

rupees for famine insurance. The actual relief of famine in years of scarcity has always been the first charge on the grant. At first the balance was devoted to the construction of 'productive' public works the cost of which would otherwise require to be met by loan. In 1881 protective public works which were calculated to mitigate or prevent famine in the areas served by them, were made the second charge on the grant.

The actual distinction between protective and productive works became obscured, and railways which formed part of the general system and were not constructed specially for famine purposes, were assisted from the 'protective' works portion of the famine grant. At the end of 1899 a stop was put to this practice. The expenditure on 'protective' works was limited to three quarters of a crore, and only railways and irrigation projects actually undertaken for famine purposes were allowed to be included in the category.¹

Sir John Strachey wrote in 1903 : "The development of the foreign trade of India during the last half century has been very great, and it affords remarkable illustration of the increase in the material wealth of the country. In 1840 the total value of the sea-borne trade was about £20,000,000 ; in 1857, the year before the transfer of the Government to the crown, it was £55,000,000 ; in 1877 it was £114,000,000 ; in 1900-01 it was nearly £152,000,000. The foreign trade of India is now larger than that of the united kingdom in the middle of the last century."²

¹ The Imperial Gazetteer of India, Vol. iv. Pp. 188-189.

² India. By Sir John Strachey. p. 186.

The rapidity of growth may be judged from the fact that the total sea-borne trade in 1906-07 was about £230,000,000.¹

¹ Moral and Material Progress and Condition of India, 1906-07.
p. 167.

CHAPTER VII.

MATERIAL PROGRESS.

Constructive works—Duties of the Government and the people—
Roads—Railways—Telegraph lines—Surveys—Trigonometrical
—Magnetic—Topographical—Forest survey—Frontier and
transfrontier surveys—Revenue surveys—Topographical—
Village—Cadastral—Survey of India Department—Special
surveys—Marine—Geological—Botanical—Archæological—Mills
and factories—Industries of Bengal—Mineral resources—Recla-
mation of waste lands—Tanks and wells—Fortifications—Dock-
yards—Harbours—Landing places—Bridges—Preservation of
Forests—Irrigation works—Measures for Sanitation—Hospitals
—Dispensaries—Lunatic Asylums—Medical relief for women—
Leper Asylums—Prevention of epidemics—Medical research—
Vital Statistics—Vaccination.

The most palpable of England's gifts to India are the material works, the constructive works of public utility with which this country has been endowed. Many of the works which in advanced countries like those of the west, are constructed by the people, have had to be done in India by the Government. John Stuart Mill has observed ; "In the particular circumstances of a given age or nation, there is scarcely anything really important to the general interest which it may not be desirable or even necessary that the Government should take upon itself, not because private individuals cannot effectually perform it, but because they will not. At some times and places there will be no roads, docks, harbours, canals, works of irrigation, hospitals, schools, colleges, printing presses, unless

the Government establishes them; the public being either too poor to command the necessary resources, or too little advanced in intelligence to appreciate the end, or not sufficiently practised in conjoint action to be capable of the means. This is true, more or less, of all countries inured to despotism, and particularly of those in which there is a very wide distance in civilisation between the people and the Government, as in those which have been conquered and are retained in subjection by a more energetic and cultivated people."¹ Mill was probably thinking of India when he wrote this, and it is certainly true that the situation which he describes has arisen in India. Government have felt it necessary to undertake works which in countries differently circumstanced have been done by the people.

Before the days of British rule there were practically no roads in India. "No Native prince made a road. Before the establishment of our Government there was hardly a road deserving the name in all India. Under the Native Governments that preceded us (I am quoting from the Indian Famine Commissioners of 1880), nothing more was done than to plant trees along each side of the track used as a road, and occasionally to throw up earth on it when it passed through a depression; such bridges as existed were made at the private expense of civil magnates or governors desirous of leaving a name behind them."² Throughout a great part of India it was only in the dry season that travelling was possible without diffi-

¹ Principles of Political Economy. Vol. II. p. 551.

² India. By Sir John Strachey. p. 212.

culty, and, during three or four months of the year, trade, excepting where water-carriage was available, came altogether to a stand-still.¹ During the Viceroyalty of Lord Dalhousie great progress was made towards remedying the evil. Metalled roads, bridges and other useful works were constructed in the North-Western Provinces and in the Punjab. The construction of the Grand Trunk Road was commenced. The Ganges Canal, a magnificent irrigation work, was opened in 1854. At the close of the Viceroyalty of Lord Canning, in 1861--62, there were in Bengal 11 Imperial Trunk Roads existing or under construction, extending over 1994 miles, with Imperial branch roads aggregating 1145 miles. The Grand Trunk Road from Calcutta to the Karamnassa was then nearly completed.²

The subject of railway communication in India was first laid before the Government of India by Mr. Macdonald Stephenson in 1843. In 1849 the East India Company engaged in a contract with the East Indian Railway Company, for the construction of an experimental line at a cost not exceeding one million sterling. In 1851 a line was surveyed between Burdwan and Rajmahal. Next year the survey was continued to Allahabad. In 1853 the Government of Lord Dalhousie submitted to the Court of Directors their views upon the general question of railways for the Indian empire. The Court was advised to encourage the formation of railways in India to the utmost.

¹ Ibid. p. 213.

² Bengal under the Lieutenant Governors. By C. E. Buckland. Vol. 1. p. 29.

Lord Dalhousie wrote his final minute on the subject in 1856. The East India Railway was opened in 1858, and it was gradually extended to Benares (541 miles) in December 1862.¹ Two other great lines were opened about the same time : the great Indian Peninsular Railway and Madras Railway, starting respectively from Bombay and Madras, and running through Western and Southern India. These lines were constructed by private companies, under a guarantee from the Government of a minimum return of 5 per cent on the capital expended.²

Telegraph lines were also first laid during the rule of Lord Dalhousie. They are now very largely concurrent with Railway lines all over the country.

For different purposes and from different points of view the country has been subject to surveys of various kinds. They have been systematic investigations yielding accurate knowledge of a geographical, economic and scientific character. They have all been made during the British period of Indian history. The record that was made in the time of Akbar, during the latter half of the sixteenth century, of the revenue, population and produce of the portion of the country he governed, and the descriptive and statistical account of the different *subahs* or provinces, embodied in the *Ain-i-Akbari*, may be said to represent the first attempt at a survey, but it had little of the accuracy or thoroughness of modern operations in the same direction. The earliest attempt at a modern and accurate map of India,—for the results of Akbar's in-

¹ Ibid. Pp. 29-30.

² India. By Sir John Strachey. p. 215.

quiries had never been embodied in a map,—was made by the French geographer D'Anville in 1751-2, in accordance with the information then available. The knowledge thus furnished was extended by Major James Rennell who had served under Clive and who has been called the 'Father of Indian Geography.' His *Bengal Atlas*, based on his own personal work in surveying, was published in 1781, and his *Memoir of a Map of Hindoostan* in 1788. Two maps of India, one in the form of an atlas by Col. Call of Madras and the other by Col. Reynolds of Bombay, were completed towards the closing years of the eighteenth century, but they were never published and they are not now in existence.

In the year 1800 Col. Lambton with the permission and under the patronage of the Government of Madras introduced a new method of geographical survey of southern India. The Trigonometrical Survey of India,—a survey by a system of triangles,—was actually commenced in 1802. In 1818 the survey was brought under the control of the Governor-General, and the headquarters removed to Calcutta. Colonel Lambton died in 1823, but the work he initiated has been continued ever since. The principal operations of the Great Trigonometrical Survey have furnished data for investigating the figure of the earth.

A survey of a purely scientific character is the Magnetic survey of India and Burma, initiated by Professor Rücker, F. R. S., through the Royal Society in 1897. The work was commenced in 1901.

Topographical (or descriptive) Surveys have now been carried out throughout India except certain tracts in

Madras, and through the greater portion of Burma. But a survey of this kind is not older than the nineteenth century. It was begun about the same time as the great Trigonometrical survey, by Col. Colin Mackenzie, in southern India. The Trigonometrical survey was an aid to the Topographical. The earliest surveys were generally accompanied by '*Memoirs*' which contained statistical, historical and descriptive details for the area embraced in the map. The Surveys have been a thing of slow growth. The earlier operations were carried out in the Native States and the non-regulation British Provinces. They were hardly systematically performed before the middle of the nineteenth century, and they have been especially active for only about thirty years. In recent years Indians have learnt the work of survey, and survey parties now include an Indian element. 'The Survey of India', like other departments, is now divided into an Imperial and a Provincial branch. The former is as a rule recruited from the Royal Engineers or the Indian Army; the latter consists of men enlisted in India, to whom some of the higher posts of the department are open. There is also a subordinate, and practically native, branch.¹

A special Forest Survey branch (of the Topographical Survey) was constituted in 1872, and was in 1900 amalgamated with the Survey of India.

For purposes of geographical exploration and the delimitation of frontiers, surveys have sometimes had to

¹ The Imperial Gazetteer of India. Vol iv. P. 494.

be carried out beyond India. Such were the surveys carried out during the Afghan Wars of 1878-80, and in the course of the operations of the Afghan Boundary Commission. Frontier and transfrontier surveys are made by small survey detachments or single officers attached to boundary commissions or frontier expeditions. 'Their range may be said to extend from Nyassaland, Uganda, and Abyssinia in Africa, through Persia and Afghanistan, with a break for the greater part of Tibet and Nepal, over the northern and eastern limits of Burma.'¹

'The plan of training natives in the elements of surveying with a view to their employment in exploration, and for the purpose of acquiring geographical information of countries beyond the Indian frontiers into which no British officer could penetrate, originated with Captain Montgomerie while engaged on the Kashmir Survey. His idea was to employ Pathans for explorations in the Hindu Kush, the Oxus Valley, and Turkistan, and Bhotias or Tibetans for work in Tibet and on the borders of the Chinese Empire.'²

Revenue surveys naturally form the basis of all settlement operations and of the entire revenue administration of the country. They were commenced in 1822, west of the river Jumna, in the Delhi, Panipat and Rohtak districts. Surveys of the Punjab, Oudh, Sind, the Central Provinces, and Bengal, were executed during Col. Thuillier's administration of the revenue survey which lasted for thirty years commencing from 1847. There are three

¹ Ibid. P. 497.

² Ibid. P. 499.

classes of professional revenue-surveys, namely, first, the topographical surveys, second, the village surveys, and third, the cadastral surveys, namely descriptive surveys showing the different properties of a district and giving other statistical information. These last were introduced in 1871. In several provinces and districts of India, settlement operations have sometimes been based on surveys carried out by local native agency of a non-professional character. The revenue surveys under the Government of India are divided into Upper and Lower circles, the former comprising the Punjab, the United Provinces, and Sind, the latter comprising Bengal, Eastern Bengal and Assam, Behar, Orissa and Burma. The Madras and Bombay presidencies have carried out their revenue surveys with separate establishments. The three survey branches, Trigonometrical, Topographical and Revenue, were at first separate departments. They were amalgamated in 1878 under the designation of the Survey of India, whose officers were to be available for any description of survey work that might be required of them, and were all placed under the orders of the Surveyor-General.

There have been some other surveys than those that are included in the work of the Survey of India Department. These are : 1. The Marine Survey. 2. The Geological Survey. The first object of the Department which conducts this survey is the preparation of the geological map of India. 3. The Botanical survey. Various plant collections have been made by or on behalf of this survey. Other work that has been taken in hand includes the improvement of Indian wheat, a study of sugar-cane diseases, and experimental cultivation of

cotton. 4. The Archaeological Survey. The Department which presides over this survey looks to the preservation of ancient monuments, carries out excavations, copies inscriptions, and does such other work. In 1905-06 about 1200 inscriptions were copied and about 3 lakhs of rupees were spent on the preservation of the Moghul monuments at Agra, Ajmir, Delhi and Lahore.¹ The preservation of ancient monuments was especially insisted on by Lord Curzon as an official duty and has been recognised as such since his time.

Mills and factories are a comparatively recent institution in India. Before 1851 there were no cotton mills in this country. Recently, however, a great many have come into existence, especially in Bombay, and their number and the scale of their operations are ever growing. Their products are sold not only in India but in Japan, China, and other countries of Asia. The jute mills of Bengal are also on the increase and are an instrument of an extensive industry. There are large and increasing exports of raw and manufactured jute from Calcutta. The mills that produce woollen goods in northern India are concerns of growing prosperity. The paper mills are a flourishing concern; and rice and timber mills in Burma are increasing in number and the extent of their business. The growth of mining and manufacturing industries has been rapid and extensive in recent years. It is observed in an official memorandum : ²

¹ Moral and Material Progress and Condition of India for 1906-07. pp. 54-55.

