

adverse factions. This seems to be, therefore, precisely that point of time at which the advantage of a complete written Code of laws may most easily be conferred on India. It is a work, which cannot well be performed in an age of barbarism, which cannot without great difficulty be performed in an age of freedom. It is a work which especially belongs to a Government like that of India—to an enlightened and paternal despotism.” The great principles of codification were three, as put forward by Macaulay: *uniformity* where you can have it, *diversity* where you must have it, but in all cases, *certainly*.

The provisions of the Charter Act of 1833 so far as they bore upon the machinery for the making of Laws for India were three: it deprived the Governors and Councils of Bombay and Madras of their independent powers of law-making: it vested this power in the Governor-General in Council of India; and it added to the Council, for the satisfactory work of codification, a fourth member (called the Legal Member) who was to be an English Barrister.

The Charter Act also provided for the appointment of a Law Commission for codification, and Lord Macaulay the first Law Member under the new Act, was appointed the President of this Commission.

So far, however, as actual results were concerned the Law Commission was a failure. Its activity languished after the departure of Lord Macaulay. The draft of the Indian Penal Code made by Macaulay was no doubt a solid achievement; but though begun in 1835 it did not become an act for nearly 20 years. The Commission no doubt, collected a vast amount of information, but did not proceed beyond that; and it cost India about 17 lacs of rupees.

(35) V—OTHER PROVISIONS OF THE CHARTER ACT.

General.—The Charter Act of 1833 marks an equally important change in the attitude of Parliament towards the people of India. Under the stress of wars and of territorial aggrandisement no attention had hitherto been paid to the condition of the people. The economic drain which increased in volume and ramifications, with every increase in the territories of the Company was, if possible, the least evil of the Rule of the Company. Greater harm was done by the complete exclusion of Indians from every post of honour and emolument in the public service of the land. This exclusion was all the more galling when contrasted with the memory of the highest positions—in Civil and Military Departments which they held—and often with distinction—in those Native States which were but recently subverted. Above all nothing had as yet been done to introduce the people of India to that Western civilization whose superiority in the science of government, in the method of war, in administration, in patriotism, in organization, in discipline, in culture, in education, in science, in art—in every thing, in fact, which makes for success in the great struggle for existence which is going on around us as much among individuals as among nations—whose superiority—I say—was being demonstrated to them with a rapidity and thoroughness that staggered them.

Both with respect to Western Education and the employment of Indians in Public Service, the Charter Act of 1833 laid down important principles.

(36) VI—EDUCATION.

Little attention was paid to the subject of Education before the days of Lord Bentinck. It is true that the Charter

Act of 1813 had allowed the ingress, under restrictions, into India of Missionaries that the latter may introduce useful knowledge and Christianity among the native population; the Act further required one lac of rupees to be set aside every year for the revival and improvement of literature and the encouragement of learned natives of India, and for the introduction and promotion of a knowledge of the Sciences among them.

But in spite of this Parliamentary enactment, and of what had been done by Warren Hastings for Oriental learning many years before that enactment, little progress was made till 1823. In that year 'a Committee of Public Instruction' was formed to utilise the Fund for the promotion of Education. But this Committee did little more than print classical books and give stipends to scholars in the Oriental Colleges in Benares and Calcutta. In fact about this time a great controversy was going as to what system of education should be encouraged by Government—the Western or the Oriental. At last the cause of Western Education triumphed, thanks to the labours of the Missionaries, the efforts made by Reformers like Ram Mohan Roy, and to the famous Minute of Lord Macaulay. When he came out to India as the First Law Member under the Act of 1833 he was appointed President of the Committee of Public Instruction. The Members of this Committee were divided on the question of Western *versus* Oriental Education. Macaulay's Minute which made a deep impression upon Lord William Bentinck decided this controversy.

It should be noted, however, that Macaulay's attack was directed against *classical* (Sanskrit and Persian) learning. He was entirely for improving the *Vernaculars*; but as they

in their backward state, could not be a fit medium for conveying Western knowledge, the English language was to be used for that purpose. A number of causes conspired to make the spread of Western learning very rapid. (1) Increased activity of the Missionaries. "At the commencement of 1852 there were labouring throughout India and Ceylon the Agents of 22 Missionary Societies. They maintained 1347 Vernacular Day Schools containing 47504 boys, and 93 Boarding Schools with 2414 Christian boys. They also superintended 126 English Day-Schools containing 14562 boys."* (2) Bentinck displaced the Persian language from the Law Courts and English was substituted. (3) Freedom of Press was established in 1835. (4) Lord Hardinge made the attainment of Western Education a qualification for entrance into Government Service.

While the Governor-General in Council was labouring to spread Western Education, administrators like Elphinstone, Munro, and Thomason were trying to encourage the spread of knowledge through the Vernaculars. Elphinstone found the newly acquired Province of Bombay very backward in education and, therefore, formed "A Society for the Promotion of the Education of the Poor" in 1820 and for 12 years this Society printed books in the Vernacular and established schools for the spread of Primary Education. His project to found a College for the spread of higher education was opposed in his Council and did not receive the sanction of the Court of Directors. But though no English School was started in Bombay during Elphinstone's time, one was opened in 1828—the year after his departure, and the great Elphinstone Institution (now the College) was opened in 1842.

* Dr. Buist : Notes on India page 23.

Munro derived the inspiration to spread knowledge from *Elphinstone*. His plan was to establish normal schools for the preparation of teachers who were later on to be placed in the districts for the diffusion of knowledge through books specially designed for the purpose.

What was done for Bombay by *Elphinstone*, and for Madras by *Munro* was done for the Agra Province by *Thomason*. He came to the conclusion that "to produce any perceptible impression on the public mind in the new provinces, it must be through the medium of the vernacular languages." The labours of *Thomason* in the pursuit of this policy were thus eulogised by *Dalhousie* in 1853: "I desire at the same time to add the expression of my feeling, that even though Mr. *Thomason* had left no other memorial of his public life behind him, the system of general vernacular education, which is all his own, would have suffered to build up for him a noble and abiding monument to his earthly career."*

In Bengal.—*Bentick* deputed Mr. *William Adam* an American Missionary—to enquire into the state of education and his report is extremely valuable as throwing light upon the methods and extent of indigenous system of Education as it prevailed in Bengal for centuries. He was in favour of extending the Vernacular institutions on the lines of *Elphinstone* and *Munro* but his proposals were not accepted, and emphasis was laid upon the imparting of higher education.

It will thus be seen that though a powerful impetus had been given to the spread of English Education, the Vernaculars were neglected, the net work of indigenous schools fell to pieces, and as the funds made available for the promotion

* Briggs : 164.

of knowledge were, in any case, almost meagre, the progress was imperceptible.

The first step of permanent interest was taken by the Education Despatch of 1854—of Sir Charles Wood, the President of the Board of Control ; but the serious execution of the policy adumbrated by that Despatch properly falls into the next period.

(37) VII—EMPLOYMENT OF INDIANS IN THE PUBLIC SERVICES.

A perpetual problem of Indian Administration has been the extent to which Indians should be employed in the administration of the country. In the beginning they were employed in the Civil Departments as well as in the Army. Indeed it was through them that the duties of Diwani—i.e., Revenue Collection and Administration of Justice were discharged. Their exclusion from office begins from the year 1772 when the Court of Directors resolved to stand forth as the Diwan. At that time servants of the Company—Indian as well as European were tainted with corruption. Cornwallis tried to remove this evil by increasing the salaries of the European Servants of the Company and thus putting them above the temptation of receiving bribes. But, as already noted, the weakest point in the reforms of Cornwallis lay in his having systematically ignored the claims of the Indians. Every extension of territory meant employment of more Europeans and an enormous addition to the 'patronage' of the Court of Directors. The way in which they distributed this patronage among themselves has been referred to already. That the general tone of the lower servants of the Company—and particularly in the Interior of the Country—was low is now admitted, though there were many honourable exceptions. How jealous the Directors were of their patronage is well brought out by the

fate of the Fort William College which Marquis of Wellesley established at Calcutta. The object of the College was to give to the young factors and writers of the Company a knowledge of the Vernaculars and of the history, customs and institutions of the Indians. But the Directors ordered the immediate closing of the College. The servants in stead got a rudimentary knowledge in the Institution at Hailebury in England prior to their going out to India. The evil effects of the ignorance and inexperience of the English servants, and of the exclusion of Natives were well pointed out by Sir Thomas Munro and by Elphinstone ; but it was reserved for Lord William Bentinck to be the first to throw open the judicial administration to the sons of the land. This new principle was laid down in the Act of 1833. 'No Native of the said territories, nor any natural-born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company.' In explaining this clause, the Despatch which accompanied the Act (and which has been attributed to James Mill) said "The meaning of the Enactment we take to be that there shall be no governing caste in British India ; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be one of them," and it proceeded to make the extended employment of Indians an argument for "the promotion of every design of education, and the diffusion among them of the treasures of science, knowledge and moral culture." It was Lord Macaulay who ran into raptures at having been one of those who assisted in framing the Act of 1833 which contained that clause—"that wise, benevolent, that noble clause" as he said.

In practice, however, the policy of the Company was one of exclusion. The distinction between covenanted and uncovenanted service was put forward as an excuse for this exclusion. The Act of 1793 reserved all principal offices in India to the "Covenanted" servants (*i.e.*, those who had entered into a Covenant or agreement that they would not trade or accept presents etc.) of the Company. But the covenant became meaningless when the Company ceased to be a commercial body in 1833. But the distinction was maintained and the exclusion of Indians continued.

In 1853 the Directors were deprived of their patronage and the Civil Service of India was thrown open to competition to all natural born subjects of Her Majesty. But as the competitive examination was held in London, it meant the exclusion of most of the Indian candidates. The assurances contained in the Queen's Proclamation did not materially improve matters. The subsequent history of this question will be taken up in another Chapter.

CHAPTER IX

SOME GREAT ADMINISTRATORS.

(38)

I—INTRODUCTORY.

In this Chapter attention will be drawn to the individual reforms of some of the great administrators of this period. I will not say here anything about Clive or Warren Hastings or Lord Cornwallis. Lord Wellesley—more known as a conqueror—was not blind to the great defect of the system of Government which the Company had established. The Governor-General in Council was at once the highest Legislative, Executive and Judicial Authority in India. The efficiency of such a centralization of power was won at the sacrifice of the interests and rights of the people. He therefore proposed the separation of the judicial function of the Governor-General in Council but the problem which Wellesley had most at heart was the education of the British servants of the East India Company.

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II—THE REFORMING MOVEMENT.

As Prof. Ramsay Muir points out * the Reforming movement in India associated with the name of Lord William Bentinck was in part stimulated by the Liberal movement that set in Europe after the overthrow of Napoleon. This new spirit showed itself in two ways. On the one hand there was a far more respectful study and appreciation of Indian

* Ramsay Muir 282—283

Law and custom than had been shown since the days of Warren Hastings. Metcalfe, Elphinstone, Munro and Malcolm—each one of this great quadrilateral of administrators—was an admirer of the village communities of India. The primary aim of these great men was to maintain and strengthen whatever was good in the self governing institutions of the people. Along with this eagerness to understand and preserve what was old, there was an equally strong anxiety to introduce the civilization of the West into India.

As examples of the first tendency a few extracts from different authorities describing the *Village Communities* may be given here.

Elphinstone in his report had drawn attention to these village communities. "In whatever point of view we examine the Native Government in the Deccan, the first or most important feature is the division into villages or townships. These communities contain in miniature all the materials of a state within themselves, and are almost sufficient to protect their members, if all other Governments are withdrawn. Though probably not compatible with a very good form of Government, they are an excellent remedy for the imperfections of a bad one; They prevent the bad effects of its negligence and weakness, and even present some barrier against its tyranny and rapacity.

Each village has a portion of ground attached to it which is committed to the management of its inhabitants. The boundaries are carefully marked and jealously guarded. They are divided into fields, the limits of which are exactly known; each field has a name and is kept distinct, even when the cultivation of it is long abandoned. The Villagers are entirely cultivators of the ground with the addition of the few traders and artisans that are required to supply

their wants. The head of each village is the Patil who has under him an assistant called the Chaugula and a clerk called Kulkarni. There are besides 12 Village Officers, well-known by the name of Bara Baloti....the Patil is head of the Police and of the Administration of justice in his Village, but he need only be mentioned here as an Officer of revenue. In that capacity he performs on a small scale what a Mamlatdar or Collector does on a large ; he allots the land to such cultivators as have no landed property of their own and fixes the rent which each has to pay ; he collects the revenue for Government from all the rayats ; conducts all its arrangements with them, and exerts himself to promote the cultivation and the prosperity of the Village. Though originally the agent of the Government, he is now regarded as equally the representative of the Rayat and is not less useful in executing the orders of the Government than in asserting the rights or at least in making known the wrongs of the People."

