissioners, each with the charge of a 'division,' comprising usually five or six districts; so that in all matters one, and in revenue matters two, authorities are interposed between the district officer and the Government. It may be remarked however that the Madras districts are the largest of any, and the collection of the land revenue appears to involve more labour in that presidency than in any other part of India, by reason of the minute subdivision of land that obtains there, and the system of granting annual leases. Where there is a Commissioner, he resides at the head-quarters of the most central of the districts in his division, and is, of course, the highest official there. (In Bengal, where also the double establishment of commissioners and a revenue board is maintained, the collection of the land-revenue is nevertheless exceptionally simple.) It should be added that the commissioners, when first appointed, under Lord William Bentinck's administration, in 1829, were judicial as well as revenue officers. They replaced the provincial courts of session, which were established by Lord Cornwallis, and held periodical jail deliveries in the various districts under their supervision. These judicial duties were eventually transferred to the judges of districts, who until then had exercised a jurisdiction in civil suits only.

District
judge.

(The head judicial officer of the district is the Civil and Session Judge, a covenanted civilian, whose courthouse is usually established separate from, but in close proximity to, the collectorate. In his latter capacity he holds a monthly jail-delivery, for the trial of all prisoners committed by the magistrate or other officers having the powers of one; he also hears appeals from the judgments of those officers. His power extends to a sentence of fourteen years' imprisonment or transportation for life. Sentences of capital punishment have to be referred to the High Court before they are carried out. On the civil side the judge has a general superintendence over the course