² By Mr. L. P. Shirres, of the Indian Civil Service, quoted in Strachey's "India," P. 188.

"Great as has been the expansion of foreign trade at the ports of Bengal, it is altogether eclipsed by the outburst of mining and manufacturing activity, which is converting the metropolitan districts into a vast industrial tract. No mere enumeration of figures can convey the impression that would be derived from a voyage up the Hoogly, where the banks are studded with tall chimneys and every new reach of the river discloses a fresh vista of factories.....The total number of mills and works, exclusive of those connected with tea, classed as large industries, increased from 891 in 1891-92 to 1718 in 1900-01, or by 927 per cent.....These are classed under some fifty different heads, among these being bone-crushing mills, cement works, lac factories, oil mills, potteries, tile factories, sugar factories, tanneries, rice and flour mills, silk mills and works, rope works, &c."

The most recent and the most comprehensive account of the industries of Bengal is to be found in a report by Mr. J. G. Cumming of the Indian Civil Service.¹ The writer observes :

"The factories requiring extensive machinery, most of which are worked by European capital and under European supervision, are principally those in the vicinity of Calcutta on both sides of the Hooghly. Government is itself in Bengal a large employer of labour and a manufacturer on a large scale : of arms at Ichapore, of ammunition at Dum-Dum, of shells at Cossipore and Ichapore, of railway plant at Kanchrapara, Balliaghata, Sealdah and

¹ Published as a supplement to the Calcutta Gazette, August 26, 1908.

Chitpur, of steamers at Kidderpore, of clothing at Alipur, of telegraph stores at Bhowanipore, of opium and opium boxes at Patna, and of Canal stores at Dehri-on-Sone, Midnapore, Cuttack and Calcutta."

"It is not realised what an enormous variety of industrial activity exists at present in Bengal, with part of which Indian capital might be more associated than it is. The Department of Commercial Intelligence takes as a standard for statistical purposes any factory which employs 50 workmen or more. Even on this standard we find the totals for Bengal in 1905 as tabulated in the Financial and Commercial Statistics of British India for 1907, under many diverse heads.

"I. *Textiles*. Ginning mills, Cotton mills, Jute mills, Jute presses, Rope Works, Silk filatures.

"II. *Minerals*. Coal mines, Iron ore mines, Mica mines, Mica splitting factories, Saltpetre refineries and brass foundries.

"III. *Transport*. Dockyards, Railway Workshops, Tramway works.

"IV. *Miscellaneous*. Bone-crushing, Cement works, Chemical Works, Brewery, Dairy Farm, Flour mills, Ice and aerated water factories, Sugar factories, Gas works, Indigo factories, Kerosene tin works, Lac factories, Oil mills, Paper works, Pottery works, Printing presses, Soap factories, Tanneries, Tile factories, Miscellaneous private factories, Government factories."

The mineral resources of India include gold, coal, petroleum, salt, saltpetre, manganese ore, mica, ruby, sapphire, spinel and a few other things.

The Indian Mines Act, 1901, extends to the whole of British India and regulates all mineral workings. The number of mines of all kinds coming under the Act in 1906 was about 750, of which more than 300 were coal mines, situated chiefly in Bengal.

Mining, particularly, coal-mining, is a comparatively new industry in India. Until recently, the workers have seldom depended solely upon mining for their livelihood. This period in the development of the industry is now passing away. There are signs that the evolution of a mining caste or class has already begun, and the Indian seems to be capable of acquiring considerable skill in most mining operations.¹

From the very commencement of British rule steps have been taken for the reclamation of waste lands. Encouragement has been given in various ways to all who reclaimed such lands.

Tanks and wells for the supply of drinking water to the people have been constructed not so much by the Government as at the instance of the Government. Their construction by private individuals has been encouraged and has sometimes been enforced on local bodies.

Fortifications, as a necessary work of military defence, have been set up in all places open to attack by land or sea. There are dockyards in Calcutta and Bombay. There are harbours in those towns as well as in Madras, and there is the Diamond Harbour, a few hours' journey

¹ The Moral and Material Progress and Condition of India during 1906-07. P. 115.

from Calcutta to the south. Jetties have been constructed in all the ports for convenience of landing. Facilities for landing have also been constructed at river-side stations which never had them before. Magnificent bridges exist already, such as the Sone bridge, the Jumna bridge, the Jubilee bridge at Hooghly, the Dufferin bridge at Benares. More are in course of construction and under contemplation.

Among the most beneficent measures of Government in regard to the material resources of the country are those for the preservation of forests. Laws have been passed and a Department of Government established for the purpose. Until the middle of the last century the Indian forests were subject to no care or supervision, with the result that in those parts of the country whence timber could be brought to market, a wasteful spoliation of them was carried on by private speculators. In other parts the firing of grass in jungle tracts to prepare the ground for crops, caused a wholesale destruction of timber while in some of the sub-Himalayan tracts the denudation of the mountain slopes, by the impetus given to floods, wrought great injury to the plain country at their base. About forty years ago a remedy began to be applied to this waste, and now the process of destruction has been arrested, and a very efficient system of forest conservancy and improvement established throughout the country.¹

Irrigation works are grandest in that part of the country where they were most wanted, namely Northern

¹ *Indian Polity*. By General Sir George Chesney, 3rd Edition. P. 160.

India. The Doab, lying between the Ganges and the Jumna, in the United Provinces, is protected by canals of great magnitude which distribute the water of those two rivers. Two large canals distribute the water of the Ganges, and three of smaller dimensions distribute nearly the whole of the water brought by the Jumna from the Himalaya. These canals are of larger magnitude than any that exist anywhere else in the world. In Behar the irrigation works are taken from the river Sone. There are minor works in Bengal which does not so much need artificial irrigation as northern provinces. In Orissa there are important irrigation canals. In the Punjab the Sirhind canal distributes the water of the Sutlej, and there is also a canal from the Chenab. In central and southern India large portions of the country are supplied with water from lakes or reservoirs. In the Madras Presidency a method has been employed for utilising the waters of the Godaveri and Kistna, different from that followed in the United Provinces and the Punjab. "At the head of each of the deltas formed by the rivers before they reach the sea, a great weir, or as it is locally called, an *anicut*, is thrown across the river, which is diverted into irrigation canals and distributing channels, some of which are also used for navigation."¹ A similar method is followed in Tanjore, in the delta of the Kaveri. In British India the total length of canals and the irrigation works is about 43,000 miles, and the area irrigated by them is about 20 million acres. Irrigation is a subject which is still engaging the attention of the Government,

¹ Ibid. P. 221.

especially in consequence of the stimulus given by Lord Curzon, and a great development of the system is expected.

Government have taken it upon themselves to improve the sanitation of the country, that is, to make arrangements for the protection and improvement of the public health. For this purpose they have organised the Medical and Sanitary Department. Hospitals, Dispensaries and Lunatic Asylums have been established. Arrangements have been made for the collection of vital statistics, for general sanitation and vaccination, for medico-legal, bacteriological and other scientific investigations. To prevent the introduction of disease from foreign or distant places arrangements have also been made for the protection of the health of the ports and the control of the landing of the passengers and the crew of ships. Institutions for medical relief were established at an early date in the Presidency towns. In Madras a General Hospital was established in 1679 and four other hospitals between 1800 and 1820. In Calcutta the Presidency General Hospital was founded in 1795 and the Medical College Hospital in 1852-3. During the first half of the nineteenth century, the Government of Bengal aided the foundation of hospitals and dispensaries in places of importance, where the inhabitants were ready to help in this work, provided that a medical officer was available to take charge of the new institution. Later, the Government consented to supply officers of a rank depending on the amount of local subscriptions, and to furnish instruments and medicines. Since the creation of municipalities and of district boards, local

authorities have taken an increasing share in the provision of medical relief. In 1902 British India contained, outside the Presidency towns, about 2400 public hospitals and dispensaries under Government control, nearly 500 independent private institutions, and more than 500 special institutions in connexion with police, railways &c.¹ Except in Bombay, Upper Burma, and the Central Provinces, the Government maintain very few hospitals; in almost all Provinces the great majority of medical institutions are supported by municipal and district boards. In some cases the Government assist by supplying officers, making contributions, and in other ways, and generally the officer in charge is lent by the Government and paid from the local fund.² The total of the returns for all classes of dispensaries shows that about 26½ million persons obtained medical relief in 1902. But this figure does not imply so many separate individuals, for one person may obtain relief several times in the course of the year.³ Special arrangements have been made for the education of lady doctors and subordinates, and for the training of native midwives, in local hospitals. Extensive work has been done in this direction by the 'National Association for supplying Medical Aid to the Women of India' founded by the Countess of Dufferin in 1885. It is supported by voluntary contributions and occasional grants from Government, and it maintains about 260 hospitals, wards and dispensaries, officered by women. Nearly two million women

¹ The Imperial Gazetteer of India Vol. IV. P. 462.

² Ibid. Pp. 462-463.

³ Ibid. P. 464.

and children received medical aid in those hospitals, or at their homes, during 1901. A sum of almost 7 lakhs of rupees was collected by Lady Curzon in 1901-2 for the training of native midwives.¹

Lunatic asylums are administered under an Act of 1858 which provides for the admission and release of insane persons and the control of the institutions by visitors. All lunatic asylums are under Government management. It has recently been decided to establish central asylums, under whole-time officers, in Madras, Bombay, Bengal, the United Provinces, and the Punjab, and to reduce the number of smaller institutions. In the Indian Census of 1901, 66,000 persons were returned as insane in a population of 294 millions. During the five years ending with 1900 the average lunatic asylum proportion was 4,600.²

Asylums for the accommodation and treatment of lepers are maintained in a number of places. The subject of leprosy in India was investigated by a Commission in 1890-1. As a result of consideration of their report it was held desirable to take legal powers to deal with paupers wandering about exhibiting their sores in order to move pity, and to prohibit lepers from following certain callings connected with food and other bodily requirements, and from using public tanks and wells.³

¹ Ibid. P. 465.

² Ibid. Pp. 465-466.

³ Ibid. P. 466.

To deal with outbreaks of epidemic disease is an important part of the work of the Medical and Sanitary Department. On the occurrence of a serious outbreak of cholera, small-pox, or epidemic fever, special officers are sent to the locality to tend the sick, to supervise preventive measures, and to investigate the cause and history of the epidemic.¹ Measures have been taken for combating the disease known as bubonic plague. Institutions have been established for medical and bacteriological research. The Indian Pasteur Institute which exists at Kasauli and provides treatment of persons bitten by rabid animals, is aided by Government. A system of registration of births and deaths has been established in all the advanced parts of the country. For protection against small-pox, vaccination has been rendered compulsory in the greater part of the country.

CHAPTER VIII.

CIVIC RIGHTS.

Rights of citizenship—The Indian Civil Service—Divisions of the Civil Service—Strength of the English and the Indian element—Indians in particular high offices—The Medical service—The Engineering service—The professions—Law, Medicine and Engineering—Honorary offices—Rights of Petitioning and Public Meeting—Limitations of the Rights—The Press—Its freedom—Growth of the Press—Conditions of its freedom—Conditions of the enjoyment of civic rights.

The civic rights of natives of India are, with insignificant exceptions, as large as those of Englishmen. In any scheme of election the Englishman as such has no greater voting power than a native of India. In judicial trials the Englishman has no advantage, that is legally recognized, over the Indian.¹ For admission to the professions and services Englishman and Indian are governed by the same rules. For the exercise of the rights of freedom of thought and speech Englishman and Indian are equally placed. For the ventilation of public grievances and the conduct of constitutional agitation, Englishman and Indian have the same freedom. Not only do Englishman and Indian stand on the same level as regards the rights of a citizen, but as a matter of fact those rights are nearly as large as those of Englishmen at home, and they are on the whole larger than those of the people of any other country.

¹ The one exception that exists has already been referred to.

The highest civil appointments are held by members of what is called the Indian Civil Service. Until 1855 the first appointments to that service, called until recently the Covenanted Civil Service, were made by the Directors of the East India Company. In that year the right was withdrawn from the Directors and the appointments were thrown open to public competition. The competition is open to all natural-born subjects of the crown, in which class, of course, are included natives of India. Lord Macaulay was a member of the Commission which recommended the opening of the Service to competition, and he pleaded strenuously as well for replacing nomination by competition as for the right of Indian youth to offer themselves for competition. An English statute¹ mentions the offices which are to be reserved to the service. It includes the offices of the Secretaries to Government, the Head of the Account Department, the Civil and Session Judges, Magistrates and Collectors of Districts in the Regulation Provinces, Joint and Assistant Magistrates and Collectors, Members and Secretaries of the Board of Revenue, Commissioners of Revenue, and some others.