Sir Charles Metcalfe—in his famous Minute of 1830 also wrote :—The Village Communities are little Republics, having nearly everything that they want within themselves and almost independent of any foreign relations....The union of the village communities—each one forming a separate little state by itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all revolutions and changes which they have suffered and it is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence. I wish, therefore, that the Village constitutions may never be disturbed and I dread everything that has a tendency to break them up. I am fearful that a revenue-settlement with each individual rayat, instead of one with the Village Community through their representatives, the head

such might have such a tendency. For this reason, and for this only, I do not desire to see the Rayatwari Settlement generally introduced into the Western Provinces."

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III—REFORMS OF BENTINCK.

Coming back to the group of Reformers, one must note that at their head stood Lord William Bentinck. "He was nearer to the *beau idéal* of what a Governor-General ought to be than any man that held that Office. There have been several good men and several great men in the same position, but there has been none like him. A paramount sense of duty to the inhabitants of India and a desire to do them good inspired all his words and actions.*

He had received definite instructions from the home authorities to effect retrenchment in expenditure which had grown enormously on account of the wars of Lord Hastings—and with the help of two specially appointed Committees he made large economies in Civil and Military Departments. He reformed the currency, and rupees with the head of the British Sovereign were struck and made equivalent to a tenth part of the pound. He also overhauled the Opium Department.

His Administrative Reforms took the shape of improving the judicial administration—(to which reference has already been made); he allowed the vernaculars to be used in the proceedings of the Courts, in place of the Persian; above all he introduced Indians to important places. "He clearly saw in this far-sighted view of Policy that through the path of gradual enlistment of the intellectual ability and ambition of the Natives in the permanent service of their own land, lay our only reasonable or definite prospect of retaining an ascendancy therein."†

* Torrens : 303.

† Torrens : 303.

His Social Reforms consisted in the abolition of *Sati* and the suppression of *Thaggi*. He was dissuaded from interfering with the customs of the people by Oriental scholars like H. H. Wilson. But he persevered and abolished the evils.

We have considered in another place his Land Revenue Policy and also his Educational Policy.

On the whole we may concur with the tribute paid to him by his colleague in the Council, Sir Charles Trevelyan: "To Lord William Bentinck belongs the great praise of having placed our dominion in India on its proper foundation in the recognition of the great principle that India is to be governed for the benefit of the Indians, and that the advantages which we derive from it should only be such as are incidental to and inferential from that course of proceeding."

(41) IV—WORK OF SIR THOMAS MUNRO.

Munro's Views on Indian Administration are contained in his well-known Minute of 31st December 1824 which Mr. R. C. Dutt described as "perhaps the most thoughtful and statesmanlike Minute ever recorded in India since the time of Cornwallis."* Some of those views may be considered here.

(1) *On the Employment of Indians in Administrative Work.*—Munro deplored that no confidence was placed in the Natives and that they were excluded from all offices; he was convinced that mere spread of education would not raise the people; "our books alone will do little or nothing; dry simple literature will never improve the character of a nation. To produce this effect, it must open the road to wealth, honour, and public employment. Without the prospect of such a reward, no attainments in science will ever raise the character of the people." Munro also held that the employment of Indians was also desirable on the ground of getting accurate

* Dutt (*Early British Rule*) 160.

information from them regarding their laws and customs and for the making of new laws for them.

(2) *On the Advantages and Disadvantages of British Rule.*—Though British Rule has secured India from the calamities of foreign war and internal commotion, it has also brought about the exclusion of the people from any share in legislation or administration; this necessarily leads to a lowering of the character of the people.

“One of the greatest disadvantages of our Government in India is its tendency to lower or destroy the higher ranks of society, to bring them all too much to one level and by depriving them of their former weight and influence to render them less useful instruments in the internal administration of the country.”

(3) *On the Future of India.*—“There is one great question to which we should look in all our arrangements; what is to be their final result on the character of the people? Is it to be raised or is it to be lowered? Are we to be satisfied with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present or are we to endeavour to raise their character and render them worthy of filling higher situations in the management of their country and devising plans for its improvement? It ought undoubtedly to be our aim to raise the minds of the natives and to take care whenever our connection with India might cease, it did not appear that the only fruit of our dominion there had been to leave the people more abject and less able to govern themselves than when we found them.... Various measures might be suggested which might all probably be more or less useful (in improving their character): but no one appears to me so well calculated to ensure success, as

that of endeavouring to give them higher opinion of themselves, by placing more confidence in them, by placing them in important situations, and perhaps by rendering them eligible to almost every office under the Government....When we reflect how much character of Nations has always been improved by that of Governments and that some, once the most cultivated have sunk into barbarism, while others, formerly the rudest have attained the highest point of civilization, we shall see no reason to doubt that, if we pursue steadily the proper measures, we shall in time so far improve the character of our Indian subjects as to enable them to govern and to protect themselves."

N.B. :—For his view on Subsidiary Alliances, and on Judicial and land Revenue Administration see elsewhere.

(42)

IV—WORK OF ELPHINSTONE.

He went to India as a young lad of 17 in 1796 and served in the capacity of a Private Secretary under Arthur Wellesley—the future Duke of Wellington. He was Resident at Nagpur from 1804 to 1808 and there he obtained intimate knowledge of Maratha affairs. A Mission to Kabul enabled him to write a history of Afghanistan and on his return in 1811 he was appointed Resident at Poona and was witness of the last stages of the Peshwa's rule. After the over-throw of that rule he was appointed Commissioner of the Deccan in January 1818 and Governor of Bombay in 1819.

His fame as a liberal Administrator rests mainly on his work in three directions. *His first endeavour was to codify the Law. He framed the Bombay Code consisting of 27 Regulations and he also had the idea of preparing an exhaustive digest of laws and customs of the different castes of the

* Datt—India under Early British Rule.

Minutes. His second object was to confer on the people of India as large a share in the work of administration as possible. In this respect the maxim of Elphinstone was this: "our object ought to be to place ourselves in the same relation to the natives as the Tartars are to the Chinese: retaining the Government and military power, but gradually relinquishing all share in civil administration, except that degree of control which is necessary to give the whole an impulse and direction." His third and last purpose was to spread a sound system of education, about which something has been said already.

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V—OTHER ADMINISTRATORS.

It is impossible to mention here all the great names of this period or to specify their work but the student of this period of Indian administration is easily convinced that at no time—either before or after this period—were there so many able servants of the Company labouring for the good of the people. Sir John Shore, John Sullivan, Sir John Malcolm, Thomason, R. M. Bird, Colvin, Cotton, Briggs, Todd, Grant Duff are famous names. As R. C. Dutt observes "Never did Englishmen of any generation show higher literary culture and talent in India, never did they show a truer sympathy with the people."*

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VI—LORD DALHOUSIE AS AN ADMINISTRATOR.

'Passing over a period of 20 years we come to Lord Dalhousie:—He is the consummation of the work of the East India Company. His thirst for territorial expansion and his anxiety to introduce material and moral elements of Western

* R. C. Dutt 428.

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civilization into India, illustrate the weakness and strength respectively of the Rulers of India of the first half of the Nineteenth Century. Not only, however, does he sum up in himself the characteristics of the preceding era, he foreshadows the development of the succeeding period. He is thus a transitional figure. His views have been set out most clearly in his well known Minute in which he took a review of his long administration towards its close.

MINUTE OF LORD DALHOUSIE—28TH FEBRUARY, 1856.

Each item mentions what Dalhousie achieved or proposed to achieve regarding the various problems of administration.

1. Securing the peace of the frontier by friendly treaties with Kashmir, Kelat and Kabul.
2. Conquest of the *Punjab* and *Burma*.
3. Annexations of the kingdoms of Nagpur and Oudh, the principality of Satara, the Chiefship of Zansi, and the acquisition of Berar.
4. Increase in the revenue from £26 in 1847-48 to £30 in 1855, and of trade.
5. Setting up of strong Civil Governments in the provinces newly acquired, particularly in the 4 kingdoms of Punjab, Burma, Oudh and Nagpur.
6. Separation of Bengal and its administration by Lieut.-Governor as required by the Act of 1833.
7. The establishment of the Legislature of India as distinct from the Supreme Council. Its procedure was fixed; its debates were printed and published.
8. Reorganization of the civil service after it had been thrown open to competition, by setting up Depart-

mental examinations as tests of efficiency and promotion.

9. Appointments of Inspectors of prisons in the N. W. Provinces and in Bengal and in Madras and Bombay for establishing prison discipline.
10. Extension of the system of primary education as it was established by Mr. Thomason in the N. W. Provinces and the establishment of the Presidency College of Calcutta.

Giving effect to the orders contained in the famous Education Despatch of 1854.

A Department of Public Instruction under a Director was established; provisional rules for grants-in-aid were drawn up; and a Committee appointed to frame a scheme for the proposed Universities. Also special attention was paid to Female Education.

11. The first introduction into the Indian Empire of three great engines of social improvement, which the sagacity and science of Western times had previously given to the Western Nations namely Railways, uniform Postage, and the Electric Telegraph.

Railways.—A system of trunk lines connecting the interior of each Presidency with its principal port and connecting the several presidencies with each other, projected and begun.

Post.—A special Commission laid down the following principal rules underlying the postal system (1) the institution of the post office throughout India as a

distinct department, superintended by the Director-General, under the immediate control of the Government of India. (2) A uniform rate irrespective of distance, throughout India. (3) The substitution of postage stamps for cash payments. (4) The restriction of the privilege of official franking to as few officers as possible.

Telegraph.—About 4000 miles of Electric Telegraph were brought into operation.

12. (a) The successful execution and completion of the Ganges Canal.
- (b) The Bari-Doab canal in the Panjab.
13. Works for improving the general communications of the Country.
 - (a) internal navigation by steam-ship flotillas in the Ganges, the Indus, and the Irrawady.
 - (b) Improvements in the ports of Calcutta, Bombay, Karachi, Rangoon and the new port of Dalhousie on the Bassein River.
 - (c) Construction of roads—particularly the Grand Trunk Roads, and bridges &c.
14. Finally the practice of requiring the Provincial Governments to submit annual Reports of important occurrences in their Provinces was begun by Dalhousie.

General Principles of his policy.—Some of the principles underlying the reforms of Dalhousie may be thus laid down :—As Lee-Warner points out,* Dalhousie's fundamental axiom was the separation of the functions of Government into Departments with responsible officials at the top. Thus he created a separate Department for Public Works, and so

* See Lee-Warner : Vol. II Chapter V.

reformed the system of accounts as to distinguish between the moneys spent upon the new works and those spent upon repairs and maintenance. He also proposed that money should be borrowed for the purpose of expediting the construction of Public Works. His Railway policy was fully set out in his minutes of 4th July 1850 and April 1853. He advocated Railway construction by private Companies, with guaranteed interest and State control.

His proposals for Military Reform.—In conclusion a word must be said here about his proposals for military reform. The Indian Army consisted of Royal troops (all European), and Company's troops (Indian and European). Dalhousie advocated the enlargement of the European portion of the army and the Act of 1858 raised the limit of the European army to 20,000. The efficiency of the army was lessened by its administration being carried on by Military Boards in Calcutta, Madras and Bombay. The Boards were abolished and their work entrusted to separate Departments. These and other proposals of Dalhousie regarding military matters were contained in a series of nine Resolutions which for a long time remained buried in the archives of the India Office.*

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VII—RETROSPECT.

With this chapter the Administration of India by the East India Company comes to a close. Everywhere the old order of things gave place to a new order. Amidst the ruins of the old order the foundations were being laid upon which an extensive system of administration was to be built up under the auspices of the Crown. To that period of reconstruction we turn in the next Part of this book.

* See Lee-Warner : Volume II, Chapter VIII.

PART III

BUREAUCRATIC GOVERNMENT

CHAPTER X

PARLIAMENTARY SUPREMACY IN THEORY AND PRACTICE.

(46)

I—INTRODUCTORY.

We considered in Part II the territorial expansion as well as the administrative system established in India under the East India Company. When the Crown assumed in 1858 direct responsibility for the Government of India, the centralization of administration was completed and a form of Government resulted which is aptly called "Bureaucratic Government." In this form administration is carried on by a hierarchy or gradation of officers, the lower officers being the agents of, and therefore entirely responsible to, those superior to them. The wishes of the people are never constitutionally consulted. This form of Government might be inevitable under certain conditions; nor need it necessarily be antagonistic to the interests of the people. Its essence lies in nothing being done by the people, though a set of officials may presume to do a great deal of what *they* think to be good for the people.

We may distinguish four tiers in the officialdom which now managed the affairs of India. At the top was (1) the Secretary of State for India in Council responsible to Parliament

for the administration of India. (2) Below him was the Viceroy and Governor-General of India in Council who was at the head of the administration in India and who was "The man on the spot." (3) Below him was a number of Provincial (or, as they were also called, local) Governments or administrations under Governors, Lieutenant-Governors or Chief Commissioners. These Governments did not enjoy any independent powers of their own but were the agents of the Governor-General in Council. (4) Finally, within the provinces a more or less uniform system of administration came to be established, the unit of which was the District, and the chief executive officer in which was Collector-Magistrate or the Deputy Commissioner.

In this Part we shall consider the growth of the system along these four lines, with special reference to the relations that bound the lower to the higher authorities. The defects of the system became obvious even before the process of centralization was completed. They were partially removed by (1) adopting the converse process of Decentralization as between the Central and Provincial Governments, (2) the institution of Local Self-Government within the provinces and finally, by (3) the establishment of Legislative Councils. An inquiry into the results accomplished or anticipated in each of these directions will form a proper Introduction to the study of Responsible Government which is the subject of the Fourth Part of this Book.

(47) II—HISTORY OF THE GOVERNMENT OF INDIA ACT 1858.

When the Charter of the Company was renewed in 1853. Parliament, as if prescient of the impending catastrophe, provided that the Indian territories should remain under

the Government of the Company "in trust for the Crown until it should direct otherwise." The Indian Mutiny of 1857 gave the deathblow to the old system. It was argued by many that the question of abolishing the East India Company should not be raised in Parliament until peace was established in India. But the House of Commons resolved to take up that question without delay and two Bills were successively introduced in the House of Commons. It appeared at one time as likely that the two rival Bills would be made the subject of party strife. The House of Commons, therefore, resorted to the procedure of adopting certain Resolutions embodying the principles of the two Bills. A third Bill based upon these Resolutions finally became "The Act for the good Government of India" of 1858. It in no way interfered with the details of Indian Government. It confined itself to the improvement of the machinery by which the Indian Government was to be thenceforward superintended and controlled in *England*.

(48) III—THE CASE FOR THE *Status Quo*.

Great apprehension was expressed at the time of the passing of the Act about the danger of the Government of India falling into the hands of the Crown. It was felt that there should be some check over the exercise of authority by the Crown, and it was contended that the House of Commons, on account of its other preoccupations would not be an effective check. The partisans of the East India Company said that an independent body like the Court of Directors was a better check than the House of Commons. In the Petition (framed by John Stuart Mill) that was submitted to Parliament on behalf of the East India Company,* this position was well

* Keith Vol. I, pages 298--319.

argued. "The Home administration of India cannot be vested in the Minister of the Crown without the adjunct of a Council composed of statesmen experienced in Indian affairs. Such a body should not only be qualified to advise the Minister but also by its advice, to exercise a moral check over him. The Minister was likely to be influenced by private or public pressure. The Council ought to be a barrier also against the inroads of self interest and ignorance to which he is exposed. If the Council was not a check, it would be a screen. In any case, a new Council would not have that authority which an established body like the Court of Directors possessed." The Petition, therefore, pleaded for the continuance of the *Status quo*.

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IV—DEFECTS OF THE OLD SYSTEM.

But this plea proved unavailing. That the system of Double Government established by Pitt's Act of 1784 was a failure was admitted by all. At the same time when one reflected upon the work of some of the great administrators of India one was bound to conclude that if the Company's Rule over India proved a failure it was not due to the paucity of able servants, but rather to the incurable defects of the system itself.

The greatest defect was the irresponsible character of the Double Government. There were as many as three authorities between which that responsibility was divided: the Court of Directors (who could recall a Governor-General though he was appointed by the Crown), the Board of Control (which really meant the President who, particularly in matters of peace and war, acted without the consent and in some cases without even the knowledge of the Directors, and

involved India in unnecessary and ruinous wars; and finally the Governor-General in Council (who, relying upon the support of the President of the Board of Control, often followed a policy that was not to the liking of the Court of Directors.)

Such an arrangement was bound to prove harmful to the interests of the people of India and it was opposed to the fundamental principle of the British Constitution. As Lord Palmerston, in introducing the Government of India Bill of 1858, said "A principle of our political system is that administrative functions should be accompanied by ministerial responsibility—responsibility to Parliament, responsibility to public opinion, responsibility to the Crown." The Directors were responsible only to the Court of Proprietors and not to the people or Parliament of England, nor was the President of Board though a member of the Ministry, strictly responsible to Parliament through it.

A second defect was the cumbrous and dilatory method of administration. It involved an incredible amount of correspondence between England and India, with the inevitable result that a great deal of work was really done by those whom Burke called the "tyrants of the desk." Commenting upon this defect Palmerston said, "Before a despatch upon the most important matter can go out to India it has to oscillate between Cannon Row and India House....and its adventures between these two extreme points of the metropolis were often as curious as the familiar *Adventures of a Guinea*."

A further defect was the indifference of the House of Commons to the affairs of India. As Macaulay complained a

broken head in Cold Bath Fields produced a greater sensation among Members of Parliament than three pitched battles in India.

Nor, finally, was the Government by a mercantile Company of a large country containing many Ruling Princes free from absurdity and anomaly.

In fact, though there was considerable diversity of detail as to the suggested remedy all critics of the old system of Government agreed that it should be abolished and that the administration of India should be transferred from the Company to the crown. The first step towards such transference was taken by the Act of 1853 by requiring six out of the twentyfour Directors to be nominated by the Crown. The Government of India Act of 1858 went further: it abolished the Court of Directors and the Board of Control altogether, transferred the Government, territories, and revenues of India from the Company to the Crown, declared that India was to be governed by and in the name of the English Sovereign, authorised the appointment of an additional principal Secretary of State, and created the Council of India.

(50) V—THE SECRETARY OF STATE AND HIS COUNCIL.

The duties and powers of the Secretary of State in Council were comprehensively defined as all those duties and powers which were exercised by the East India Company and the Board of Control in England and by the servants of the Company in India. In particular he was charged with the "Superintendence, direction and control of all acts, operation, and concerns which in anywise relate to the Government or revenues of India."

The position of the Secretary of State for India differed from that of the other four Secretaries of State (Home, Foreign,

Colonial, and War) in the British Cabinet in two respects.

(1) His salary and that of his Parliamentary and Permanent Under Secretaries was placed on the revenues of India, and (2) he was given a Council which he was expected always to consult and in certain cases whose decisions were binding upon him.

That the Secretary of State should have a Council became obvious when one remembered that generally he had no sufficient knowledge and experience to discharge duties so various and complicated as those connected with the administration of India. But the exact composition of the Council and its relation to the Secretary of State gave rise to great difference of opinion. The Council was not meant to be a screen as the Court of Directors were in the past. Neither was it to be the master of the Secretary nor a mere puppet in his hands. Its real position was that of advisers and for that purpose its members were to possess the three requisites of intelligence, experience, and independence.*

The Council under the Act of 1858 consisted of 15 members of whom eight were appointed by the Crown and seven were elected, in the first instance by the Directors and subsequently by the Council itself. They held office during good behaviour but were removable on an address by both Houses of Parliament. They were debarred from sitting in Parliament. It was thought that otherwise they would become party men and their relations with the Secretary of State would be strained, especially after a change of Ministry.

The function of the Council was to conduct the business transacted in the United Kingdom in relation to the Government of India and the correspondence with India.

* Keith · Vol. II, Lord Derby's Speech.

As the full responsibility for the Government of India was fastened upon the Secretary of State it was natural to arm him with the power of overriding his Council. But to check an abuse of this power two qualifications were imposed upon it: when the Secretary of State acted in opposition to a majority of his Council he was to state and place on record the reasons why he set aside their opinion: similarly any Councillor whose advice was not adopted could also place on record the reasons which induced him to give that advice. (2) The Secretary of State was bound to call his Council at least once a week.

Regarding the transmission of correspondence there were two exceptions to the general rule that all despatches to and from India should be laid before the Council: *viz*, the Secretary of State might if he thought fit issue orders on *urgent* matters without calling the Council together, in which case he was to place those orders before their next meeting; similarly he might send out orders and instructions in *secret* matters without previously communicating those orders to the Council. The secret matters related to the carrying on of war, or diplomatic arrangements with the Native States.

In two cases the Secretary was bound by the majority of his Council; (a) in the case of the election of members to his Council, and (b) in the matter of expenditure of the revenues of India.

From these main provisions of the Act of 1858 it is easy to infer what the intentions of Parliament were as to the relative position of the Secretary of State and his Council, and the relations of both with the Government of India. Parliament did not wish to disturb the legislative and administrative powers that then rested in the Governor-General and his Council. It imposed a Council of India as a check over the

authorities in India and also over the Secretary of State ; and over all these three authorities the House of Commons, in the absence of any representative institutions in India, was to exercise a close and constant supervision.

(51)

VI—THE SECRETARY OF STATE.

In practice, however, all power tended to gather in the hands of the Secretary of State. This was brought about (1) by the indifference of Parliament to matters Indian ; (2) by the position of subordination and dependence to which the Council was reduced ; and finally (3), by a very rigid control which the Secretary of State came to establish over the details of Indian Finance, Legislation and Administration.

(1) *Nature of Parliamentary Control.**—The authority of Parliament over the Indian Government is supreme. It is open to Parliament to exercise control either by means of legislation, or by requiring its approval to rules made under delegated powers of legislation ; it may control the revenues of India ; finally it might exert its very wide powers of calling the responsible minister to account on any matter of Indian administration. In practice however Parliament legislates for India on two occasions ; to make amendments in the constitution of India, and to authorise loans raised by the Secretary of State. The bulk of Indian legislation is left to the Indian Legislatures, though closely controlled by the Secretary of State. It required rules to be submitted to it only in important cases *e.g.*, Rules made for the nomination and election of additional members of the Legislative Councils ; Rules for the appointments to be made to the Indian Civil Service etc.

* M. C. Report S. 33.

Nor does Parliament control Indian revenue (apart from loans raised by the Secretary of State); or Indian expenditure (apart from military expenditure incurred beyond the Indian frontiers); As the salaries of the Secretary and the Under Secretaries were paid out of the Indian revenues they did not furnish an occasion for discussion and criticism of their Indian policy. In fact once a year statement of the revenues and expenditure of India together with a "Moral and Material Progress Report" was submitted to Parliament. The Report was a cumbrous compilation and the interest of Parliament in the budget debate was nil. As Mr. Ramsay Macdonald admitted, "Parliament has not been a just or watchful steward. It holds no great debates on Indian questions; it looks after its own responsibilities with far less care than it looked after those of the Company; its seats are empty when it has its annual saunter through the Indian budget."*

Nor finally does Parliament avail itself to the fullest extent of the other means of making its opinion felt on matters of Indian administration *e.g.*, by questions, by amendments to the address, by motions to adjourn; by resolutions, or by motions of no confidence. On the whole the Authors of the Report on Constitutional Reforms had no hesitation in saying that the interest shown by Parliament in Indian affairs was neither well-sustained nor well-informed. Before 1858 Parliament held regular inquests in Indian administration prior to each renewal of the Charter; but after 1858 it ceased to exercise control at the very moment when it acquired it. The authors of the Report regarded this omission on the part of Parliament to institute regular means of reviewing the

* R. Macdonald p. 44.

Indian administration as much responsible as any one cause for the failure to think out and work out a policy of continuous advance for India.

(2) *Subordination of the Council to the Secretary of State.*—The expectation of the Council exercising a check over the Secretary was not realised in practice. By an Act of 1869 the Secretary got the right of filling all vacancies in the Council, and the tenure was changed from tenure during good behaviour to tenure for a term of ten years. This period was further reduced to seven years by an Act of 1907. About the same time the practice was begun (by Lord Morley) of appointing Indians to the India Council.

Again though the Act of 1858 required the ~~concurrence of~~ a majority of votes at a meeting of the Council for incurring expenditure in India, this power of "Financial veto" was, as a matter of fact of little moment. There was a discussion on this question in the House of Lords in 1869. "The discussion showed that whilst the object, and to some extent the effect, of this Section was to impose a constitutional restraint on the powers of the Secretary of State with reference to the expenditure of money, yet this restraint could not be effectively asserted in all cases, especially where Imperial questions were involved. The Council must in the last case submit to Parliament. It ought to be clearly understood that the moment the House steps in and expresses an opinion on a subject connected with India, that moment the jurisdiction of the Council ought to cease."