The entire Civil Service, that is, the Service holding civil appointments of every class, is now divided into three branches, namely the Indian Civil Service, recruited in England ; and the Provincial and Subordinate services recruited in India from among natives of India. The Provincial services, called the Bengal civil service, and so on, hold all the important executive, judicial and administrative offices next to those held by members of the Indian

¹ 24 & 25 Vict. c. 54. [1861]. The offices are mentioned in the Schedule.

Civil Service. The minor posts are held by members of the subordinate service.

Roughly speaking, about 1,200 Englishmen, including military officers and others, are employed in the Civil Government of 230,000,000 people, and in the partial control of 60,000,000 more. In the time of Lord Cornwallis the native agency was notoriously inefficient and corrupt, and his reorganization of the public service entrusted all offices of importance to Europeans. The spread of education, and the example and control of British officials, have worked a change in the native civil service which is one of the most satisfactory results of British rule. With the growth of their efficiency and probity the natives of the country have been given an ever-increasing share in the task of government, and they now fill by far the greater number of the executive, magisterial and judicial posts.¹

Sir John Strachey writing in 1903, observes : " Excluding 864 civil charges ordinarily held by members of the Indian Civil Service, and excluding also all posts of minor importance, nearly all of which are held by natives, there are about 3,700 persons holding offices in the superior branches of the executive and judicial services, and among them there are only about 100 Europeans... Native officers manage by far the greater part of the business connected with all branches of revenue and with the multifarious interests in land. Natives dispose of the greater part of the magisterial work. The duties of the civil courts throughout India, excepting the courts of appeal, are

¹ Imperial Gazetteer of India. Vol. IV, p. 42.

almost entirely entrusted to native judges. Native judges sit on the Bench in each of the High Courts.....With possibly the exception of England, there is no country in Europe in which judicial and executive officers receive salaries equal to those given in the (superior) Native Civil Service of India."¹

Recently, some Indian gentlemen have been appointed under-secretaries to Local Governments, and to the Government of India, in some of their Departments. A Bengalee gentleman was appointed a Member of the Board of Revenue. Two Indian gentlemen are now sitting as Members of the Council of the Secretary of State.

The officers of the Medical and Sanitary Department in British India are drawn from five sources: the Indian Medical Service, Civil and Military Assistant Surgeons, and Civil and Military Hospital Assistants. The Indian Medical Service, the highest branch of the service, is open to natives of India. It is primarily a military service and its members are commissioned officers of the army. Its duties are confined to the Native army. The Military Assistant Surgeons are mostly Europeans or Eurasians. Civil Assistant Surgeons and Hospital Assistants of both classes are mostly natives of India.

There is nothing in the laws of the country to exclude natives of India from any branch of the Engineering Service. The highest offices however have been filled by men of superior qualifications brought from England, namely Royal Engineers, or Civil Engineers brought up in Cooper's Hill College which has now been abolished. The

¹ *India*. 3rd Edition, pp. 83-4.

Chief, Superintending, Executive, and Assistant Engineers form the permanent Engineer establishment, or superior staff of the Department, for Buildings and Roads, Irrigation and Railways. Men trained in Indian colleges have held some of the offices on this establishment. The next class consists of Provincial Engineers, all trained in India and recruited from the Indian Engineering Colleges. Its members may rise to the positions ordinarily held by the higher service. Subordinate Engineers and Supervisors are recruited entirely in India from the local Engineering Colleges.

Lawyers, medical men and engineers may not only hold professional appointments but may practise their professions independently. Government have not only allowed free practice of the professions but have offered encouragement for the adoption of them. Reference was made in a previous chapter to the prevailing unwillingness, at one time, to receive medical education; and at the present day encouragement is necessary to attract young men to the study of engineering.

The legal profession consists of several branches, namely the members of the English bar, the Vakils of the High Courts, the Pleaders of the lower courts, and Mukhtears. The English bar has always been open to natives of India, and from early times provision has been made for the training of members of the other branches of the legal profession.

The medical profession is open not only to duly trained and passed and certificated medical men, but to various classes of practitioners of indigenous systems of

medicine, of unascertained qualifications. Both medical and engineering work in India may be done by men who have received no license for the purpose.

There are some offices, which, though they may not bring any income, serve to confer on the holders a certain status or respectability. Such are honorary magistracies, memberships of self-governing bodies, memberships of legislative councils, fellowships of universities. All these are equally open to all citizens, though of course some qualifications are always expected.

The right to address petitions to official authorities for the redress of grievances or the acquisition of rights, and the right to meet in public for the same purpose, or, generally, for the consideration of matters of public importance, are valued rights. The English people had to make struggles to obtain them in their own country. In India the rights have not been so much conferred or acquired, as assumed to exist, both by the Government and the people. In the absence of anything to the contrary they are presumed to exist. Certain conditions are specified under which the rights may be restrained or altogether withheld. The inference may be fairly drawn that in all other circumstances the rights may be freely exercised. For instance, a meeting may be prohibited which is called for an unlawful purpose, or which is disorderly, or is likely to lead to a breach of the peace. A petition may not be entertained which is not couched in proper language, or which does not come through the proper channel, or is not addressed to the proper party. Such conditions are no diminution of the right itself.

namely the right to express opinions on public topics in a public meeting and to state wants in a petition and pray for their removal.

No newspaper seems to have existed in India before the days of British rule. British rule in fact was far advanced before the newspaper came into existence. This means that in the pre-British era there was scarcely any organised opinion, and no organ for the discussion of public affairs or for a criticism of the measures of Government. British rule and the example of British public life at home furnished the inspiration for a newspaper press. The journalist is an outcome of that very rule which he criticises. That the people have a right to sit in judgment over their rulers and to give public expression to their judgment, is an idea that has been borrowed from the English. And the first example was set by Englishmen. The first newspaper ever printed in an Indian vernacular was issued in Bengali by the Christian Missionaries at Serampore, on the 31st May, 1818.¹ The Governor-General of the time, Lord Moira (Marquis of Hastings,) encouraged it by allowing it to be circulated at one-fourth the ordinary rate of postage. He showed the same liberal spirit towards the English press and removed the censorship which Lord Wellesley had imposed on it. He laid, however, severe restrictions on the editors regarding the subjects or personages they were allowed to touch, any infraction of which was to be visited by the penalty of deportation. But the Supreme Court on the occasion of the first applica-

¹ The Life and times of Carey, Marshman and Ward. Vol II (1859), P. 163; quoted in P. N. Bose's "Hindu Civilisation", Vol iii, P. 49.

tion, in the case of the *Calcutta Journal*, refused to grant a criminal information, and the Governor-General was unwilling to incur the odium of deporting an editor for criticism of his administration. The restriction therefore virtually became a dead letter and the press became practically free.¹ Entire liberty to the press, however, was not granted until 1835 when the power of deporting offending journalists was taken away from the Government of India by Sir Charles Metcalfe, Governor-General, in consequence mainly of Lord Macaulay's strenuous pleading for abolition of restrictions. During Lord Lytton's rule, by an Act of 1878, the Vernacular Press was made liable, under certain circumstances, to be dealt with by the executive, and a newspaper might have its press and plant confiscated under the orders of the Local Government if it was found to be seditious in tone. This Act was repealed by Lord Ripon.

The press is now a large and powerful institution in India. In 1901-2 the number of newspapers published was over 700, and the number of other periodical publications was nearly 600. The number is constantly on the increase. And the press is free. By freedom of the press it is not meant that one is at liberty to print and publish, through the press, any allegation or opinion that he may choose to make or express. Liberty of the press like every other form of liberty is and must be subject to some limitations, if any regard is to be paid to justice and social order. Even the most advanced, that is, the most

¹ Mill and Wilson's *History of British India*, Vol. VIII, p. 415; quoted in P. N. Bose's *"Hindu Civilisation Vol III"* p. 60.

liberal of modern philosophers have not made a larger claim for individual liberty than this: that every person may do all that he pleases, provided he does not encroach upon a right or liberty of another; in other words, every person's liberty should be limited by a regard for the liberty of others. Liberty to write must be limited, for instance, by a regard for the liberty of others to enjoy their reputation, or preserve their character. A man cannot claim freedom to defame another. Nor can he claim freedom to give an incitement to murder, for if he must have liberty to write, others have at least an equal right to live. So likewise, in the interests of social order, no man is permitted to excite ill feeling or revolt against the Government. If such limitations on liberty did not exist, there would be no social well-being, possibly society itself would not exist. If A claims the right to incite a murder of B, B might claim the same right against A, for all citizens should have equal rights, and the result would be anarchy. When, therefore, it is stated that the press in India is free, it is only meant that it is subject to no unfair restrictions. The freedom is not unbounded. Limitations are to be found in the Indian Penal Code and some special Acts. But there is no censorship of the press.

With regard to civic rights a general principle has to be borne in mind. A right is granted, sometimes unasked, when the people are found worthy of it. It is liable to be curtailed or withdrawn altogether if the people abuse that right and show themselves unworthy of it. That has been and will be the history of civic rights not only in this

country, but in every other, even in England where freedom flourishes most. A right is conferred on people to be held by them not eternally and unconditionally but only so long as legitimate use is made of it. If public meetings are habitually riotous, the right of public meeting will be restricted here as anywhere else. The same is true of other rights. New offences evoke new laws, and an abuse of rights leads to a restriction of them. Rights are not meant for the benefit of individuals or classes, if they conflict with the interests of other individuals or classes. They are meant for the general good of the state. They will not be tolerated if they are used in a way which imperils the general well-being.

CHAPTER IX.

GENERAL CHARACTER AND RESULTS OF THE ADMINISTRATION.

Peace—Security of Life and Property—Value of Order—Repression of Thuggi and Dacoity—A high standard of administration—Extraordinary variety of the work of the Government—Effect on the people—Stimulus to Life and Thought—Awakening of a national life.

It will have been seen from the preceding chapters how varied and comprehensive the work of the British Government has been. The most manifest and probably the greatest advantage which English rule has brought to India is Peace. If any of the peoples of India helped the English in the establishment of their sovereignty, it may be presumed that they were all moved by a desire to secure that advantage. They felt the want of a strong, just and stable Government which should be able to give them Peace. Not only was British rule established with the aid of some of the peoples themselves, but there never was a sign of insurrection even when the country was governed by a handful of Englishmen, with an insignificant army, and when communication with England was extremely slow and difficult. Evidently the people were contented and thankful that they had at last got a Government which with their aid was strong enough to protect them and which was able to give them Peace, that is, security of person and property. When peace has prevailed for a long time and has become customary, men may think as

little of it and of the conditions which make it possible, as they do of the forces which keep up the magnificent economy of nature. But in the one case as in the other, order is the result of definite causes. A man goes out on business or on a pleasure trip, leaving his family and some of his property at home. He comes back home after some hours, or, it may be, after some days or months, and he finds everything all right at home ; no person has been injured, no property removed, the house not invaded. A man or a woman goes from one place to another, either on foot or in a conveyance, carrying money and wearing costly articles. The journey is safely performed ; and person and property are touched by no intruder. People in the humblest and most insecure dwellings go to bed every night with the assurance that every thing about them will be safe. In all these cases what is it that accounts for the safety of person and property and for the sense of security which people enjoy ? It is the strength and the justice of the Government. Laws and administrative arrangements exist, under which any person that commits an offence will be seized, tried and punished. Therefore, all except violent and desperate characters are deterred from making criminal attempts. If the laws were inadequate, the administrative machinery inefficient, the courts perverse or incompetent, or if in the community the criminal population was predominant, peace and order could not be maintained.

Some idea has already been given of the spirit in which laws have been passed, and an account will hereafter be given of the machinery provided for their administration.

It is enough to observe here that a condition of social order is indispensable to progress of any kind. If the members of a community live in perpetual fear of assaults on their persons or invasions of their property, they become incapable of any intellectual exertion or any energetic work. The mind is unnerved, industry is paralysed, the very motives to exertion are taken away. The community can therefore make no progress, intellectual, moral, religious, economic or political. Before a man can think, or act, or develop his capacities, he must be in peace of mind. The same is true of peoples: order is the first condition of progress; disorder is fatal to progress of every form and kind.