Further the circumstance that the Secretary of State could issue orders in secret or urgent matters without consulting the Council augmented his powers.

The method of transacting business in the India Office and in the Council of India also tended in the direction of increasing the importance of the Secretary. In the India Office work was divided among various Departments (e.g. Finance, Revenue, Public Works, Political, Military, Medical, Legal, and Department for the Purchase of Store on account of Government of India). Each Department was under a Secretary selected by the Secretary of State. The Secretary of State and the Governor-General carried on a good deal of correspondence of a private character of which no record is kept. The remaining correspondence was dealt with in respective Departments to which it belonged. The Secretary of the Department having worked up a case he placed it before a Committee of the Council. The Council worked through Committees. There were eight or nine of them corresponding to the Departments in the India Office and many Councillors served on more than one Committee. They were appointed on the Committees by the Secretary of State. It was before such a Committee that the Secretary of the Department placed his file. The Committee then recorded their opinion on the file which was next sent on to the Permanent Under Secretary of State. He took it to the Secretary of State who allowed him to issue orders on it or issued them himself, or allowed the Parliamentary Secretary to do so, or ordered the file to be taken before a full meeting of the Council. Of course in great many cases the orders were issued by the Permanent or Parliamentary Under Secretary. This method of transacting work through Committees gave enormous power to the Secretary of State.

(3) Finally we come to the *rigid and minute control exercised over the Government of India*. This control was based upon the theory that the supremacy of **Parliament** over the **affairs**

of British India was absolute.* A few examples will show how this theory was established. (a) In 1870 Lord Mayo's Government as a whole protested at being required to pass the Bills which ultimately became the Contract Act and the Evidence Act. At that time a Law Commission used to sit in London to frame drafts of Bills and Codes which were then sent on to the Legislative Council of the Governor-General for adoption. The Secretary of State required the Government of India to accept the two Bills in the shape in which they had been recommended by the Law Commission. The Government of India protested on the ground that such Codes deprived the Legislative Council of all liberty of action. The Home Government though admitting the possible inconvenience and embarrassment said, "that the risk of serious embarrassment would become much greater if a clear understanding were not maintained as to one great principle which from the beginning has underlaid the whole system. That principle is that the final control and direction of the affairs of India rest with the Home Government, and not with the authorities appointed and established by the Crown, under Parliamentary enactment, in India itself.

"The Government established in India is (from the nature of the case) subordinate to the Imperial Government at Home. And no Government can be subordinate, unless it is within the power of the Superior Government to order what is to be done or left undone, and to enforce on its officers, through the ordinary and constitutional means, obedience to its direction as to the use which they are to make of official position and power in furtherance of the policy which has been finally decided upon by the advisers of the Crown "

* M.C. Report S. 34.

(b) Again when Lord Northbrook attempted to assert the independence of his Government in fiscal matters, Mr. Disraeli's Government were equally decided in affirming their constitutional rights. "It is not open to question that Her Majesty's Government are as much responsible to Parliament for the Government of India as they are for any of the Crown Colonies of the Empire.... It necessarily follows that the control exercised by Her Majesty's Government over financial policy must be effective also."

(c) A further extension of the theory of Parliamentary supremacy was enunciated in 1894 on the occasion of the Cotton Duties Bill. Sir Henry Fowler, the Secretary of State, then laid it positively that the principle of the united and indivisible responsibility of the Cabinet, which was recognized as the only basis on which the Government of the United Kingdom could be carried on, applied to the Indian Executive Council, in spite of the different nature of the tie which held its members together. "It should be understood that this principle which guides the Imperial cabinet, applies equally to administrative and to legislative action; if in either case a difference has arisen, members of the Government of India are bound, after recording their opinion, if they think fit to do so, for information of the Secretary of State in the manner prescribed by the Act, either to act with the Government or to place their resignations in the hands of the Viceroy. It is moreover immaterial for the present purpose what may be the nature of the considerations which have determined the Government of India to introduce a particular measure. In any case the policy adopted is the policy of the Government as whole, and as such must be accepted and promoted by all who decided to remain members of the Government."

Thus the supremacy of Parliament over the Government of India, and of the latter over the local Governments, and also the principle of unity within the Indian executive were finally established.

It will be now realised, in the light of this principle what an effective control the Secretary of State exercised over the Government of India. The relation will be examined in greater detail in the next chapter. But the responsibility of the Secretary of State to Parliament for every act of Indian administration, the fitful interest taken by Parliament which might make the most paltry incident in India the subject of interpellation or debate, and above all the telegraphic communication between the Secretary of State and the Viceroy tended to throw enormous power in the hands of the Secretary.

(52) VII—REVIEW, CRITICISM, AND REFORM OF THE HOME ADMINISTRATION.

It will thus be seen that just as under Double Government all power came to reside in the President of the Board of Control, similarly, under the guise of Parliamentary Supremacy the Secretary of State became the repository of all power. Well-informed writers like Cheilley, Sir O'Moore Creagh and Mr. Ramsay Macdonald agree in confirming this view. Much of course depended upon what is called the "Personal equation" regarding the relations between Whitehall and Simla.

Turning next to the position and reform of the Council of the Secretary of State we must first of all make clear to ourself what we want it to do. As it had in effect become a purely advisory body it merely involved reduplication of work and loss of time. The majority of members consisted of those who had long official experience in India, and who, therefore, sought to control, from the India Office, the action

or policy of their successors in office in India. There was some excuse for re-examining and control of the measures of the Government of India so long as the latter was not amenable to popular control in India. But the excuse disappeared and the control became anomalous after the growth of public opinion in India.

Again seven years was too long a period to keep the members of the Council in living touch with the rapidly changing conditions in India. The innovation of Lord Morley to remedy this defect by the infusion of Indian members into the Council was a move in the right direction.

Another defect of the system was the very anomalous position of the Secretaries of the various Departments which transacted business in the India Office. These Secretaries were appointed by the Secretary of State and were often the holders of very high official positions in India prior to their appointment. Their knowledge of Indian condition was both more recent and authentic than that of the Councillors to whom, however, they were subordinate. The departmental Secretaries could not attend the meetings of the Councils and they were not the constitutional advisers of the Secretary of State. The object of Lord Crewe's proposed reform of the India Council was to convert the Secretaries into the Secretary of State's constitutional advisers, but the Bill was rejected by the House of Lords.

Proposals for the reform of the Council—like the one of Lord Crewe were always put forward. But it would seem that with the growth of Legislative Councils and popular opinion in India, the utility of the Council of the Secretary of State disappears. Any strengthening of the Council cuts at the principle of Parliamentary Control at both ends: it weakens the responsibility of the Secretary of State to Parliament

and of the Government of India to the Secretary of State. It was opposed to the salutary axiom that India must be governed as far as possible by the Government of India, and above all to the development of self-Government in India. Any attempt to seek, therefore, in a reformed and strengthened Council of India an effective check over the Secretary of State, is opposed to the whole trend of progress in India. As many as thirty years ago when the Legislative Councils were in their infancy, and when there was no talk of granting responsible Government to the People of India, Chesney said* "If, in the dim and distant future, the time should ever arrive when a Parliament of any sort is possible for India, it must be set up in that country and not in this, (England)." The question of the reform of the Council of India will be taken up in the fourth Part of the book which deals with the introduction of responsible Government in India.

* Chesney Chapter XXI, p. 379

CHAPTER XI

ADMINISTRATIVE CENTRALIZATION IN INDIA.

(GOVERNMENT OF INDIA.)

(53)

I—INTRODUCTORY.

From the Secretary of State in Council let us pass on to the centralized form of administration that came to be established in India. The best way of understanding the process of centralization is to consider the Government of India and its relations with the Provincial Governments. We shall take the Government of India first. We traced in an earlier section how the Governor-General of *India* in Council came to be evolved out of the Governor-General of Bengal in Council, under the Acts of 1773, 1784, and 1833. In 1854 when he was relieved of his duties as Governor of Bengal, he became the highest authority in *India* "for the superintendence, direction, and control of the Local Governments. In 1858 he was subjected to the general control of the newly created Secretary of State for India in Council. We shall first examine his relations with this superior authority.

(54) II—THE GOVERNOR-GENERAL IN COUNCIL IN RELATION TO THE SECRETARY OF STATE IN COUNCIL.

Reference has been made in the last Chapter to the doctrine of the absolute Sovereignty of Parliament. The multifarious control exercised by the Secretary of State over the Government of India was a corollary from that doctrine. What

power the Governor-General exercised in India was exercised on sufferance; it was due to his being "the man on the spot" and the head of an extensive system of administration removed by 6000 miles from the real seat of authority. It is true that the Governor-General exercised great powers and functions as the successor of those Native Rulers whom he had superseded. The exercise of such powers was not derived from English Charters or Parliamentary enactments. In spite of this, however, the Secretary of State exercised a rigid control over the Government of India in matters of Legislation, Finance and Administration the nature of which must be now explained.

In Legislation.—It would seem to be the object of the Acts of 1858 and 1861 to invest the Government of India with the initiative in matters of Legislation. For, (as will be explained in the Chapter on Legislative Councils) the Councils Act of the latter year vested the power of previous sanction for the introduction of Bills in the Provincial Councils, in the Governor-General and *not* in the Secretary of State. The latter had the power of veto only, to be exercised on behalf of the Crown. But soon, as a result of controversy between Lord Mayo and the Duke of Argyll over the Punjab Drainage and Canal Act, the latter laid down that the prerogative of the Secretary of State was not limited to a veto of the measures passed in India. He said "the Government of India were merely Executive Officers of the Home Government who hold the ultimate power of requiring the Governor-General to introduce the measure and of requiring also all the official members to vote for it."

Not only was every measure to be introduced in the Central or Provincial Legislative Council to be previously submitted to the Secretary of State for sanction, but every important

alteration in the measure in its passage in the Legislature was to be similarly communicated for approval. Previous intimation to the Secretary of State was dispensed with in the case of unimportant or urgent matters. Such was the net result of the controversy between Lord Northbrook and Lord Salisbury in 1874 which was merely a continuation of that between Lord Mayo and the Duke of Argyll. But when in 1875 Lord Northbrook passed the Tariff Act imposing a duty of 5 p. c. on imported Cotton Goods without referring the matter to the Secretary of State on the ground that it was *urgent* he was censured by Lord Salisbury who required *telegraphic* intimation to be given to the Secretary of State in the case of urgent legislation. This of course led to the resignation of Lord Northbrook. But the effect of the orders of Lord Salisbury was to deprive the Government of India of all initiative in and control over Legislation in Central or Provincial Councils of India.

In Finance and Administration—We may say generally that the Governor-General in Council was required "to pay due obedience to all such orders" as he may receive from the Secretary of State. The Government of India Act of 1858 placed all financial powers in the Secretary of State and every project for novel or large expenditure, every revision of the pay of or increase in the establishments, every change in Imperial or Provincial Taxation, in fact every departure from the established policy had to be referred to the Secretary of State for information and sanction.

The justification for this minute and multifarious control was that as there was no *popular* check over the Government of India *in India itself*—Parliament was the custodian and guardian of the interests of the people of India and the

Secretary of State exercised the control in discharge of the responsibility of Parliament to the people of India.

(55) III—THE VICEROY AND GOVERNOR-GENERAL.

From the relations between the Secretary of State and the Governor-General in Council, let us next turn to the Governor-General himself. When India was transferred to the Crown in 1858 the Governor-General became the "Viceroy," appointed by Royal Warrant, his term of Office being fixed at five years. As Mr. Ramsay Macdonald points out*, the Viceroy performs three great functions. He personifies the Crown, he represents the Home Government, and he is the head of the Indian Administration.

The first is now his proper function. He is the Crown visible in India, the ceremonial head of the Sovereignty, the Great Lord. He is the seat of justice and mercy, and catches up in himself, by virtue of his office, the historical traditions and sentiments of rulership."

His position as the Viceroy—in which capacity he deals with the Ruling Princes of India—should be distinguished from his position as the Governor-General in which capacity he is the representative of the Home Administration, and the Head of the Government of India. {He is bound to carry out the views of the Home Government with regard to important questions e.g. the Fiscal Policy of India, the Frontier Policy, Foreign Relations, Constitutional questions &c. Otherwise he must resign. Lord Northbrook had to resign because he would not carry out the Fiscal and Foreign Policy of the Home Government; Lord Curzon had to resign because his view regarding the constitutional position of the Commander-in-Chief of India did not find support with the Home Authorities.