Some forms of crime are common to all countries. In this country there were two special crimes of a very serious order, namely thuggi and dacoity. Thugs were organised gangs of men and women, who, either individually or in groups, strangled persons to death or otherwise killed them and then removed any property found on their persons. The victims were generally solitary travellers. The usual device of a thug was first to win the confidence of the intended victim by conversation of a pleasant and sympathetic character, and then to surprise him or her by putting a handkerchief or napkin round the neck and tightening it till life became extinct. This species of crime has been practically extinguished. "The honour of suppressing *thagi* must be shared between Lord William Bentinck and Captain Sleeman. *Thags* were hereditary assassins, who made strangling their profession.* * * *

By the evidence of approvers, these abominable brother-

hoods were gradually stamped out."¹ Dacoity is not yet extinguished but it has greatly declined. At one time it was called by some the normal crime of Bengal. Dacoits are men who in batches of five or more commit robbery, or theft with violence. In the course of a dacoity, murders may be committed. A special department of Government existed for dealing with Thuggi and Dacoity, and there was at one time an officer specially appointed called Commissioner in Dacoity, who was concerned exclusively with the repression of that crime.

Not only have violent and dangerous crimes been repressed,—not by extinction, for no law can extinguish crimes,—but by measures for their detection and punishment, and not only have order and peace been established throughout the country, but an administration has been set up* which is distinguished by a high standard of honesty and efficiency. The details of the administration will be given in the succeeding chapters. It is necessary here to observe that the *morale* of the administration and the energy and ability with which it is conducted, constitute one of the distinguishing features of British rule. The result has been not only much useful and beneficent work and general progress of the country, but an elevation of the ideals of the people. Men have been trained to notions of system and punctuality, and have acquired habits of subordination and organised work. It has been seen already how much the Native Civil Service has improved not only in consequence of the education its members have received but also by force of the example set by

¹ *The Imperial Gazetteer of India.* 1896. Vol. VI. P. 405.

European administrators. It may be added that the entire body of the people has been so accustomed to the high standard of administration set up before their eyes that it will tolerate no other. The people have come to accept English methods of administration as their own. They seek to apply those methods to their own concerns. They demand improvements in accordance with English methods and models. The English administration, therefore, has been to the people a great educating agency.

Scarcely anywhere in the world has a Government had to take upon itself so much work and such a variety of work as it has had to do in India. It has had to do every thing for the people, from teaching them the means of earning a livelihood to giving them a sense of political rights and public duty. It has had to provide schools for agriculture and the industries; to establish banks for saving cultivators from usurers; to pass laws for saving them from grinding money-lenders and oppressive landlords; to protect forests above the soil and work mines underneath it; to teach the people laws of public hygiene and to attract them to medical education and sanitary measures like vaccination or the provision of a pure water-supply; to establish colleges for teaching the people not only western arts and sciences but their own ancient literature, philosophy and religion; to construct roads, bridges and irrigation works, at the same time to abolish slavery and infanticide; to survey the country in all its aspects and make maps, at the same time to give political education to the people by institutions like trial by jury and local self-government; to establish factories; to carry

on scientific research ; to preserve ancient monuments ; at once to teach the people to educate women, and to protect cattle and plants from diseases and insects.

This many-sided activity of the Government has had its effect on the people. Some have received the formal education, general, professional or technical, given in schools and colleges. Some have had their practical capacities developed by the discharge of public duties. A good many more have been stimulated by the example of British administrators and the principles of British administration. All have had opened to them a world of new ideas. Ideas of comfort have risen and standards of living have improved. The sense of legal and political right has been created. The humblest peasant, the poorest coolie or servant, has learnt to feel that he too has rights, and he can insist on them when he chooses. He can resent oppression and avail himself of legal remedies when his personal liberty is encroached upon or his rights under a contract withheld. A sense of individuality has been developed. With it has come a spirit of questioning and criticism in every department of life and thought.

From a social point of view it is sometimes observed that the new spirit is not altogether healthy or practically desirable. It is not necessary to express an opinion on that point. But it is unquestionable that as a matter of fact the horizon of the people's thought and the spheres of their activity have been considerably enlarged under British rule. The literature, the philosophy, the science of the west, have stimulated the mind and roused intellectual energy and aspiration in many directions. The services and the pro-

fessions, the ever-increasing trade and industries of various kinds and degrees, have been opening out fresh fields of remunerative work. And public life, altogether the creation of British rule, is expanding every day, offering new opportunities of work and distinction, in Councils and on Boards, in Senates and on Cabinets, in the Press and on the Platform. Moral and Social Ideals of a new order, the result of contact with western life and thought, have shaped themselves before many minds which are fired with the ambition of purifying and regenerating social life.

The crowning result of a century and a half of British rule seems to be the awakening of aspirations for a national life. That is a result on which rulers and the people may alike congratulate themselves. For centuries the people of India have been composed of different races, professing different religions, speaking different languages, and possessed of different traditions. The diversity has not disappeared. But common systems of education,—all conducted through the medium of the English language, —common laws, and common methods of administration through the whole of British India, have developed to a large extent common ideas, sympathies and aspirations. Those that have received English education, and those that have otherwise come under the influence of English ideas or have felt the influence of English institutions, now constitute, in spite of social differences, a homogeneous body, at any rate on a political platform. When they meet on such a platform they cannot but feel a thrill of national life. English education, in the widest sense of the word education, has unified them. They feel also

that by the strength of that education they will be able to uplift the sunken masses, so that ultimately the nation may be one, the social differences not being strong enough to break the political union. Whether a Nationality properly so called can be built up by political sympathies and a community of political interests, without a unification of race and religion, is a question on which opinions may differ. It is certain, however, that if the educating influences of British rule continue, the sense of unity that has arisen will go on developing. With a progressive expansion of Local Self-Government the political capacity of the people will develop; and if mutual confidence between the rulers and the people goes on increasing, there is no reason why the people should not in course of time be as largely employed in military work as they have been in civil. England and India, working hand in hand, will then have made this country one of the powers of the world, in arts and in arms. The social problems of Indian life, as regards the growth of a homogeneous people, are not to be solved by a foreign Government. The people are free to pursue their own ways. But if in the political sphere, the people, westernised in their aspirations, yearn for a national life, then, when the quickening comes, England should feel her mission fulfilled and India her destiny achieved.

PART II

ADMINISTRATION OF INDIA

CHAPTER I.

INTRODUCTORY.

Administration—Meaning of—Conditions of—Ends of—Divisions of—Civil—Military—Ecclesiastical—Subdivisions of the Civil—Legislative—Judicial—Executive—Fiscal—Ministerial.

The administration of a country is also called its government or its constitution. It means the arrangements that exist in the country for maintaining order and securing progress or development. No country can be said to have an administration or government which does not possess a supreme political authority capable of enforcing its orders and upholding its arrangements. The supreme political authority may be an individual or a group or groups of persons. It may make its arrangements either directly or through subordinate authorities to which it may delegate some of its functions. The country must recognise the authority, accept its arrangements and submit to its orders. A competent political authority on the one hand and obedience or submission to it on the other, are the conditions of government. The word constitution is sometimes used in a limited sense to mean the nature and extent of the powers of the governing authority, and, where the governing authority consists of several parts, of the relation of the different parts to each other.

The administrative system of a country does not grow up in a single day and can hardly ever be said to attain absolute fixity. It has continually to be adapted to the

needs of the country and to the character, the capacity and the life of the people. It grows in complexity as the people expand and their concerns multiply. It is therefore best studied in its historical aspect. In this little treatise, however, a brief sketch will be given only of the existing administration, and historical references will be brought in only when they are especially interesting or when they serve to throw light on the present system. The maintenance of order, it has already been said, is the end of every administrative system, but it is not by the mere maintenance of order that a system can be judged. Order may be maintained as well under an arbitrary and grinding despotism as under a generous and responsible Government. In judging of the merits of a system, therefore, attention has to be paid to the character of the order which is maintained and the conditions under which it is maintained. It has to be seen how far the political machinery is fitted to meet the demands of peace and security, individual and social liberty, justice between man and man, economic prosperity, and, generally, the development of the country and the happiness of the people. In the earlier part of the book the policy and the measures of the Government towards the attainment of these ends have been dwelt upon. In the present an account will be given of the mechanism of the administration which has been slowly built up to give effect to that policy and those measures.

The Administration of India, as indeed of every other country, may be broadly divided under two heads, namely Civil and Military. In countries where there is an estab-

lished church, there would be another division, namely the Ecclesiastical. The civil branch of the administration may be subdivided under three main heads, the Legislative, the Judicial, and the Executive. It is the function of the Legislative branch of the administration to make and promulgate Laws ; that of the Judicial to interpret and apply the Laws to the cases that come before the courts, and so to administer justice ; that of the Executive to do all acts necessary for government and for the maintenance of order. Administration of the Revenue system may be classed either under the head, Executive, or separately as Fiscal. Another branch which cannot be brought under the three main heads, is very important in this country. It may be called the Ministerial. It includes the work of the Departments and of Secretariats. Executive work is largely done through these agencies, but they have also functions of their own in the way of conducting such special work, as education, registration and the like.

CHAPTER II.

THE MILITARY ADMINISTRATION.

The Indian Army—Growth of—Bengal, Bombay, Madras Armies—Contingents—Punjab Frontier Force—Changes in the military organisation after Transfer of the Government to the Crown—Increase in strength in 1885—Military authorities—Territorial Commands—Administrative changes in 1906—The Army Department and the Department of Military supply—The latter now abolished—The Active Reserve—The Auxiliary Forces—Army of the Native States—Officers of the Indian Army—Position of natives of India affected by the Mutiny—Defensive works—Forts and Harbours—The Royal Indian Marine.

Of the military administration of India only a very brief and general account need be given. The Indian Army has been an institution of slow growth. Its strength and constitution have varied according to the demands of exigencies. The East India Company's '1st European Regiment' was formed at Bombay under a charter of 1669. It consisted of such of the King's officers and soldiers as were then on the island and as volunteered their services. The establishment of the Company's Indian Army may be said to date from the year 1748, when a small body of sepoys was raised at Madras, after the example set by the French, for the defence of that settlement during the course of the war which had broken out between France and England in 1744.¹ At the same time a small European force was raised. Major Stringer

¹ Chesney, *Indian Polity*. 3rd edition, p. 205.

Lawrence who was appointed to command these forces has been called 'the father of the Indian Army'. An Act of Parliament of 1781 authorised the Company to enlist soldiers, and an Act of 1799 gave the Company further powers for raising European troops and maintaining discipline among them.¹ In course of time there grew up three distinct armies in the three presidencies of Bengal, Bombay and Madras. In addition to these there were several contingents, as they were called, maintained for the protection of Native States and at their expense. The Bengal Army did not include any natives of Bengal, and only a small part of it was ever stationed in Bengal. In 1856, the year before the Mutiny, it was more numerous than the other two armies put together. It was mainly recruited from the Brahmans and Rajputs of Oudh, and to some extent from the North-Western Provinces. A part of the Bombay army and of the contingents was obtained from the same sources. The Madras army was recruited from the Madras presidency. The Punjab Frontier Force consisted of irregular cavalry and infantry locally raised. The greater part of the artillery in India was manned by native soldiers. In the year 1856 the Company's forces in India consisted of 39,000 Europeans and 215,000 natives of India, besides the contingents already referred to.

In 1857 nearly the whole of the Bengal army revolted. The Punjab Frontier Force not only remained faithful but rendered magnificent service in the suppression of the Mutiny. The Hyderabad contingent, and the Madras

¹ Ilbert, Government of India, P. 63 & P. 74.

and Bombay armies with few exceptions, remained steadfast. When the Government was transferred to the crown the whole military organisation was changed. The Bengal army had already ceased to exist. The local European army was abolished and the place of the European infantry was supplied by British regiments of the line. The artillery became almost wholly British. The total strength of European troops was increased to 62,000, and that of the native army was reduced to 135,000. Before the Mutiny, however, the native army largely did the work of the police, and as the police were now reorganised, the reduction in the strength of that army does not represent a corresponding reduction of effective military strength.¹

Three distinct armies were still maintained under the old names. As time has gone on steps have been taken to improve military efficiency. The system of class regiments has been extended to the infantry of the Bengal army and each battalion of this force is now composed of men of one race,—Brahmans, Jats, or Rajputs as the case may be. In consequence of an apprehension of a Russian invasion the entire military position was re-considered in 1885, and a considerable addition was made to the strength of the European as well as the native army. In 1900 the total strength was nearly 223,000 officers and men of all arms, of whom rather more than 76,000 were British.²

Supreme authority over the army in India is vested by law in the Governor-General in Council. The Military

¹ Strachey, *India*, pp. 437—438.