* R. Macdonald 37.

(56)

IV—HIS EXECUTIVE COUNCIL.

Its Constitutional Position.—The Governor-General of India had always a Council associated with him in the transaction of business. In fact the Governors of the Presidencies in India and of most English Colonies in other parts of the world had Councils of their own. But there are two points about the development of the Council of the Governor-General which distinguish it from similar Colonial Councils. (1) The Colonial Councils, consisting mainly of the Heads of Departments, were of an advisory character with the result that the acts of the Colonial Government were described as the acts of the Governor and not of the Governor in Council. In India the Council was not only advisory but also executive so that the acts and orders of the Governor (and of the Governor-General) are described as the acts or orders of the Governor (or Governor-General) *in Council*. (2) In the Colonies there was a *second* Council for the purposes of legislation. In India the Council of the Governor-General, (and of the Governor) *itself* was invested with the power of making Regulations. The importance attached to the law-making function of the Executive Council was small in the beginning; but it came to be emphasized with the growth and complexity of administration and the extension of territories. The interesting result was that the Executive Council expanded into the Legislative Council—a process which will be described fully in another Chapter.

Character of the Council up to the Councils Act of 1861.—The history of the Council in its executive capacity dates from the Regulating Act. The defect of the Regulating Act which made the vote of the majority of the Council binding upon the Governor-General, (who had only a casting vote), was

removed by the Act of 1786 chiefly at the insistence of Lord Cornwallis. The Act empowered the Governor-General to override the majority of the Council in special cases and to act on his own responsibility. This completely changed the character of the Council. From a set of obstructionist colleagues it was transformed into a body of submissive advisers. As the Members of the Council were persons who had long served in India and who, therefore, possessed intimate knowledge of Indian affairs which the newly-arrived Governor-General usually lacked they gave to him their opinion on matters that came before them. And though the Governor-General was not bound to accept that opinion and act accordingly and though he was individually and effectively responsible for every act of the Government, the Members collectively exercised a useful check over the Governor-General.

Change in its character.—But in course of time changes occurred which greatly modified this character of the Council. At first all papers were submitted to all members of the Council in the order of their seniority and, therefore, first to the Governor-General. The inconvenience of this procedure became intolerable when every extension of territory added to the work of the Council and the Governor-General had to be absent from his capital for months together on account of the distracted state of the country. There were no roads, or railways or telegraphs, and either there was an inconvenient accumulation of public work or the Governor-General transacted it without consulting his Council. The Council was thus reduced to second rate importance and the situation became so impossible that Lord Dalhousie proposed radical changes in the procedure of the Council. It was, however, reserved for his successor, Lord Canning, to carry them out.

Reorganization by Lord Canning.—The principle of specialization had been already introduced into the Council by the appointment, in 1834, of an expert member for law, and in 1859 for finance. It was along this line of specialization and departmentalization that Lord Canning proceeded. When the Act of 1861 gave the Governor-General power "to make rules and orders for the more convenient transaction of business", he introduced what in effect became the 'Portfolio System'. Each Member was placed at the head of one or more Departments, and made responsible to the Governor-General.

Strength of the Council before the Reforms.—The Act of 1861 also raised the number of members to five. In 1874 a sixth Member (for Public Works purposes) was added, but for a number of years after 1880 this post was left vacant. It was Lord Curzon who created a new Department for the promotion of Commerce and Industry in charge of a new Member (now again the sixth Member). During his time also another change took place. Before that time the Military Department was placed in charge of an Ordinary Member of the Council—always a soldier but precluded from holding a command in the army during term of Office—and distinguished soldiers like Sir George Chesney had held the office. The Military Member remained at Head Quarters and was the constitutional adviser of the Viceroy on questions relating to the Army. The Commander-in-Chief was responsible for promotions and discipline and movement of troops, but many times his duties prevented him from attending regularly in Council. He had to submit his proposals through the Military Department. Lord Kitchner when he came to India in 1902 did not like this arrangement and proposed to create a new Army Department of which he was to be the head and

responsible for the whole Military Administration. Lord Curzon protested that this proposal had the tendency to concentrate Military Authority in the hands of the Commander-in-Chief and to subvert the authority of the Civil power by depriving it of independent Military advice. But no heed was paid to the protests of Lord Curzon and he, therefore, resigned in 1905.* Of the six Ordinary Members three were required to be persons who, at the time of their appointment had served at ~~least~~ 10 years in the service of the Crown in India; and one member (the Law Member) was required to be a Barrister of not less than five years' standing. The absence of statutory qualification for the remaining two ordinary members was availed of for the purpose of appointing Indians to the Executive Council under the Reforms scheme of Lords Morley and Minto.

(57)

V—WORKING OF THE COUNCIL.

We get an insight into the internal working of the Council from the writings of those who were distinguished Members of that Body, e.g. Sir William Hunter, Sir John Strachey, Sir John Chesney &c. Thus Sir William Hunter says in his *Life of Lord Mayo* "All routine and ordinary matters were disposed of by the Member of the Council within whose Department they fell. Papers of greater importance were sent, with the initiating Member's opinion, to the Viceroy who either concurred in or modified it. If the Viceroy concurred, the case generally ended and the Secretary worked the Member's note into a letter or Resolution to be issued as order of the Governor-General in Council. But in matters of weight the Viceroy, even when concurring with the

* Sir Thomas Raleigh Introduction to the speeches of Lord Curzon.

initiating Member's view, often directed the papers to be circulated either to the whole Council or to certain of the Members whose views he might think it expedient to obtain on the question. In cases in which he did not concur with the initiating Member's views, the papers were generally circulated to all the Members, or the Governor-General ordered them to be brought up in Council. Urgent business was submitted to the Governor General directly by the Secretary of the Department under which it fell; and the Viceroy either initiated the order himself or sent the case for initiation to the Member of the Council at the head of the department to which it belonged."

Sir William proceeds to say that the Viceroy also gave one day a week to his Executive Council.

A later glimpse into this subject is afforded by the Report of the Royal Commission on Decentralization.

"In regard to his own department, each Member of Council is largely in the position of a Minister of State, and has the final voice in ordinary departmental matters. But any question of special importance and any matter in which it is proposed to overrule the views of a Local Government, must ordinarily be referred to the Viceroy. This latter provision acts as a safeguard against undue interference with the Local Governments but it necessarily throws a large amount of work on the Viceroy. In the year 1907-08 no less than 21.7 per cent of the cases which arose in, or came up to the Home Department required submission to the Viceroy. The Home Department is, however, concerned with the questions which are, in a special degree subject to review by the Head of the Government, and we believe that in other Departments the percentage of cases referred to the Viceroy is considerably less. Any matter originating in one Department which also

affects another must be referred to the latter and in the event of the Departments not being able to agree the case would have to be referred to the Viceroy."

The Report then proceeds to accurately describe the position of the Departmental Secretaries. "It corresponds very much to that of the Permanent Under Secretary of State in the United Kingdom, but with these differences that the Secretary is present at Council Meetings; that he attends on the Viceroy, usually once a week, and discusses with him all matters of importance arising in his Department; that he has the right of bringing to the Viceroy's special notice any case in which he considers that His Excellency's concurrence should be obtained to action proposed by the Departmental Member of Council, and that his tenure of office is usually limited to three years. The Secretaries, the Deputy Secretaries and Under Secretaries are generally Members of the Indian Civil Service."

Councillors become mere Departmental Heads—It is abundantly clear from these extracts that the Council from being at one time a collective check over the Governor General became in course of time a group of Departmental Heads. The Members of the Council found their position assailed in two opposite directions. On the one hand, the growth of centralization added to the strength of the Secretaries and Deputy Secretaries who had access to the Viceroy independently of the Member. The Viceroy, on the other hand, freely interfered with business in all Departments at all stages. Thus between the Viceroy above them and their Secretaries below them, the Members lost a great deal of their initiative and power. Many writers agree in the view that the Governor-General dominated over his Council and interfered with the working of Departments to an extent

which made the responsibility of the Member for the Departments a mere farce.

(58) VI—POSITION OF THE GOVERNOR GENERAL.

We must now explain how the Governor-General came to exercise such wide powers in his Council. The explanation is to be found partly inside and partly outside the Council.

The Governor-General of India is appointed by His Majesty by Warrant under the Royal Sign Manual. The appointment is made on the advice of the Prime Minister and is, of course, made on party considerations. The Ordinary Members of the Council also are appointed by His Majesty by Warrant under the Royal Sign Manual. This means in practice that the appointments are made by the Secretary of State personally who generally consults the Governor-General but is not legally bound to do so. By the Act of 1858 these appointments were required to be made by the Secretary of State for India in Council, with the concurrence of a majority of Members to be present at a Meeting. But the exercise of this right by the Secretary of State alone necessarily made the Ordinary Members entirely subservient to the Governor-General to whom they owed their recommendation and to whom they looked up for further promotion. Further as the majority of Ordinary Members was drawn from the Indian Civil Service, obedience to superior authority became their ingrained characteristic. Sir O'Moore Creagh said "the mental attitude of the Members of the Council to the Governor-General is one of obsequious respect, which causes them—with rare exceptions—to treat his slightest wish as a Khati-Sherif, to be disregarded at their peril. When such a wish is prefaced in the Council, as is frequently the case, by the announcement that the proposal under

discussion emanates from the Secretary of State there is rarely any opposition to it, no matter how impolitic it may be. I do not think that individuality or independence are wanted in the Council."* Next to the Members drawn from the Indian Civil Service there was the practice of one or two Members being appointed from the Civil Service in England. Though such Members were expert in their own work e.g. Finance, Commerce &c., their ignorance of Indian conditions and the jealousy with which they were regarded by their Anglo Indian *Confreves* made them habitually look up to the Governor General for support. The Indian element of the Council also was not particularly known, for independence of view and action. As the tenure of office was for five years only, the expectation of promotion and other jobs e.g. a place in the Council of the Secretary of State or Lieutenant-Governor or Chief Commissionership, operated in the same direction.

From the composition of the Council let us turn to the method of transacting business in the Council.

(1) The Rules and Regulations for the convenient transaction of business in the Council made, under Section 8 of the Act of 1861, by the Governor-General and collected together in "Rules of business" are kept absolutely secret. Not even Parliament knew any thing about their exact nature. The rules in addition to being strictly confidential were liable to change at the sweet will of the Governor-General. He thus came to exercise an enormous amount of discretion as to the mode of distributing work among the Departments and of assigning the Departments to the Members of the Council.

(2) Again the Governor-General could appoint any place within British India for the meeting of the Executive Council,

* Sir O'Moore Creagh : Indian Studies 101.

and he and *one* Ordinary Member formed the legal quorum for the transaction of business. This very small quorum was fixed at a time when there were only three Members of the Council of the Governor-General; but it was not changed though the number of Councillors had increased to six or seven. It thus became possible for the Governor-General to consult one or two selected Members of his Council and claim to have consulted his whole Executive Council. Properly speaking, however, such "surreptitious meetings" as Sir O'Moore Creagh characterised them, ought to be distinguished from formal meetings of the Council for which a convening notification in the prescribed form has to be sent to all Members. Thus "When Lord Hardinge was accused of not consulting his Council regarding Mesopotamia, he, in his defence speech in the House of Lords, stated that he had consulted the Finance Member and the Commander-in-Chief, and he contended that any ordinary meeting of the Governor-General and one Ordinary Member may exercise all the functions of the Governor-General in Council, and he proceeded to argue that he had therefore conformed to the law.*

(3) Further all orders and other proceedings of the Governor-General in Council are expressed to be made by the Governor-General in Council and signed by a Secretary to the Government of India.

As every order is issued in the name of the Governor-General in Council it is impossible to say whether it is the result of deliberation and decision in the full Council, or of consultation between the Member in charge and the Governor-General or of the Secretary acting on his own initiative. Sir O'Moore Creagh was of opinion that this procedure was not in accordance with the Acts of Parliament. Important busi-

* Indian Studies : 103.

ness was ordinarily dealt with between the Secretary, the Member, and the Viceroy, about which the Council as a body knew nothing. He expressed his belief that this procedure was first prominently introduced by Lord Minto.*

The difficulty of knowing whether the order was the view of the Member in charge, or of the Member in Charge and the Governor-General, or of the Governor-General in Council as a whole was increased by indiscriminate use of the expressions "Governor-General in Council" and "Government of India" as equivalent in meaning. It is not possible to say from the designation "Government of India" in telegraphic or private correspondence whether and with what result the Council was consulted.

It will thus be seen that the Indian Council's Act of 1861, by giving to the Governor-General the power to make rules for the distribution of work among the Departments, by allowing him to appoint the place and time of meetings of the Council and to regulate the procedure of transacting business therein, reduced the Executive Council to a state of weakness.

Nor were individual Members of the Executive Council free from the interference of the Governor-General. As Sir O'Moore says "the Ordinary Members of the Executive Council and the Extraordinary Member are at the head of the other Departments but they are not in charge of them, owing to the perpetual interference of the Governor-General and the ignorance of Members of Council as to the extent to which this power of interference will be exercised, for it depends upon his ability, leisure, or how the spirit moves him. His interference is consequently erratic and disconcerting to those nominally in charge of departments, for he deals with

* Indian Studies : 104.

matters small and great, local or Imperial, of which it is quite impossible he can have any sufficient knowledge."*

The scope for interference is vastly increased by the peculiar position of the Secretaries of the Departments. They are appointed by the Governor-General and they attend the meetings of the Executive Council whenever matters concerning their Departments are under consideration. They issue all orders and proceedings of the Governor-General in Council.

We must now refer to two more causes operating *outside* the Executive Council that helped the concentration of power in the hands of the Governor-General. Consider first his relation with the Secretary of State. The Viceroy is generally an English Peer of eminence wielding political influence in Parliament. He is in the fullest confidence of the Ministry and in constant communication with the Secretary of State. He also receives such correspondence as is "urgent" or "secret." His knowledge, therefore, of the views and opinions of the Home Authorities, and his personal acquaintance with and influence upon them give him an authority in his Council which his colleagues can never hope even to approximate.

Nor could the Local Governments offer any effective resistance to the encroachments of the Governor-General. Prior to the Reforms there was no clear cut division of Central and Provincial subjects, and all authority to deal with Local affairs was largely centralized in the person of the Governor-General.

Conclusion.—There can be thus no comparison between the position which the Governor-General held with regard to

his Council in the days of the Company and that which he came to occupy since the Act of 1858. To quote once again the words of Sir O'Moore:—"The whole tendency of all Acts of Parliament previous to the transfer of the Government of India to the Crown was to associate the Governor-General with a Council of trained Administrators, who had that good knowledge of India in which he himself was deficient, and who, being in an independent position, would be capable of informing, guiding and—to a reasonable extent—controlling him, but who would not be in a position to thwart or obstruct him. It was never intended that the Governor-General should be a mere referee for his Council but that he should be a man of open mind and balanced judgment who would initiate as well as adjudge. He has now become the Agent of the Secretary of State, the independence of his Council is gone, and the Indian Empire is entrusted solely to their combined ignorance of India and is virtually handed over to a despotism."* Chailley also says "that the Executive Council of the Viceroy has become an Assembly of specialists who hold office for five years. The theoretical equality with the Viceroy has, in practice, disappeared and the responsibility is becoming more and more concentrated in the hands of the Secretary of State and the Viceroy."†

(59) VII—IS THE GOVERNOR-GENERAL'S COUNCIL
A CABINET?

Before proceeding to consider the relations of the Government of India with the Local Governments it will not be inappropriate to make a digression here upon the question—whether the Governor-General's Council is a Cabinet? Both Sir John Strachey and Sir George Chesney put forward the

* Indian Studies 100.

† Chailley : p. 392.

view that the Governor-General and his Council formed "a Cabinet of administrative heads of Departments." An examination of this view would clearly bring out the actual position of the Governor-General's Council.

Professor H. D. Traill has defined the Cabinet as "a body consisting of (a) members of the legislature, (b) of the same political view and chosen from the political party possessing a majority in the House of Commons, (c) prosecuting a concerted policy; (d) under a common responsibility signified by collective resignation in the event of Parliamentary censure and finally, (e) under a common subordination to one Chief Minister *viz.*, the Prime Minister."

Now we may look at the Cabinet from two points of view—the political *i.e.*, in its relation to the House of Commons, and the administrative. It is in the latter respect that considerable likeness may be discerned between the English Cabinet and the Indian Council. Both consist of Heads of Departments; both transact important business in meetings; both have Secretaries and Under-Secretaries who belong to the Permanent Civil Service. But here the resemblance stops. The contrast between the Cabinet and the Council is even more impressive when both are considered as executives related to their legislatures. The English Cabinet is the peculiar growth of Parliamentary Government in England. It is through the Cabinet that one or the other of the two great Parties in England which happens to have a majority in the House of Commons governs the Country. Thus it is through the Cabinet that the people of the United Kingdom realise and enjoy the fullest measure of Responsible Government. The Leader of the dominant party is called the Premier and he is the keystone of the arch of the Cabinet. He selects his colleagues from amongst his followers and

directs their policy and is responsible to Parliament for the whole Cabinet. Confidence of the House of Commons is the very breath of the nostrils of the Cabinet; above all, the whole system of Government by the Cabinet is based upon conventions and understandings and not upon Acts of Parliament.

Now the Council of the Governor-General had nothing to do with Responsible Government in India. In fact the Government of India was entirely responsible to Parliament and *not* to the people of India. Consequently they could always depend upon the official votes in the Legislative Council, which were always in a majority (before the Reforms). Members of the Council did not represent any political party; the majority of them were members of the Indian Civil Service and all held office for five years; though they followed a concerted policy they might not all hold to the same or similar political views. They were not called upon to, and generally did not, resign if their advice was not followed by the Governor-General. There is a wider gulf between the Viceroy and his colleagues than there is between the Prime Minister and his colleagues. Finally, the Governor-General-in Council is a body created by the Statute; its procedure is bound by Rules and Regulations; and every Member places on record his views. In fact the practice of recording minutes on every subject that comes before the Council is regarded by many as the greatest safeguard against irresponsible and slipshod exercise of authority by that body. It is not so with the British Cabinet.

CHAPTER XII.

ADMINISTRATIVE CENTRALIZATION—*Contd.*

PROVINCIAL GOVERNMENTS.

(60) VIII—FORMATION OF THE PROVINCES.

To go back to Provincial Relations. Let us first of all consider the formation of the provinces. It is unnecessary to go over once again the ground covered in the two Chapters on the territorial expansion of the East India Company. The different system of provincial administration that came to be established were closely bound up with the course of that expansion. We may distinguish three stages in the growth of the provincial system. (1) Right up to the year 1833 the presidential form of Government consisting of the Governor and his Council—was the approved type and the Act of that year proposed to provide the North-West Provinces which were then to be separated from the Presidency of Fort William with a Governor and Council. (2) The Directors however proposed to appoint a Lieutenant-Governor to the North-West Provinces and an Act of 1835 gave effect to the proposal. Bengal continued to be under the Governor-General of India, and its administration suffered on account of the prolonged absences of the Governor-General, all power falling into the hands of Secretaries appointed by him. The Act of 1853 authorised the Court of Directors to appoint either a Governor and Council for Bengal or ask

the Governor-General in Council to appoint a servant of the Company of more than 10 years' standing to be the Lieut. Governor. The latter alternative was adopted. Unlike the Governors, the Lieut.-Governors were appointed by the Governor-General in Council from among the servants of the Company and they had no Executive Councils. (3) The Act of 1854 provided for a still simpler form of provincial government. It empowered the Governor-General in Council, with previous sanction of the Home Authority, to take by proclamation under his immediate authority and management any part of the Company's territories and provide for its administration. In practice, Chief Commissioners were appointed who were technically under the immediate authority of the Governor-General in Council and to them were delegated such powers as were not required to be reserved to the Central Government. The status of the Chief Commissioner was lower than that of the Lieutenant-Governor.

The three types being thus established and the Governor-in-Council form being confined to the old Presidencies of Madras and Bombay, the remaining provinces were given or deprived of one form or the other according as they gained or lost in territory as a result of territorial expansion or administrative redistribution. Thus the Punjab was at first placed under a Chief Commissioner; but when, after the Mutiny, the Delhi territory was added to it, it became a Lieutenant-Governorship. In Burma the amalgamation of the conquests made by the First and Second Burmese Wars led in 1881 to the whole province being placed under a Chief Commissioner. Upper Burma was annexed in 1886 and in 1897, Upper and Lower Burma were united and raised to the status of a Lieutenant-Governorship. The kingdom of Oudh, after annexation in 1856, was placed under a Chief Commissioner.

In 1877 it was merged into the Lieutenant-Governorship of the North-West Provinces and the name of the two Provinces was changed into the *United Provinces of Agra and Oudh* by Lord Curzon in 1902. The *Central Provinces* formed in 1861 continued to be under a Chief Commissioner throughout though *Berar* was amalgamated with them in 1903.

The Partition of Bengal.—The first instance when redistribution of territories was made ostensibly for the purpose of better administration was the Partition of Bengal in 1905. To the old Presidency of Fort William *Assam* had been added in 1826. It was separated from Bengal and placed under a Chief Commissioner in 1874. In 1905 the still unwieldy province of *Bengal* under a Lieutenant-Governor was divided into two Lieutenant-Governorships. The Western half retained the old name of Bengal and the old seat of Government at Calcutta, whilst the Eastern half was augmented by the addition of *Assam*, previously under a Chief Commissioner, and styled *Eastern Bengal and Assam* with its capital at Dacca.

Transfer of Capital—But the Partition of Bengal caused grave dissatisfaction throughout the country and the error was remedied by extensive changes that were made on the occasion of the Coronation of His Majesty George V at Delhi in December 1912. The correspondence between the Governor-General in Council and the Secretary of State that preceded the Delhi Durbar shows that larger and deeper considerations than those of mere removal of a cause of popular agitation were at the root of the proposed changes. The transfer of the capital of India from Calcutta was urged on two grounds—(a) The anomaly and inconvenience resulting from its being the capital of the Imperial and Provincial Governments. (b) The peculiar political situation arising in

Bengal since the Partition made it desirable to withdraw the Government of India from its provincial environment. The advantages of the Capital being transferred to Delhi were urged to be three :—(a) *Political* “ The maintenance of British Rule in India depends on the ultimate supremacy of the Governor-General in Council and the Indian Councils’ Act of 1909 itself bears testimony to the impossibility of allowing matters of vital concern to be decided by a majority of non-Official votes in the Imperial Legislative Council. Nevertheless it is certain that in the course of time, the first demand of Indians for a larger share in the Government of the country will have to be satisfied, and the question will be how this devolution of power can be conceded without impairing the Supreme Authority of the Governor-General in Council. The only probable solution of the difficulty would appear to be gradually to give provinces a larger measure of self-government, until at last India would consist of a number of administrations autonomous in all provincial affairs, with the Government of India above them all, and possessing power to interfere in cases of misgovernment, but ordinarily restricting its functions to matters of Imperial concern. In order that this consummation may be attained, it is essential that the Supreme Government should not be associated with any particular provincial Government. The removal of the Government of India from Calcutta, therefore, is a measure which will, in our opinion, materially facilitate the growth of local self-government on sound and safe lines. It is generally recognised that the capital of a great Central Government should be separate and independent, and effect has been given to this principle in the United States of America, in Canada, and in Australia. Other advantages of Delhi might be more briefly stated thus; (b) its centrical position”

and splendid communications; its good climate for seven months of the year and its proximity to Simla would make the annual migration to the Hill Station less costly and tedious; (c) its great historical associations under Hindu and Mahomedan Rules.

The transfer of capital to Delhi was availed of to rectify the error of the Bengal Partition: the five Bengali-speaking districts viz.,—the Presidency, Burdwan, Dacca, Rajshahi and Chitagong were formed into a Presidency under a Governor-in-Council. (2) Bihar, Chota Nagapur and Orissa were formed into a new province under a Lieutenant-Governor with a Legislative Council at Patna. (3) Assam was restored to a Chief Commissionership.

Similarly the power given by S. 3 of the Government of India Act 1854 was exercised in 1912 to transfer the city of Delhi and part of the Delhi District to the immediate authority of the Governor-General in Council to form it into a Chief Commissionership to be known as the province of Delhi. The intention was to make the site of new capital and its surroundings an *enclave* occupying the same kind of position as Washington and the District of Columbia in the United States.

Though the territories were rearranged in 1912 upon principles of great political and constitutional significance, it is still true that the present political map of India was shaped by the military, political, or administrative exigencies or conveniences of the moment, and with no conscious regard to the linguistic or racial affinities or wishes of the people concerned. The bearing of this circumstance on the question of Responsible Government in India will be explained in the Chapter dealing with that subject.

(61) IX—VARYING STATUS OF THE LOCAL GOVERNMENTS.