² *Ibid*, pp. 440, 445.

Member of Council has charge of what was called the Military Department. Subject to the administrative control of the Governor-General in Council the chief executive officer of the army is the commander-in-chief of his Majesty's Forces in India. The armies of Madras and Bombay had formerly a local commander-in-chief. By an English statute of 1893 the offices of the provincial commanders-in-chief were abolished, and the powers of military control vested in the Governments of Madras and Bombay were transferred to the Government of India. The administrative arrangements under this Act came into force on the 1st April, 1895.¹

By the Act of 1893 India was divided into four territorial commands. Speaking generally, the Punjab command covered the Punjab and what is now called the North-West Frontier Province; the Bengal command included Bengal, Eastern Bengal and Assam, the United Provinces, and parts of the Central Provinces and Central India; the Madras command comprised the Madras Presidency, the British garrisons in Hyderabad and Mysore, and Burma; and the Bombay command included the Bombay Presidency (with Aden), Baluchistan, Rajputana, and parts of Central India and the Central Provinces. The troops in these commands comprised the British soldiers stationed therein and the native troops naturally belonging to the areas or specially attached thereto. Each command was placed under a Lieutenant General. The whole is under the direct command of the Commander-in-Chief.²

¹ Ibid, pp. 446—448.

² Imperial Gazetteer, Vol. IV, p. 354.

The next great change in the administration took place in 1906. The supreme authority is still vested in the Governor-General in Council, subject to the control of the crown, exercised by the Secretary of State for India, but in place of the old Military Department there have been established (1) The Army Department, and (2) The Department of Military Supply.¹ The former, in charge of the Commander-in-Chief, deals with all affairs concerning the army except those specially allotted to the other Department, and also disposes of business connected with cantonments and the volunteers. The latter, which is in charge of an Ordinary Member of Council, deals with matters connected with important army contracts, and the supply and registration of transport animals; and also controls the working of the departments of Ordnance, Remounts, Military Works, Army Clothing, and the Royal Indian Marine, as well as the military work of the Indian Medical Service.²

The strength that has been mentioned of the army in India is exclusive of the active reserve, consisting of men who have served with the colours in the Native Army from five to twelve years, and of the volunteers. In

¹ While this Chapter is about to pass through the press it is announced in the papers that a Despatch has arrived from the Secretary of State abolishing the Department of Military Supply. It is said that under the new arrangements the Ordnance Department and Military Works Department become Divisions at Army Head quarters, the Remount Department is absorbed in the Quarter Master General's Division, and the Marine is placed under the Army Department, the staff of the latter being increased by two officers. Very little is at present known of the details.

² Imperial Gazetteer, Vol. IV, p. 360.

addition to these may be mentioned as auxiliary forces, the militia, levies, the military police, and the Imperial Service troops which are under the control of the Native States furnishing them, and are commanded by native officers, subject to the supervision of British inspecting officers. Besides these last, the Native States maintain local military forces. These number collectively 98,000 in all, with many guns, but with some exceptions they are of little military value. The Sikh and Rajputana States have the best material. Next to them in regard to quality of troops are Gwalior, Hyderabad and Kashmir.¹

The British officers of the Native Army were formerly called the Indian Staff Corps. A staff corps for each of the three armies of Bengal, Madras and Bombay was established in 1861, when the Native Army was reorganised. In 1891 the three staff corps were amalgamated into a single body. In 1903 the name 'Indian Staff Corps' was changed into 'Officers of the Indian Army'. Their number in that year was about 2700. They are employed not only in the Native Army and in military appointments on the staff, but also in a large number of civil posts. They hold the majority of appointments in the Political Department, and many administrative and judicial offices in non-regulation provinces.*

The Mutiny has greatly affected the position of natives of India in the army. Not only has the number of native soldiers been reduced, but high-caste men are seldom enlisted, and the prospects of native officers are extremely

¹ *Ibid.*, pp. 372, 375.

* Strachey, *India*, P. 443

limited. General Sir George Chesney writes: "In one important respect the [Indian Army] organisation remains unchanged and defective. While the judicial service has long been mainly filled by natives, who are represented also on the bench of the highest courts, and while under the most recent changes every branch of the service, judicial and executive, has now been thrown open to them, the army, save with a very few exceptional cases, continues to be what it has always been—an army of peasants, or a class little removed above them; an army of native soldiers commanded by English officers. * * * * In the cavalry the position of the native officer has ever gone back, for whereas formerly he could rise to the command of a squadron, the squadrons are now commanded by British officers, the most junior of whom takes precedence over the oldest native officer. So far then as the army is concerned, the Queen's Proclamation on assuming the direct government of India is a dead letter. * * * * To a very large number of a most important class of Indian gentlemen, descended in many cases from ancestors who held high military office under former rulers, the only palatable, and indeed the only form of public service practicable and possible for them is the military, and that is closed to them. While this is the case it cannot be said that the promise held out in the proclamation is fully acted upon."¹

Apart from the organisation of the Army, measures have been taken to add to the military strength of the country by the construction of defensive works. All

¹ *Indian Polity*. Third Edition. P. 268.

points on the north-western frontier at which attack seems possible are guarded by strongly fortified positions, and connected with the railway system of India. The principal forts have been fortified and armed with modern guns, and the defence of the harbours is secured by a flotilla of turret-ships, torpedo gunboats and torpedo boats.¹

In a critical period of Indian history, namely during Warren Hastings's rule, the British Navy successfully kept command of the seas against the French. The ships of the East India Company, soon after that body came into existence, became vessels of war as well as of trade. The armed naval force of the Company was created by the charters of Charles II and James II, but it was not till 1829 that the Bombay fleet was united with that of Calcutta and became the Indian Navy which has often done good service. The Indian Navy was abolished in 1862, for reasons of economy, and because it was thought that the naval defence of India should be entrusted to the Royal Navy. The Bombay Marine was then created, and was eventually amalgamated with the Bengal Marine in 1877 under the title of 'Her Majesty's Indian Marine,' changed in 1892 to 'Royal Indian Marine.' Its duties were to be the local transport of troops and stores, the guarding of convict settlements, the suppression of piracy, marine surveys, and the protection of the ports. In 1891 the turret ships, torpedo vessels, and gun-boats belonging to the Indian Marine were transferred to the Admiralty. Its officers are appointed by the Secretary of State. Arma-

¹ Strachey, India, p. 227.

ments are available for the equipment of the vessels for war and service. There are dockyards at Bombay and Calcutta. India pays a subsidy of £100,000 annually for the upkeep of certain ships of the East India squadron, which are not to be employed beyond particular limits except with the consent of the Government of India.¹ As already stated, the Royal Indian Marine is administratively under the Military Supply Department of the Government of India.

¹ Imperial Gazetteer. Vol IV. pp. 382-383.

CHAPTER III.

THE HIGHER EXECUTIVE AND THE LEGISLATURE.*

The Secretary of State—His Council—The India Office—The Governor-General—His Council—The Executive work of the Government of India—Divisions of—The Legislative Council of India—Constitution under the Act of 1892—Powers of the Council and of individual members—Divisions of British India—Meaning of "Presidency"—Local Governments—Executive Councils of the Governors—Provincial Secretariats—Local Legislative Councils—Constitution of the Bengal Legislative Council—Powers of the Councils and of members.

By the "Act for the better government of India" passed in 1858, the government of India was transferred from the East India Company to the Crown, and it was provided that all the power of the Company and of the Board of Control, should be exercised by a Secretary of State, in concert, in certain cases, with a Council. The Secretary of State for India is like other Secretaries of State appointed by the Crown. He is the constitutional adviser of the Crown in all matters relating to India. As a member of the English Cabinet he is responsible to and represents the supreme authority of, Parliament which is supreme over India as over all the dominions of the British Crown.

The Secretary of State's Council called the Council of India originally consisted of fifteen members. Under an

* While this Chapter is passing through the press a Bill is pending in Parliament which seeks to amend the Indian Councils Act and materially alter the constitution of the Legislature.

Act of 1889 the number is capable of being reduced to ten. The members are appointed by the Secretary of State. Three of the members 'having professional or other special qualification' may be appointed for life. The others hold office for a term of ten years, with a power of re-appointment under special circumstances for a further term of five years. At least nine members of the council must be persons who have served or resided in British India for not less than ten years, and who have left British India not more than ten years before their appointment.

The duties of the Council of India are to conduct, under the direction of the Secretary of State as President, the business transacted in the United Kingdom in relation to the government of India and the correspondence with India.

In certain matters, including the expenditure of the revenues of India, orders of the Secretary of State are required by law to be passed with the concurrence of a majority of votes at a meeting of his council. But in all other matters the Secretary of State can overrule his council, subject to a right on the part of any dissentient member to have his opinion, and the reasons for it, recorded. The council is thus a consultative body, without any power of initiation. It can give no opinion on any question, however important, until it has been laid before it by the Secretary of State. Even on questions of expenditure, where they arise out of previous decisions of the Cabinet, as would usually be the case in matters relating to peace or war, or foreign relations, the Secretary of State has the practical power to overrule his council.

The India Office is the establishment of the Secretary of State. It is, so to say, his Secretariat. It is divided into departments, each under a separate permanent Secretary. The council itself is divided into committees which are so formed as to correspond to these departments.

At the head of the Government in India is the Governor-General, who is also Viceroy, or representative of the Sovereign. He is appointed by the Sovereign, and usually holds office for a term of five years. He has a council, commonly called the Executive Council, which at present consists of six ordinary members, besides the commander-in-chief, who may be, and in practice always is, appointed an extraordinary member. The Governor of Madras or Bombay is also an extraordinary member of the council whenever it sits within his province.

The ordinary members of the Governor-General's council are appointed by the crown, in practice for a term of five years. Three of them must be persons who, at the time of their appointment, have been for at least ten years in the service of the crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, of not less than five years' standing.

If there is a difference of opinion in the council, under ordinary circumstances the opinion of the majority prevails, but, under exceptional circumstances, the Governor-General has power to over-rule his council. The meetings are private, and the decisions arrived at are termed Orders in Council.

The official acts of the central Government in India

are expressed to run in the name of the Governor-General in Council, often described as the Government of India. The executive work of the Government of India is distributed among the following Departments.

(1) The Foreign. It transacts all business connected with external politics, with Frontier tribes, and with Native States in India.

(2) The Home. This is concerned with the work of general administration, and deals with internal politics, law and justice, jails, police, education, hospitals, public health, municipalities and local boards, and a number of other subjects.

(3) Revenue and Agriculture. Its main functions are the administration of the land revenue, agricultural inquiry, agricultural improvement, and famine relief.

(4) Finance. This deals with the general administration of Imperial and Provincial finance ; with questions relating to the salaries, leave, and pensions of public officers ; and with currency and banking.

(5) Commerce and Industry. This was formed in 1905 to facilitate the disposal of questions affecting the trade and manufactures of the country.

(6) The Legislative. This is responsible for all matters connected with the conduct of legislation in the Council of the Governor-General.

(7) Public Works.

(8) Army.

(9) Military Supply.

The Governor-General himself administers the Foreign Department. The Commander-in-chief holds charge of

the Army Department. Of the six ordinary members of council, one is in charge of the two Departments of (1) Revenue and Agriculture, and (2) Public Works ; and the other five are in charge of the remaining Departments, one each. At the head of each of the Departments is one of the Secretaries to the Government of India. Minor questions are settled departmentally. Questions involving a difference of opinion between two departments, or raising any grave issue, are brought up to be settled in council.

For the purposes of legislation, Additional Members are nominated to the Council that has been so far referred to, and a Legislative Council is thus obtained. It is formally described as "The Governor-General in Council at meetings for the purpose of making laws and regulations." "The Legislative Council," says Sir John Strachey "is often spoken of as if it had a separate existence, but this is a mistake ; only one Council is known to the law." The Additional Members join the Council when it meets for legislative purposes. They are nominated by the Governor-General in accordance with regulations made by the Governor-General in Council with the approval of the Secretary of State in Council. Under an Act of Parliament passed in 1892, their number should not be less than ten nor more than sixteen. Under the rules framed in pursuance of the Act there are sixteen Additional Members, of whom six are officials appointed by the Governor-General in Council, and ten are non-official. Four of the latter are appointed by the Governor-General on the recommendation of a majority of the non-official additional members of the provincial legislatures, each of

these bodies recommending one member, and a fifth member is appointed on the recommendation of the Calcutta Chamber of Commerce. The Governor-General can, if he thinks fit, decline to accept a recommendation thus made, and in that case a fresh recommendation is submitted to him. The remaining five members are nominated by the Governor-General in the exercise of his discretion. The additional members hold office for two years.

Under the rules, now in force, the annual Financial Statement must be made publicly in the Council; every member is at liberty to make any observations that he thinks fit, and the Financial member of Council and the President have the right of reply. Questions may also be asked in the Council. They must not be put in argumentative, hypothetical or defamatory language, nor is discussion permitted in respect of an answer given on behalf of the Government. The President may disallow any question which in his opinion cannot be answered consistently with the public interests.

Every Act requires the Governor-General's assent. The assent of the Crown is not necessary to the validity of an Act, but the Crown can disallow any Act that has been passed.

Under the Indian Councils Act of 1861 the Governor-General, in cases of urgent necessity, can, on his own authority, and without reference to his Council, make Ordinances which have the force of law for six months.

Certain Acts of Parliament under which the Government of India is constituted cannot be touched, and no

law can be made affecting the authority of Parliament or allegiance to the Crown, but with these exceptions the legislative powers of the Governor-General in Council over the whole of British India are unrestricted.

British India, or the territory under the control of the Governor-General in Council, is divided into eight large Provinces and five lesser charges, each of which is termed a Local Government. The eight major Provinces are the old Presidencies of Madras and Bombay; the five Lieutenant Governorships of Bengal, Eastern Bengal and Assam, the United Provinces of Agra and Oudh, the Punjab, and Burma; and the Chief Commissionership of the Central Provinces. The minor charges are the North-West Frontier Province, British Baluchistan, Coorg, Ajmeer-Merwara, and the penal settlement of the Andaman Islands. The Provinces of Madras and Bombay comprise the territories which were originally attached to those Presidencies. Sind was added to the latter Province a short time after its conquest in 1843.

"Presidency" is a word which has scarcely any significance at the present day. In the earlier times of the East India Company, the affairs of the three principal settlements in Bengal, Madras, and Bombay were, in each case, administered by a President and a Council composed of servants of the Company, and the term "Presidency" was applied to the whole tract over which their authority extended. The phrase "Presidency of Fort William in Bengal" came to include not only Bengal, Behar, and Orissa, but the whole of the British conquests in northern India, that is, all the territories administered from Fort

William, the official headquarters in Calcutta. Bengal, strictly speaking, is not a Presidency, but is the Bengal division of the Presidency of Fort William.

All the local Governments alike are under the superintendence and control of the Governor-General in Council. They must obey orders derived from him, and they must communicate to him their own proceedings. But the head of each Local Government, including a Chief Commissioner, is the executive head of the administration within the Province.

The provinces of Madras and Bombay are each under Governor and executive Council appointed by the crown, in practice for a term of five years, the Governor being usually an English statesman, and the council consisting of two members of the Indian Civil Service of twelve years' standing. The Governors of Madras and Bombay retain their privilege of communicating directly with the Secretary of State and have the same power as the Governor-General, of overruling their councils in cases of emergency.

The Lieutenant-Governors have no executive councils. They are appointed by the Governor-General, with the approval of the crown. They are in practice appointed from the Indian Civil Service, and they hold office for five years. The Lieutenant-Governor stands alone at the head of the local administration.

The Secretariats of the Provincial Governments are divided into departments, each under a Secretary with subordinate officers, as in the case of the Supreme Government. The principal executive departmental heads,

outside the revenue and general administrative departments, are much the same in all the large provinces. In Bengal they are the Inspectors-General of Police, Jails and Registration, the Director of Public Instruction, the Inspector-General of Civil Hospitals, the Sanitary Commissioner, and the Superintendent of the Civil Veterinary department. There are also Chief Engineers, for Irrigation and Marine and for Buildings and Roads, who are likewise Secretaries to Government.

The Legislative Councils for Madras and Bombay consist of the Governor and his executive council, enlarged for the purpose of legislation by additional members. The additional members must not be less than eight and not more than twenty in number, and must include the advocate-general of the province, and at least one-half of them must be persons not in the civil or military service of the crown. They are nominated by the Governor in accordance with rules framed by the Governor-General in Council and approved by the Secretary of State in Council. Under the rules framed in pursuance of the Act of 1892, their number both at Madras and at Bombay, is fixed at twenty, of whom not more than nine may be officials. The system prescribed by the rules is intended to give a representative character to the members nominated under them.

In the five Lieutenant-Governorships, the Legislative Councils consist of the Lieutenant Governor and of persons nominated by him in accordance with certain statutory requirements and with rules framed by the Governor-General in Council and approved by the Secretary of

State in Council. These rules have been framed on the same general principles as those for the nomination of additional members of Council in Madras and Bombay.

In Bengal thirteen of the twenty members of the Legislative Council are to be nominated by the Lieutenant-Governor, of whom not more than ten are to be officials of the Government; the nomination of the remaining seven is delegated as follows:—The municipal corporations of the cities and towns in the province will recommend two members; the district boards of the province will nominate two; one nomination each has been given to the Corporation of Calcutta, the Chamber of Commerce, and the University of Calcutta. For the purposes of election, the municipalities and district boards are grouped in eight divisions, corresponding with the geographical charges of the official Commissioners of Divisions into which the province is divided, and two groups of each class, or four groups in all, will elect one member each. A seat in the Council being held for two years, each group will thus get its turn once in eight years.

In regard to all Local Legislative Councils the Governor or Lieutenant-Governor is authorised to regulate the asking of questions and the discussion of the provincial budget subject to the same conditions as in the case of the Governor-General's Council. The right to discuss the budget and to put questions has been granted to every Local Council but has not yet (1907) been entrusted to the councils of the Punjab and Burma.

Acts passed by Provincial Councils require the assent of the Governor General, and may be disallowed by the Crown.

CHAPTER IV.

THE SUBORDINATE EXECUTIVE.

Territorial Subdivisions—Regulation and non-regulation Provinces—Districts—District Magistrate and Collector—Provincial Police—Military Police—Village Police—Railway Police—Criminal Intelligence Department—Local Self-Government—Municipalities in Presidency Towns—Their constitution, functions, and sources of income—The Calcutta Corporation—District Boards—Sub-district Boards—Their constitution, functions and sources of income.

The executive administration of the country so far as it is conducted by the Government of India and the Provincial Governments, has been described. An account of the Legislative Councils associated with those Governments came in fitly in the same connection. It remains now to complete the account of executive administration by referring to its subordinate branches. It is necessary, in the first place, to say a few words about territorial subdivisions.

The division of the provinces of India into Regulation and Non-Regulation provinces is an old one. The Regulation provinces were governed by regulations formally made by the Governor-General in Council under the Charter Acts. The Non-Regulation provinces were governed not by laws made in accordance with the forms prescribed by the Charter Acts for legislation, but by executive orders of the Governor-General in Council. The non-regulation provinces differed from the regulation 'presidenc-

ies, both as to the system of law under which they were governed, and the form and composition of the administrative agency. The distinction has now become obsolete, but traces of it remain in the nomenclature of the staff,—an instance of which is given in the next paragraph,—and in the qualifications for administrative posts. The schedule of appointments reserved by 24 & 25 Vict. C. 54 to members of the covenanted civil service, does not apply to the old non-regulation provinces. The old regulation provinces are Madras, Bombay (excluding Sind), Bengal and Agra. The principal non-regulation provinces were the Punjab, Burma, Oudh, the Central Provinces, and Assam. But Oudh is now a part of the United Provinces, and Assam has been placed under the same administration as Eastern Bengal. These two provinces therefore have ceased to be non-regulation provinces.

A Province is to be regarded as consisting of a collection of Districts, which are usually split up into subdivisions and these again into smaller circles. The most important unit of administration throughout British India is the district, at the head of which is an officer called in the old regulation provinces Collector and Magistrate, and in the non-regulation provinces Deputy Commissioner. British India contains more than 250 districts. The average area of a district is nearly 4,500 square miles, and the average population over 930,000.

The District Magistrate, that is the Collector and Magistrate of the District, is the head of the Police which is one of the chief departments of executive administration. The system under which the police is administered

differs in different provinces, but its general organisation throughout India is based on a law passed in 1861, and the manner in which its duties are to be performed is laid down in the Code of Criminal Procedure. A re-organisation of the Police was suggested by a Commission recently appointed by the Government of India, and certain orders have been issued by the Government on the report made by that body, but no law has yet been passed embodying the new system.

The police establishment under each Local Government forms in most Provinces a single force. The Provincial police is under the general control of the Inspector-General. Police administration throughout a district is under an officer styled the District Superintendent. He is responsible for the discipline and internal management of the force, and is subordinate to the District Magistrate in all matters connected with the preservation of peace and the detection and suppression of crime. Each district is subdivided for police purposes into sections under Inspectors. In most provinces there are subsidiary police stations known as outposts. At the headquarters of each district a reserve is maintained under the command of an Inspector. This reserve serves to strengthen the police in any part of the district where disturbance may be apprehended or other emergency may arise.

A force of military police is maintained in unsettled frontier tracts in Bengal, Assam, and Burma, and in the North-West Frontier Province.

Each police station has within its jurisdiction a number of villages, and for each village there is a *chaukidar* or

watchman. The foremost duty of the *chaukidar* is to report crime, but he has many other functions. In towns there is a system of police stations, outposts and beats, with arrangements for night patrol.

The railway police is organised separately from the district police, but acts in co-operation with it. It is, as a rule, concerned with the maintenance of law and order and not with keeping guard over railway property, which is provided for by the railway administrations.

The Thuggee and Dacoity Department which had existed for many years was abolished in 1904 and its place taken by a Department of 'Central Criminal Intelligence' working under the Home Department of the Government of India. The object of this department is to collect and communicate information regarding such forms of organised crime as are committed by offenders operating along the railway system, and by criminal tribes, wandering gangs, organised bands of dacoits, and the like, whose operations extend beyond the limits of a single province.

Local Self-Government is now an important element of executive administration. It is a system of comparatively recent growth. The institutions through which it is administered may be classed under two broad heads, namely Municipalities and Boards of different orders. The constitution of both is determined by various local Acts and is therefore not uniform all over India.

First, of Municipalities. The system of election of representatives of the rate-payers was first established in Bombay, Calcutta and Madras by Acts passed in the years 1872, 1876, and 1878 respectively. In 1881-2 the Govern-

ment of Lord Ripon issued orders which had the effect of greatly extending the principle of local self-government. The inhabitants of both town and country were given a more real and important share in the management of local affairs than they had hitherto possessed. A wide extension was now given to the elective system, and independence and responsibility were conferred on the committees of many towns by permitting them to elect a private citizen as Chairman in place of the executive officer who had hitherto filled the post.

The municipal government is vested in a body corporate composed of municipal commissioners, or, as they are called in Madras and Bombay, municipal councillors. In the great majority of municipalities some of the commissioners are elected, the remainder being appointed by name or office under the orders of the Local Government. The Chairman or president of the municipal corporation is sometimes nominated under the orders of the Local Government, but more often elected by the commissioners from among themselves. Control is exercised through the Collector of the District and the Commissioner of the Division. The Government may provide for the performance of any duty which the commissioners neglect, and may suspend them in case of incompetence, default or abuse of powers. Special control is exercised over finance and appointments.

Municipal functions are classified under the heads of public safety, health, convenience, and instruction. Within these heads the duties are many and varied. In order to enable them to carry out their functions, various powers are conferred on municipal bodies by the municipal Acts.

and the bye-laws framed under them. The principal heads of taxation are octroi; taxes on houses and lands, animals and vehicles, and professions and trades; tolls on roads and ferries; and water, lighting, and conservancy rates.

In the Calcutta corporation the number of commissioners is fifty, of whom twenty-five are elected (one by each ward) and twenty-five are appointed as follows: fifteen by the Local Government, four each by the Bengal Chamber of Commerce and the Calcutta Trades Association, and two by Commissioners of the port. Government of the affairs of the corporation is vested in three co-ordinate authorities, namely the corporation itself, the Chairman, and a committee of twelve of the commissioners, called the General Committee. The Chairman is appointed by the Local Government. He is the chief executive officer of the corporation, and he also presides at its debates. In the municipalities of all the three presidency towns, some degree of financial and executive control is reserved to the Government.