British India consists of nine major Provinces and six lesser charges. Each of these 15 charges is called a Local Government. All alike are under the superintendence and control of the Governor-General in Council. But important differences existed between the status of the several classes of Local Governments. We may gather the Local Governments into *five* categories.

(a) *The Three Presidencies.*—Historically they were even prior to the Government of India. Madras and Bombay have always enjoyed the privilege of the Governor-in-Council form of Government. Bengal after many vicissitudes also came to have the same form since 1912. The Governors were appointed by the Crown, being usually persons of rank and experience in England. In an emergency the Governor can overrule his colleagues but otherwise decisions are those of a majority. Presidency Governments still enjoyed same relics of their former independence; they were extra-ordinary members of the Governor General's Council if meetings of that Council should happen to be held in the Presidency; they had the right to correspond direct with the Secretary of State unless financial issues were involved; they could appeal to him against orders of the Governor-General in Council; they had full discretion in selecting for important offices under them; and they were less liable to supervision than other provinces in the administration of their revenue and their forests.

The Four Lieutenant-Governorships.—They were constituted by Acts of Parliament. N.W. Province (1835), Bengal (1834), Punjab (1859). Fresh powers to constitute Lieutenant-Governorships were given by the Indian Council's Act 1861

under this Statute Burma was raised to this status in 1897 and each of the two halves of partitioned Bengal in 1905. Lieutenant-Governors were appointed by the Governor-General subject to the approbation of the Crown. They must have served for at least 10 years in India. The extent of their authority may be declared by the Governor-General in Council. The maximum salary was fixed by Act of Parliament. Though the oldest and the heaviest charge (the U. P.) had no executive Council, the newest province of Behar and Orissa had one. But the executive Council did not materially alter the relation of the Lieutenant-Governor with the Government of India.

Central Provinces and Assam.—They came next. In theory the Chief Commissioner administered the province as a delegate of the Governor-General who was competent to give all necessary orders and directions for its administration. But, in practice, the powers entrusted to him were often as wide as those of the Lieutenant-Governor and with the creation of the Legislative Council in Assam and in Central Provinces any distinction in administrative methods vanished.

Baluchistan and North-Western Frontier Province.—These two form a group by themselves. They are administered by Chief Commissioners who are also Agents to the Governor General in respect of political relations in the adjoining tribal territories; they are in fact more directly than any of the foregoing provinces under the control of the Government of India, acting through its Foreign and Political Departments, both because political questions are of preponderant importance and also because they lack the financial resources and powers which the more settled provinces enjoy. Of the two, British Baluchistan was formed out of the territory extending for the most part over the

tableland beyond the mountain range which forms the North-West boundary of India. The nucleus of this Province was the district of Quetta occupied in 1876 and purchased from the Khan of Khilat. To this were added certain districts acquired from Afghanistan in 1879 by the Treaty of Ganda-muck and other adjacent vast territories. The whole was formed into a Chief Commissionership in 1887. The 2nd namely the North-West Frontier Province was created by Lord Curzon in 1901, for purposes of political security by detaching certain Punjab Districts.

Minor Administrations.—Under this category come *Coorg* annexed in 1834 and administered by the Resident in Mysore; *Ajmere*—ceded in 1818 is similarly administered by the Agent to the Governor-General in Rajputana. *Andaman and Nicobar Isles.*—Are administered by the Superintendent of the Penal Settlement of Port Blair as Chief Commissioner; *Delhi*—comprises a small tract enclosing the new capital.*

(62) X—ADMINISTRATION IN A PROVINCE.

Having considered the separate provinces, a general account may be now given of the way in which administration is carried on in a major province. There are local differences and provincial peculiarities but it is still possible to give a picture of the provincial administration which is roughly true of any other Province. In every province but Bombay there exists at head-quarters, for the purpose of supervision of the revenue administration, a Board of Revenue, or its equivalent, a Financial Commissioner. In their administrative capacity these constitute the chief Revenue Authority of the province, and relieve the provincial Government of much detailed work which would otherwise come to it; while

* M. C. Report S, 121—23.

in their judicial capacity they form an appellate Court for the increasing volume of revenue and often of rent suits. But for other purposes than the revenue the provincial Government deals chiefly with its Commissioners and Collectors. The easiest way of understanding the organization of a province is to think of it as composed of districts, which, in all provinces except Madras, are combined, in groups of usually from four to six, into Divisions each under a Commissioner.

The *District* which is a Collector's charge is the unit of administration, but it is cut up into sub-divisions under Assistant or Deputy Collectors, and these again into revenue collecting areas of smaller size. The Provincial Government's general authority thus descends through the Divisional Commissioner in direct chain to the District Officer.

(63) XI—FUNCTIONS OF THE GOVERNMENT IN INDIA

Having considered how the provinces were formed and how a centralized administration was set up in each, let us next consider the diverse duties of Government in India. "Government" means much more to the people in India than it means in the West. It is a paternal government. At a time when a great controversy was going on in England as to the functions of government, and when writers like Mill and Herbert Spencer were opposed to any extension of the sphere of State-intervention in the affairs of the individual a system of Government was established in India which touched the people almost at every point. The British administration had to do many things here which in England are done by private effort and organization. The following passage " in the unadorned language of the Decentralization Commission " describes the various functions of the Government of India.*

* M. C. Report S. 45.

" The Government (in India) claims a share in the produce of land, and save where, as in Bengal, it has commuted this into a fixed land-tax it exercises the right of periodical re-assessment of the cash value of its share. In connection with its revenue assessments, it has instituted a detailed cadastral survey, and a record of rights in the land. Where its assessments are made upon large landlords, it intervenes to prevent their levying excessive rents from their tenants, and in the Central Provinces it even takes an active share in the original assessment of landlords' rents. In the Punjab, and some other tracts, it has restricted the alienation of land by agriculturists to non-agriculturists. It undertakes the management of landed estates when the proprietor is disqualified from attending to them by age, sex, or infirmity or occasionally, by pecuniary embarrassment. In times of famine it undertakes relief works and other remedial measures upon an extensive scale. It manages a vast forest property and is a large manufacturer of salt and opium. It owns the bulk of the Railways of the country and directly manages a considerable portion of them and it has constructed and maintains most of the important irrigation works. It owns and manages the postal and telegraph system. It has the monopoly of note-issue, and it alone can set the mints in motion. It acts, for the most part, as its own banker, and it occasionally makes temporary loans to Presidency Banks in times of financial stringency. With the co-operation of the Secretary of State it regulates the discharge of the balance of trade as between India and the outside world, through the action of the Indian Councils' drawings. It lends money to Municipalities, Rural Boards, and agriculturists, and occasionally to the owners of historical estates. It exercises a strict control over the sale

of liquor and intoxicating ~~drugs~~ not merely by the prevention of unlicensed sale, but by granting licenses for short periods only, and subject to special fees which are usually determined by auction. In India, however, the direct responsibilities of Government, in respect of Police, Education, Medical and Sanitary operations, and ordinary Public Works are of a much wider scope than in the United Kingdom. The Government has further very intimate relations with the numerous Native States, which collectively cover more than one-third of the whole area of India, and comprise more than one fifth of its population. Apart from the special functions narrated above, the Government of a sub-continent containing nearly '1,800,000 square miles and 300,000,000 people is itself an extremely heavy burden and one which is constantly increasing with the economic development of the country and the growing needs of populations of diverse nationality, language, and creed."*

(64) XII—ON THE RELATIONS OF THE CENTRAL GOVERNMENT WITH LOCAL GOVERNMENTS.

It is obvious that the functions enumerated above cannot be discharged by a single organization. In every considerable country there are, in addition to the Central Authority, what are called Local Governments, and the relations of the two kinds of Government present some of the most difficult problems of practical administration. The local units may be the result of the past history of the country *e.g.*, the Counties or Shires of England, the Provinces of India, the Cantons of Switzerland; or they may be created by the Central Authority *ad hoc* for the purposes of administration *e.g.* the Districts in the Indian Provinces or the Departments of

* M. C. Report S. 45.

France Often the historical and the administrative reasons may coincide. The units of local Government may also be the units of Local *Self-Government*, and economy and simplicity of administration ensue if the units for the exercise of these two authorities are coterminous.

We must distinguish between three separate inquiries that are involved in considering the relations between the Central and Local Authorities.

(a) The relations of Local *Self-Government* with the Provincial Government.

(b) The Provincial Government as a unit of Local Government on behalf of the Central Government.

(c) The relations of the Provincial Government with the Central Government.

Of these the first inquiry will be pursued in the next Chapter. A picture of Provincial Government as the agent of the Central authority has been given in an earlier section. We shall take up the last now.

Of the functions mentioned in the last Section some are administered directly by the Government of India; the administration of the remaining is primarily vested in the Local Governments as the Agents of the Central Government, the latter exercising general supervision and control.

The Sphere of the Government of India.—(1) Since the abolition of the three separate Military Commands of Bengal, Bombay and Madras in 1893, the defence of the whole country is the most important function of the Central Government. (2) Foreign and Political relations, including in this term relations with Asiatic powers and tribes on the frontiers of India, administration of bastions of territory like the

Frontier Province and British Baluchistan, and finally relations with the Native States in India which are mainly though not solely the concern of the Central Government ; (3) In a separate category come the administration of Tariffs, the currency and the exchanges, the Public Debt, opium and also the great commercial services like the Post Office, Telegraph and the Railway. (4) Audit and Accounting of the revenue and expenditure of the country on a uniform plan.

Responsibility for every thing else is shared in greater or lesser measure between the Central and Provincial Governments.

Distribution of Functions between the Central and the Provincial Governments.

Historical.—The three Presidencies were independent of each other up to 1773. The Regulating Act of that year gave the Governor General of Bengal the right of controlling the two remaining Presidencies, and the Acts of 1793 and 1813 extended and emphasized this right. But on account of the difficulties of communication the Governments of Bombay and Madras enjoyed a very large measure of independence in administration and also exercised the right of correspondence with the Home Authorities. The question as to the proper functions of the Government of India assumed importance with the extension of the Territories of the Company and received special notice in the Charter Act of 1833 and the celebrated Despatch of the Court of Directors which is an exposition of the Charter Act. This Despatch pointedly refers to the difficulty of drawing a line of demarcation between the functions of a Central and Local government: " It is impossible for the Legislature, and it is equally so for

us in our instructions, to define the exact limits between a just control and petty, vexatious, meddling interference."*

(65)

XIII—CENTRALIZATION.

Considering the inherent difficulty of drawing a precise line between these relations the Despatch relied upon the practical good sense of the Governor-General in Council to determine it. On the whole the tendency towards centralisation gained the upper hand. Material development, improved communications, and the interest taken by Parliament in Indian Affairs strengthened the tendency. Let us consider how this tendency worked itself out in practice.

The powers of superintendence, direction and control were exercised by the Government of India in matters of *Finance*, *Legislation*, and *Administration*.

Finance.—The entire revenues of the country were vested in the Governor-General-in-Council by the Act of 1858 and the Provincial Governments could raise or spend not a single rupee on their own account. Though under the system of Provincial Settlements (as begun by Lord Mayo in 1870, and perfected by Lord Hardinge in 1912) larger powers were given to the Provinces their tutelage to the Government of India was still considerable.

Under that system (which will be fully explained later on) the revenues of the Government of India were derived from certain sources which were entirely their own *e.g.*, Railways, Customs, Opium, Salt, Post and Telegraphs &c.; a substantial part of them was also derived from sources in which the Provincial Governments had a share and which, therefore, were called "divided heads" *i.e.* Land revenue, Forest, Irrigation, Income-tax, Stamps, Excise &c. The Provincial revenues in

their turn were derived in the first place, from these divided heads, and also from certain entirely Provincial Heads. The whole theory of the provincial settlements was based not on what a province collected by way of revenue, but on what the province required for expenditure to keep up a certain standard of administration. Whatever surplus revenue the Central Government received from the more productive Provinces it spent upon the administration, development, or defence of the unproductive provinces like the Frontier Province, Burma etc. The ultimate responsibility of the Government of India for the solvency of each of the provincial Governments made them very exacting in their control over provincial expenditure and their interest in the revenue collected by a Provincial Government made them equally watchful of the success or otherwise with which the province played the part of a tax-gatherer on their behalf. There were various ways of exercising this financial control : (a) all provincial budgets were carefully scrutinised and required sanction, no province could budget for a deficit, or could go below a minimum cash balance which it was always required to maintain with the Central Government. (b) Again, in matters of expenditure, the spending authorities were bound by a series of financial Codes of Instructions such as the Civil Service Regulations, the Civil Account Code, the Public Works Code etc. The Provincial Governments could not create new appointments or raise emoluments beyond a certain narrow limit ; (c) a Provincial Government could not impose a new tax without the previous sanction of the Central Government ; (d) nor could it borrow money, either in England or in India, for capital expenditure. The Government of India advanced money to the Provincial Governments if at all the latter wanted to borrow.