Under the orders, already referred to, of Lord Ripon, issued in 1881-2, boards have been established all over the country for the transaction of local business. The Madras organisation, which provides for three grades of boards, most nearly resembles the pattern set in the original orders. Throughout the greater part of the province important villages or groups of villages are organised as 'unions,' each controlled by a body to which the time-honoured name of *panchayat* has been applied. These unions levy a light tax on houses, mainly for sanitary purposes. Next in degree come the *taluk* boards, which form the agency for local

works in the administrative sections into which the districts are divided. Finally there is a District Board with general control over the local administration of the District. In Bengal and other provinces the law requires a District Board to be established in each District, but leaves the establishment of subordinate local boards to the discretion of the Local Government. They have been established in thirty-four districts in Bengal. The Bengal Act authorises the establishment of Village Unions, but this provision has not been largely used.

The degree to which the elective principle has been introduced varies greatly in different parts of India. In the Bengal districts throughout which sub-district boards have been constituted, these boards are entitled to elect not less than half the members of the District Board. Two-thirds of the members of each sub-district board are elected in the more advanced districts, in others all the members are nominated. The Local Government has to decide whether the chairman of the District Board shall be elected or nominated. In no province has election been permitted and the office is still in general held by the Magistrate.

The primary duty of the boards is the maintenance and improvement of the means of local communication. Other important functions are the maintenance of hospitals and dispensaries; the provision of drainage and water-supply; general sanitation; education, especially in the elementary stages; the construction and maintenance of markets; and the relief of the population in times of famine.

The income of the boards is chiefly derived from provincial rates. The other main sources are contributions from provincial revenues, receipts from pounds and ferries, and fees and other payments connected with educational and medical institutions.

CHAPTER V.

THE JUDICIARY.

High Courts—Their jurisdiction—Who may be High Court Judges—Chief Courts—Inferior civil courts—Criminal Courts—Grades of—Powers in regard to sentences—Juries and Assessors—The Prerogative of mercy—The Judicial Committee of the Privy Council.

The highest judicial tribunals in India are the High Courts and the Chief Courts. By an Act of Parliament called the Indian High Courts Act, passed in 1861, the Crown was empowered to establish High Courts of Judicature for Bengal, Madras, and Bombay. The judges were to be appointed by the Crown, and to hold office during the pleasure of the sovereign. A high court judge must be either a member of the English or the Irish Bar, or of the Faculty of Advocates in Scotland, of not less than five years' standing; or a member of the civil service of India, of not less than ten years' standing, and having for at least three years exercised the powers of a district judge; or a person having held judicial office not inferior to that of a subordinate judge, or judge of small cause court, for not less than five years; or a person having been a vakil of a high court for not less than ten years. A High Court was to consist of a chief justice and of as many judges, not exceeding fifteen, as the sovereign might think fit to appoint. Not less than one-third of the judges, including the chief justice, must be barristers or advocates, and not less than one-third must be members of the civil service

of India. Each high court was to be vested with administrative superintendence of all subordinate courts and with the framing of rules, subject to the sanction of the Governor-General in Council, for the conduct of business.

In pursuance of these provisions charters were issued in 1862, and re-issued in 1865, to constitute the High Courts of Bengal, Madras, and Bombay, and in 1866 a similar charter created a High Court at Allahabad. The High Court of Fort William at Calcutta has jurisdiction in Bengal as well as in Eastern Bengal and Assam. Its civil jurisdiction may be classified as follows :

(1) Ordinary original jurisdiction in respect of suits of every description, except small causes, within the Presidency town of Calcutta.

(2) Extraordinary original jurisdiction, by which it may remove and try any suit on the file of a subordinate court.

(3) Jurisdiction as a court of appeal from District Judges and in some cases from Subordinate Judges.

(4) Jurisdiction in regard to the persons and estates of infants, idiots and lunatics.

(5) Jurisdiction as a court for the relief of insolvents.

(6) Admiralty, ecclesiastical, testamentary and intestate jurisdiction.

(7) Jurisdiction in matters matrimonial between Christian subjects of the Government.

The criminal jurisdiction of the court may be divided under the following heads :

(1) Ordinary original jurisdiction in respect of cases committed to the sessions by Presidency Magistrates.

Trials are always held with the aid of juries.

(2) Extraordinary original jurisdiction in respect of offences committed outside the limits of the Presidency town, and brought before the court under special circumstances.

(3) Jurisdiction as a court of appeal, reference and revision.

The High Courts of Bombay and Madras have powers similar to those of the Calcutta High Court. The Allahabad High Court exercises no ordinary original jurisdiction except as regards criminal proceedings against European British subjects.

There are two Chief Courts, one for the Punjab, established at Lahore in 1866; and one for Lower Burma established at Rangoon in 1900. They are framed on the model of the High Courts, but they derive their authority from the Indian legislature, and are composed in each case of a chief judge and judges appointed by the Governor-General in Council. In each of the other provinces the place of a High Court or Chief Court is taken by one or more Judicial Commissioners who are appointed by the Government of India.

The constitution and jurisdiction of the inferior civil courts in each province are determined by special Acts or Regulations. In Bengal, Eastern Bengal and Assam, and the United Provinces of Agra and Oudh, there are the following classes of civil courts, namely the court of (1) the district judge, (2) the additional judge, (3) the subordinate judge, and (4) the munsif. The jurisdiction of district judges, additional judges, and subordinate

judges, extends to all original suits for the time being cognizable by civil courts. The jurisdiction of the munsif is ordinarily limited to suits of which the value does not exceed 1,000 rupees. In the Presidency towns as well as in the mofussil there are Courts of Small Causes for the trial of petty cases.

Ordinarily one District and Sessions Judge is appointed to each administrative district. Apart from his judicial functions, original and appellate, he has administrative control over, and the distribution of business among, all other civil courts within the district. For these offices, members of the Indian Civil Service or of the Provincial Civil Service alone are selected.

The arrangements for the administration of justice in criminal cases by courts subordinate to the High Courts, are briefly as follows. In every province there is a certain number of divisions,—each division consisting of one or more districts—in each of which a court of sessions is established, presided over by a sessions judge. Additional, joint, and assistant sessions judges may be appointed. To each district a Magistrate called the District Magistrate is attached. Any number of subordinate Magistrates that may be required,—either joint magistrates, assistant magistrates, deputy magistrates or sub-deputy magistrates,—are appointed in the district, subject to the general control of the District Magistrate. In the towns of Calcutta, Madras, and Bombay there are magistrates called Presidency Magistrates. In regard to the degree of power or authority in the infliction of sentences, Magistrates are divided into three classes, and they are

called Magistrates of either first class powers, second class powers, or third class powers.

A High Court may pass any sentence authorised by the Penal Code or other law. A Sessions judge may pass any sentence authorised by law, but sentences of death are subject to confirmation by the High Court. Trials before courts of session are conducted with the aid either of assessors who merely assist but do not bind the judge by their opinions, or of jurors, according to the general orders of the Local Government. The Sessions Judge, if he considers that a jury has returned a wrong verdict, may submit the case to the High Court which is empowered to set aside or modify the finding. A jury consists of nine persons in trials before a High Court, and, in other trials, of such uneven number up to nine, as may be prescribed by the Local Government.

The prerogative of mercy may be exercised in India by both the Governor-General in Council and the particular Local Government concerned, without prejudice to the superior power of the Crown.

The Crown has by prerogative an inherent general power, controlled and regulated by Acts of Parliament, to hear appeals from its subjects beyond the seas; and that power is now exercised through the Judicial Committee of the Privy Council under a statute of 1833. To the Judicial Committee the sovereign may refer any matter whatever for advice; but, apart from this, the conditions of appeal from India are regulated by the Charters of the High Courts, supplemented as to civil cases by the provisions of the Code of Civil Procedure. In criminal

cases a right of appeal is given—subject to the opinion of the High Court that the case is a fit one for appeal—from any judgment, order, or sentence of a High Court made in the exercise of original jurisdiction, or in any criminal case where a point of law has been reserved for the opinion of the High Court. But the Judicial Committee may if they think fit give special leave to appeal, independently of the provisions of the law of British India.

CHAPTER VI.

REVENUE AND FINANCE.

Land revenue no tax—Settlements classified,—Permanent, Zamin-dari or Talukdari, and Ryotwari—Their incidents—Sources of revenue other than taxation—Land revenue—Opium—Forests—Tributes and Contributions—Post Office, Telegraphs, Railways, Irrigation Works—Taxes—Salt—Excise—Customs—Stamps—Provincial Cesses—The Income Tax—Registration Fees—Chief Heads of Expenditure—Civil Departments—Miscellaneous Civil Charges—The Post Office, Telegraphs and the Mint—Irrigation—Civil Works—Interest on Public Debt—Military Expenditure—Extraordinary Charges—Character of the Home Charges—Control of Indian finance—Decentralisation—Boards of Revenue.

Revenue in India is derived partly from taxation and partly from sources other than taxation. The most important of all the sources of revenue is the Land revenue, and this, according to many eminent English writers, is not derived from taxation properly so called. From time immemorial, says Sir John Strachey, the ruling power throughout India has been entitled to a share of the produce of every acre of land, unless it has transferred or limited its right, and this share is the so-called land revenue. By far the largest item in the public revenue of India, says J. S. Mill, is obtained virtually without taxation, because obtained by the mere interception of a payment which if not made to the State for public uses, would generally be made to individuals for their private use; that is, Govern-

ment takes from the people as revenue what they otherwise would have paid as rent to private landlords.

The land revenue of modern India, says another writer, is a form of public income derived from the immemorial custom of the country. As the several Provinces came under British control, their assessments under the Moghal rule were gradually reduced to order. "The history of Government in India has been a continued series of reductions of taxation."

Settlements of land revenue in India are broadly classified under two heads: 1. Permanent settlements; 2. Temporary settlements. The latter fall under two heads: 1. Zamindari, in some provinces called Malguzari or Talukdari; 2. Ryotwari.

Permanent Settlement of the Land Revenue was created in Bengal in 1793. Government found a class of middlemen, called Zamindars, who collected the land revenue and the taxes, and Government declared them to be proprietors of the land. The land revenue, representing the share of the produce or rental to which the state was entitled, was fixed and made unalterable for ever. It was the intention of the Permanent Settlement not only to fix for ever the land revenue of the Zemindars, but, at the same time, secure to the ryot fixity of tenure and fixity of rent. The permanently settled districts cover the greater part of Bengal, parts of the United Provinces and Madras, and a few other isolated tracts.

In Zamindari Settlements the landlord or proprietary group pays the land-revenue to the State, whether the land is cultivated by the revenue payers themselves or by

their rent-paying tenants. The village, and not each field or block, is the unit of assessment. Government has usually no dealings with individual cultivators. These settlements exist mainly in the United Provinces, the Punjab, the Central Provinces and Orissa. In the Punjab and the Central Provinces, the ordinary term of settlement is twenty years, and in the other provinces thirty years.

In a Ryotwari Settlement the ryot holds his land in proprietary right, subject to the payment of the assessed revenue, which is fixed for a period of thirty years. He has the option of resigning his entire holding, or any individual field, at the end of the agricultural year. His improvements cannot be made a ground for increasing his assessment at the time of the periodical settlement. He can sell, mortgage, or let his land to any one without requiring the consent of the Government, and at his death the land descends to his children according to the rules of inheritance. He is a peasant proprietor, and the engagement of Government is with him. This kind of settlement exists in Bombay, Burma, Assam and Berar, and in the greater part of Madras.

In the Zamindari areas the amount of the periodical assessment is generally rather less than one-half of the ascertained or assessed rental enjoyed by the proprietors. In the Ryotwari tracts the incidence varies in different provinces from one-fifth to one twenty-fifth of the gross value of the produce.

Opium is next among the sources of revenue other than taxation. The opium revenue is raised partly by a monopoly of the production of the drug, and partly by the

levy of a duty on all opium exported from Native States by sea or introduced from them into British India. Though the poppy will grow in most parts of British India, its cultivation in British territory, with the exception of insignificant tracts, is permitted only in parts of Bengal and the United Provinces. In these two provinces the crop is grown under the control of a Government department which determines the total area to be placed under the crop in each year: the cultivator of opium in these monopoly districts has to take out a license. The license fees and the duty already mentioned are the main sources of the opium revenue.

Next may be mentioned Forests. The forest revenue is almost entirely derived from the sale of timber and other forest produce. Before the transfer of the Government of India to the Crown, practically nothing had been done towards the preservation of the forests of India, which are very extensive and valuable. They cover altogether some 200,000 square miles, and are now looked after by the Forest Department.