In Legislation.—The absolute subordination of the Government of India to the Secretary of State in this matter has been referred to already. The control over provincial legislation followed as a corollary from that position. We shall trace in a subsequent Chapter the rise of the Legislative Councils in the Provinces of India. It is sufficient to state here that as between the Governor-General's Legislative Council and the Provincial Legislative Councils there was no definite line of demarcation like the one we find in the federal form of Government. Though the Provincial Council was theoretically competent to range over the whole field of legislation, its powers were restricted, in practice, in two or three ways. (1) In the first place the majority of the Councils were of recent origin and growth. A great part of the legislative field, therefore, was occupied by the enactments of the Central Legislative Council. Particularly a large body of laws dealing with important subjects like crime, marriage, succession, contracts, transfer of property, business and Industries, and public health, was codified by the Central Council. (2) Though the Central Council generally did not consider laws of a Provincial application, there were many exceptions. Thus it passed the Deccan Agriculturists' Relief Act (Bombay) 1879; the Bengal Tenancy Act 1885; the Madras Civil Courts Act 1887; the Allahabad University Act 1887; the Lower Burma Court's Act 1900; and the Punjab Alienation of Land Act 1900. Not only could thus the Central Legislative Council encroach upon the Provincial field, but (3) every project of legislation in a Provincial Council had to be submitted to the Government of India and the Secretary of State for previous sanction every important change in the Bill made during the passage of the Bill in the Council had to be similarly com-

municated and got approved of; and no Provincial Bill could become an Act before it was assented to by the Governor-General.

In Administration.—Here the control was too general and extensive to be described in a few simple propositions. In part the control was the direct result of the financial control which has been previously mentioned; in part it was due to the necessity of keeping administration uniform in a vast country like India. The Public Services which administered in the Provinces were recruited in England by the Secretary of State and the conditions of pay, promotion, leave, pensions etc. of them were fixed by that authority. Similarly in matters of business and industry, as the Provinces were brought into very close contact uniformity was demanded in such matters as statistics, patents, copyright, insurance, income-tax, explosives, mining etc.

Further, as the Provincial Governments were mostly occupied with the routine work of administration it became the distinct duty of the Government of India to lay down policies of reform and progress in the shape of Resolutions. These often were based upon the Reports of Commissions or Committees appointed from time to time by the Supreme Government to investigate the working of Departments with which the Provincial Governments were primarily charged. Often a Commission recommended the appointment of advising or inspecting Officers at Head-quarters to co-ordinate the results of Provincial Administration. Lord Curzon was particularly fond of appointing such officers and often they were got from England. In addition to these occasions of interference which were common to all Provinces, the Supreme Government frequently exercised the right of issuing

instructions to particular Local Governments in regard to matters which may have attracted their attention from the numerous reports and returns which each Government was required to submit to them. And finally, considerable interference resulted from the Central Government having to attend to the appeals made to them by persons dissatisfied with the action or orders of a Provincial Government.*

From this account of the relations between the Central and Local Governments it is abundantly clear that these relations were in no way "Federal relations." The Government of the Country was one; the Provinces, in spite of the considerable powers they enjoyed, were strictly the 'agents' of the Central Government. Before the Provinces could exercise any real powers of their own, and before, therefore, Responsible Government could be introduced into them, they had to be relieved from a very large part of the control to which they were subjected—a process of emancipation to which we will revert in the next Part of this volume.

Effects of Centralization—To the evil effects of over-centralization testimony is borne by many writers on Indian Administration. Sir O'Moore Creagh said that the state of affairs was bad enough in 1909 when he joined the Government of India and became infinitely worse in 1914 when he left it.* And this, in spite of the recommendations of the Royal Commission on Decentralization! But such was bound to be the case. In the absence of clear definition of the relations between the Government of India and a Local Government, the extent of interference depended entirely upon the personality of the Governor-General and the amount of control exercised over him by the Secretary of State. The

* Report of the Decentralization Commission.

Governor-General may demand information upon any subject—and as the test of efficiency lay in its immediate production, “the Departments live in a perpetual state of calling for information and returns on all imaginable subjects, great and small. There is probably no government in the world that has so much information in its pigeon-holes as the Government of India, but there it usually remains until eaten by white ants or other insects, which destroy paper in India, so it has to be periodically renewed. There is no end to the process of doing this.”*

(66) XIV—BUREAUCRATIC GOVERNMENT.

We considered in the last Chapter how the Government of India came to be subordinate to the Secretary of State for India and in this Chapter we saw how the Government of India, in their turn, excessively interfered with the Local Governments. It would be worth our while to review the growth of this centralized and bureaucratic system, to study some of its tendencies, to expose its inherent defects, and to visualize its proper place in the progress of a people.

It was natural that when the country began to pass under British Rule, the new-comers should attempt to make their system of Government as much like the old system as possible. Now a prominent feature of Moghul Administration was the delegation of large powers to the local Prefect or Subha in the exercise of which he was not much hampered by the Central Authority on account of his distance from the capital and also on account of the difficulties of communication. But though the Subha combined in himself Revenue, Judicial and Magisterial functions he left the Village

* Indian Studies : 123.

Communities and the local Zamindars in the undisturbed enjoyment of their customary powers.

The first step towards centralization of authority under British Rule was taken when the "Collector," armed with powers as extensive as those of his Moghul prototype, was appointed in each District. But, unlike the Moghal Officer, the Collector directly managed Revenue and Judicial functions—and the Village communities and Panchayats being deprived of their *raison de tre* soon fell into desuetude.

The Collector continued to exercise plenary powers for many years. He moved among the people, personally heard their complaints, and dealt out justice on the spot. He had few occasions to refer to his superiors; and the absence of roads left him unfettered in the exercise of his powers. Those were the golden days of the Civil Service. But soon a change came over his position. Railways, Post, and Telegraphs vastly improved communications. Parties aggrieved by the action of the District Officer or his subordinates could now make use of their wide powers of appeal. At the same time a host of Inspecting Officers began to tour the country. The District Officer thus found himself deprived of a large part of his former freedom, and more and more bound down by Rules and Directions which the Local Government began to issue on the recommendation of its Inspecting Officers. At the same time functions which were formerly discharged by the Collector e.g. irrigation, public works, agricultural improvements, settlements, forests, police etc., came to be taken out of his hands and entrusted to separate Departments. Thus between constant inspection on the one hand and departmentalization on the other the District Officer found less and less occasion to come in contact with the people. He was absorbed in his desk work. But

though as between the Secretariat and himself the Collector was playing a losing game, he kept an effective control over the exercise of Local Self-Government by the people. And nothing is a better proof of bureaucratic centralization than the almost negligible progress made in Local Self-Government by the people during the long period of 50 years since the days of Lord Ripon. All power came to be centered in the hands of the Secretariat at the Provincial Head-quarters. "The real power, the sceptre of authority, lies with the Secretariats and the Heads of Departments under whose standing or special orders the District Officers move and act like Marionettes, dancing to strings pulled by an unseen hand. And now the metamorphosis is complete. The Government is a bureaucracy. Impersonal has superseded personal absolutism—the absolutism of a machine, that of the man."

In fact the growth of Secretariats at the cost of the other limbs of Government is a feature of all bureaucracies. They thrive upon correspondence. That they had succeeded in sucking the District Officers dry of all real power was well pointed out and explained by the late Mr. Gokhale. He assigned three reasons for the great change in the position of the Collector (1) The creation of Commissionerships; (2) the multiplication of the Departments; (3) the gradual evolution of a uniformity of administration which rendered Secretariat control both necessary and possible.

Gokhale deduced the following defects from the weakening of the Collector's position; (a) owing to excessive Secretariat control the Collector was unable to grant redress on the spot; (b) owing to multiplication of Departments, harassing departmental delays became inevitable in the disposal of matters

which properly speaking ought to be disposed of on the spot under the authority of the Collector. (c) Owing to the spread of English education in the country and other causes, there was not that mastery of Indian languages attempted by Collector which he used to acquire formerly. (d) The writing work of the Collector increased enormously; he was tied largely to his desk, and therefore unable to acquire that same acquaintance with the requirements of the people that his predecessors were able to acquire. (e) His back was stiffened by the growth of political agitation in the country, and he was, so to say, driven more within himself.

Not only the Collectors, but even the Heads of Provinces had no real authority, and Governors, Lieutenant Governors and Chief Commissioners were reduced to the same level of dependence. An indication of this tendency towards centralization is to be found in the opposition to the "Council Form" of Government. Instead of setting up this form of Government in Provinces like the N. W. Province, or Bengal or the Punjab, Lieutenant-Governors were appointed, for the Lieutenant-Governors were drawn from the Secretariats, and so also were the Chief Commissioners. In fact it was at one time seriously proposed to abolish the Councils of the Governors of Madras and Bombay and reduce the latter to the status of Lieutenant-Governors. Thus H. S. Cunningham seriously contended that the greater independence and privileges of the Governors of the two Presidencies had become anomalous. "To raise up two little *Imperio in Imperio* which, without any final responsibility, shall have the power of thwarting the Supreme authority, impeding its action, disobeying its orders, refusing to answer its inquiries, and otherwise treating it with disrespect, is a waste of power which must always go far to impair the

efficiency of Indian administration, and which may paralyze its efforts in any particular emergency."

The advantages of having a Viceroy trained in more varied experience and wider range of English political life," "personally acquainted with English politics" and "trained to look at the matters in hand from the European rather than from the Anglo-Indian point of view" were admitted. But the same advantages in the case of the Presidential Governor were poohpoohed. What was wanted in him, it was said, was not wider statesmanship, but thorough local knowledge as is obtained in the Civil Service.

The Provincial and the Central Secretariats were almost wholly composed of the members of the Indian Civil Service and it is now easy to realise the full significance of the oft-repeated complaint that the whole Government of India was ridden by the Members of the "Heaven-born" Service, that, in fact, *they* were the Government of India. Interesting sidelight is thrown upon the power and position which they had built for themselves. The young Civilians—mostly drawn from the aristocratic Universities of Oxford and Cambridge, and not a few of them having a hereditary connection with India—as soon as they landed in India found themselves the members of a sacrosanct body. Their natural inclination to remain aloof from the people was not now corrected by the former salubrious practice of moving among the people, but was rather strengthened by the desk work to which they were condemned, and by the evidence of skill in which they were promoted. Easy communications, the amenities of "Dak Bungalows" when on tour, and their frequent transfers to and from the Secretariats to "life in the plains" completed the process of alienation. The practice

of the annual migration or exodus to the Hills contributed as nothing else did to this estrangement. From their "~~Olympian heights~~" the Official community could afford to look down upon the vast mass of the people on the plains. They ceased to have a living touch with the new aspirations and ideals that were steadily growing among the people as a result of the spread of education.

But in addition to the alienation of the sympathies of the people, the great evil of a bureaucracy is its dwarfing influence upon the personal and national ideals of the people. "Nations advance, a people becomes great not through docility and submissiveness, but by the free play of aspiration and thought, the liberty to advance along all lines of legitimate progress in self-respecting independence of spirit. That is the very antithesis of the bureaucratic ideal. Efficiency of the machine, not the living organic growth of a people; progress, if such there be, on the initiative of the Government not progress on the initiative of the people; such are its watch-words."*

In fact it is necessary to carefully bear in mind the true role of a bureaucratic Government in the political progress of a people. "It finds its true function in the provision of a kind of training school to bridge over the gap between autocracy on the one hand, and some popular Government on the other, to form a nexus, as it were, between the barbaric pomp of the mediæval monarch and the sober institutions that characterise democracy. For the arbitrary rule of one it substitutes ordered rule and precedent. In place of the perplexities and fierce uncertainties that dog the steps of even the most brilliant autocrat, it enables men to forecast with safety the future and to earn their living in confidence

* Houghton : 58.

and quietude. It provides the smooth and well-oiled machinery essential for those social inquiries and ameliorations which the modern conscience so insistently demands. In a word, it is the portal to modern democracy."*

That the Anglo-Indian Bureaucracy, in spite of the many hard things said against it, admirably succeeded in giving to the country a perfect administrative machine must be admitted. When everything has been said against the bureaucracy we must maintain that the Bureaucracy laid those foundations, upon which the structure of Responsible Government is now to be raised, and in the raising of that structure also, the Bureaucracy will undoubtedly play an important part.

* Houghton : 188-69.