Tributes and contributions from Native States are another source. They are paid chiefly in lieu of former obligations to supply or maintain troops, and form a small return for the duty undertaken by the Supreme Government in ensuring the peace of the country.

Other sources of income under the general head, sources other than taxation, are the Post Office, Telegraphs, Railways and Irrigation Works.

The following are the main sources of revenue obtained by taxation.

1. Salt. The salt revenue is raised by a duty on all salt imported into or manufactured in India. The rate of duty has in past times ranged from one-fifth of a rupee in Burma to $3\frac{3}{4}$ rupees in Bengal per maund. The present duty is one rupee per maund everywhere. The greater part of the salt which is produced in Burma pays a duty of 8 annas per maund. Successive reductions of duty have led to a large increase in the consumption of salt throughout India. Salt is not only imported from beyond the sea but is manufactured in different parts of India and is obtained from pits of Rajputana, and the salt mines of the Punjab. The duty is levied at the place of manufacture or at the port of importation.

Some of the salt sources belong to, or are worked under the direct control of the various Governments in whose jurisdictions they are located; others are owned by private individuals. The salt supply of India is not therefore a Government monopoly, and the importation of salt from foreign countries is freely permitted. Manufacture is not allowed where the circumstances are such as to render proper collection of the duty impracticable, as, for instance, in the sea-coast districts of Bengal.

The duty on salt is the only obligatory tax which falls upon the masses of the population.

2. Excise. The excise revenue is derived from intoxicating liquors, hemp drugs, and opium consumed in the country, and is levied in the form of duty on manufacture and fees for sale licenses. The revenue under this head generally shows a steady increase, and it is said that

the sole cause of the increase is improved administration and the suppression of illicit distillation and sale.

3. Customs. The customs revenue is mainly derived from (1) the general import duty of 5 per cent on the value of the goods, (2) special import duties, such as those on arms, liquor, sugar and petroleum, and (3) an export duty on rice and rice-flour at the rate of 3 annas per maund of unhusked rice. All cotton yarns and thread whether imported or manufactured in India, are free from duty, but a uniform duty of $3\frac{1}{2}$ per cent *ad valorem* is imposed on all woven cotton goods imported from abroad or manufactured in India at power mills. The products of the hand-loom industry are exempted. The Government of India have power to impose countervailing duties on goods (sugar, for instance) which have received a bounty.

4. Stamps. The stamp revenue is derived partly from stamps on commercial papers, such as bonds, cheques, bills of exchange, receipts, and the like ; and partly from fees levied by means of stamps on plaints, petitions and other documents filed in courts.

5. Provincial Rates or Cesses. Most of these are imposed on land for local purposes, such as cesses for expenditure on roads, schools, hospitals, canals, village service, patwaris, and the like.

6. The Income Tax. This is what is called a direct tax, that is, a tax paid directly as money. An indirect tax is a tax imposed on goods, such as a tax on salt or liquor or cotton goods. Every person who purchases a taxed article really pays a tax, for the price is higher by reason of the tax imposed on it. The tax being included in the

price is not paid directly and separately as a tax, in the form of money. A poll-tax is a direct tax because it has to be paid directly as tax in the form of money. A license tax is of the same description. An income-tax is also a direct tax because it has to be paid directly in the form of money by the person who receives a taxable income, or a deduction is made from the amount of the income by the person who gives it. In purchasing taxed salt a person is not conscious that he is paying a tax, and in such a case he is said to pay an indirect tax.

Income derived from salaries and pensions, or from interest on securities, if amounting to Rs. 2,000 per annum, should pay 5 pies in the rupee, and if less than Rs. 2000, 4 pies in the rupee. Companies have to pay 5 pies in the rupee on their net profits. Income derived from other sources should pay according to a graded scale. All incomes of less than Rs. 1,000 a year are exempted from payment of the tax. The tax is not levied on profits or incomes derived from agriculture, or on military salaries of less than Rs. 6,000 a year.

7. Fees for the registration of instruments. These constitute a small source of income.

The chief heads of state expenditure, are as follows.

1. Civil Departments. These include (1) General Administration, (2) Courts of Justice, (3) Police, (4) Marine, (5) Education, (6) Medical, (7) Political, (8) Ecclesiastical, (9) Minor Departments, such as the Survey of India, the Botanical and Geological surveys, the Meteorological and other scientific departments, experimental cultivation, emigration and various other heads.

The charge for general administration represents the cost of the whole administration down to the grade of Commissioners of Divisions. It includes charges in England and in India on account of the Secretary of State, the Viceroy, the Governors, Lieutenant-Governors, Councils &c.

2. Miscellaneous Civil Charges. These include territorial and political pensions, stationery and printing, &c.

3. The Post Office, Telegraphs, and the Mint.

4. Irrigation.

5. Civil Works. These include mainly roads and buildings.

6. Interest on the Public Debt. The Public Debt includes an Ordinary Debt and a Public Works Debt or Debt which is incurred for constructing or carrying on Public Works.

7. Military Expenditure. This includes the cost of maintaining the army and carrying out military works.

8. Extraordinary Charges. These include :

(1) Military operations.

(2) Special defences.

(3) Famine relief.

(4) Construction of railways from revenue.

(5) Construction of railways and irrigation works from the famine insurance grant.

What are called Home Charges have already been included under some of the heads enumerated. The greater part of them consists of payments on account of capital and materials supplied by England, and belong to a commercial rather than an administrative class of transactions.

A portion represents furlough and pension payments ; other chief items are : Railway revenue account ; interest and management of debt ; stores ; army effective charges ; civil administration ; marine.

Final responsibility for the control of the finances of India has been placed by Parliament on the Secretary of State in Council. The Secretary of State has delegated to the Government of India large powers under which it can sanction fresh expenditure and create new offices of minor importance. In cases of emergency there is practically no limit to the financial powers which the Government of India exercises.

An efficient system of public accounts and of strict financial control throughout India was established in 1860 by Mr. James Wilson, the first financial member of the Governor General's Council under the Crown. The whole of the revenues from all the provinces of British India were treated as belonging to a single fund, expenditure from which could be authorised by the Governor-General in Council alone. The Provincial Governments were allowed no discretion in sanctioning fresh charges.

This system was found extremely inconvenient and to remedy its defects Lord Mayo in 1871 introduced the system of making a fixed grant to each Local Government for the administration of the Provincial services, requiring it to provide for any additional expenditure by the exercise of economy and the imposition, where necessary, of local taxes. This system has been known as financial decentralisation. The revenues from land, stamps, excise, assessed taxes and some minor sources, are shared

in varying proportions between the Imperial and Provincial Governments. Revenues from all the other larger sources are appropriated exclusively for imperial purposes. An arrangement is made under which each Provincial Government receives for a specified term, usually for five years, certain revenues from which it has to meet certain charges. These charges have to be incurred, generally, in respect of civil administration, collection of land revenue, courts of justice, jails, police, education, medical services, civil buildings and roads, and several other heads. The Local Governments have the power to manage the revenues assigned to them; they get the benefit of any economies they may effect; and they receive either the whole or a share of any increase of revenue that may arise during the period of the arrangements.

India pays no tribute to England; nor, on the other hand, does she receive any financial aid from England in the administration of her concerns. The entire cost of the maintenance of the Indian Empire,—including the cost of the British army by which India is garrisoned, and the charges for the India Office,—is borne by India herself.

In Bengal, the United Provinces, and Madras, the revenue departments are administered, under the Local Government, by a Board of Revenue. In Bengal the Board consists of two members. In the Panjab and Burma, functions of the Board are exercised by a single officer called the Financial Commissioner. There is now a separate Board for Eastern Bengal and Assam.

CHAPTER VII.

THE NATIVE STATES.

Native States—Their number, character and origin—How classified—Powers and duties of the British Government—Authority of Native States how limited—Doctrine of Lapse—Abandonment of the principle—Arrangements in case of failure of heirs of native ruler.

The expression 'India' includes not only the territories comprised in British India, that is to say, the territories governed by the Crown through the Governor-General of India or any officer subordinate to him, but also the territories of Native Princes or Chiefs under the suzerainty of His Majesty. The number of Native States, as these latter territories are called, is, at the present day nearly 700. Their area and population, according to the latest Census Report, have been given in an earlier part of the book. The phrase 'Native States' is apt to convey the idea that they are Indian nationalities existing in the midst of a great foreign dominion. "No supposition" says Sir John Strachey, "could be more contrary to fact. When, after the death of Aurangzib in 1707, Moghal empire was breaking up, a scramble ensued for the fragments, and this lasted through the greater part of the eighteenth, and the earlier part of the nineteenth century. The chief competitors during the struggle were the Marathas, the Mohammedan powers of southern India, and the English. The larger share of gain fell to the English, but the other competitors had, no better titles than our own. All alike were foreigners

in the countries for which they were contending." "It would be easy to prove," says Sir Alfred Lyall, "that one important reason why the English so rapidly conquered India was this, that the countries which fell into our hands had no nationalities, no long-seated ruling dynasties or ancient aristocracies, that they had, in fact, no solid or permanent organisation of the kind. * * * On the other hand, where indigenous political institutions of long standing still exist, it is the English who have saved them from destruction."

Native States may be broadly divided into three classes, namely, first, States in direct political relations with the Government of India; second, States under Agents to the Governor-General; third, States in political relations with Local Governments.

The States comprised in the first group are the most important. They are (1) Nepal, (2) Hyderabad, (3) Mysore, (4) Baroda, (5) Kashmir and Jammu.

Nepal stands by itself. It is independent in respect to its internal administration. Its foreign relations are, however, controlled by the Government of India; it is bound to receive a British resident; and it cannot take Europeans into its service without the sanction of the Government of India.

The states comprised in the second group are next in importance and are classed under three Agencies, namely (1) the Central India Agency, (2) the Rajputana Agency, and (3) the Beluchistan Agency. The most important of the States included in the first Agency are Gwalior, Indore, Bhopal and Rewa. The best known of the States

included in the second Agency, are Udaipur (Mewar), Jaipur, Jodhpur (Marwar), Bharatpur, Bikaner, Alwar and Dholpur. The total number of States included in all the Agencies is 170.

The minor States, and they are the largest in number are included in the third group. The more important of those under the Government of Bengal have been Sikkim, Cooch-Bihar, Hill Tippera, Bhutan and Mayurbhanj. Hill Tippera has now been transferred to the new Province of Eastern Bengal and Assam.

In the case of every Native State the British Government, as the paramount power,—

- (1) exercises exclusive control over the foreign relations of the State ;
- (2) assumes a general, but limited, responsibility for the internal peace of the State ;
- (3) assumes a special responsibility for the safety and welfare of British subjects resident in the State ; and
- (4) requires subordinate co-operation in the task of resisting foreign aggression and maintaining internal order.

A native State has not any international existence. It cannot make war. It cannot enter into any treaty, engagement, or arrangement with any of its neighbours. It cannot initiate or maintain diplomatic relations with any foreign Power in Europe, Asia, or elsewhere.

The British Government have the power to maintain and it is their duty to maintain peace and order in the territories of Native States. They practically give a guarantee to a Native ruler against the risk of being dethroned by insurrection ; and this involves a similar guarantee to his subjects against intolerable mis-government.

The supremacy of the British Government over all the Native States in India was declared in 1877, in a more emphatic form than it had received before, by the assumption by Queen Victoria of the title of Kalsar-i-Hind, Empress of India.

Lord Dalhousie had adopted and enforced what was called the "doctrine of lapse," that is, the principle that where a Native prince died without a natural heir, his territory should lapse, and the British Government should take possession of it, and no adopted son should be permitted to succeed. This principle was abandoned after the Mutiny of 1857. On the occasion of that terrible crisis the Native States all remained faithful. Lord Canning observed: "These patches of Native Government served as a breakwater to the storm which would otherwise have swept over us in one great wave." Before Lord Canning left India a *sanad* was issued to each of the principal Hindu chiefs, assuring him, in the name of the Queen, that on failure of natural heirs, the British Government would recognise any adoption of a successor made by himself or by any future chief of the State, in accordance with Hindu law or the customs of his race. The Mohamédan chiefs received assurances that every form of succession allowed by Mohammedan law to be legitimate, would be recognised by the Government. From the principle thus laid down there has been no departure. Where there has been no adoption the British Government select a successor, and in a case of minority they make arrangements for the proper conduct of the administration.