

Being restricted in borrowing, they cannot have the same extent of municipal property which is so common in the west. Their utmost possessions are a market, a few school buildings, a slaughter-house, and in rare cases profitable water-works or a town-hall. Picture-galleries and museums, zoological gardens and libraries, tram-lines or lighting plant, theatres or cages are all conspicuous by their absence or rarity in India as municipal undertakings. Hence the item of their revenues from their own property is also very insignificant.

Of the two remaining items Government subventions are as degrading to the municipalities as they are unprofitable to the central government. And yet they are by no means an insignificant item. For the municipalities to be dependent on Government aid is to sacrifice an independence. For such aid will not of necessity be granted without humiliating conditions. Nor that is no room for the subvention from the central authority. Undertakings like the provision of secondary education—or even compulsory primary education which are of universal importance—may fitly be maintained at a high level by central assistance, as also the Police force. But in such cases the aid would be claimed and obtained under conditions prescribed once, for all for every local body without discrimination. Such aid is both legitimate and necessary. But the aid which is given to each municipality on the merits of each case necessarily results in making it weaker and more dependent every day. The restriction in practice upon Indian municipalities as regards borrowing in the public market may have a political justification in the expediency of maintaining unimpaired the credit of the central Government. But it does result also in a complete and perpetual tutelage of the municipality—so hostile to the development of really beneficent civic spirit and civic pride.

As regards taxes, tolls and fees the most important are:—

- (a) Taxes on arts, trades, callings, professions etc.
- (b) Taxes on buildings, lands and holdings.
- (c) Taxes on water, drainage, sewage, conservancy etc.

- (d) Taxes on vehicles, boats, palanquins, animals etc.
- (e) Taxes on property.
- (f) Taxes on private menials and domestic servants.
- (g) Taxes on private markets.
- (h) Octroi on animals, or goods, or both within town limits.
- (i) Tolls on vehicles and animals entering the town limits.
- (j) Fees on registration of cattle sold within town limits.

The resolution of the Government of India, dated 28th April 1915, from which the above have been taken goes on to add, "The taxes provided for in the acts vary, however, in the different provinces, and not all these taxes are actually levied in any one province. Any tax, other than those specified in the acts, which is proposed to be levied, ordinarily requires, and should continue to require the sanction of the Governor-General in Council. The most important taxes now in force are octroi duties, levied principally in Bombay, the United Provinces, the Punjab, the Central Provinces, the North West Frontier Province, and the tax on houses and lands which holds the chief place in other provinces as well as in Bombay City." The right of taxation within municipal limits is granted subject to the approval and sanction of the Government of India in every case of a new tax. The following table shows the proportion of the various heads of municipal income in the different provinces in 1912-13:—

Province.	Percentage of total income from rates and taxes, from:—								Percentage of total income excluding loans and advances from.				
	Octroi.	Tax on houses.	Animals etc.	Trades etc.	Tolls.	Water rates.	Conservancy	Other taxes.	Taxation.	Under Special Acts.	Municipal property.	Grants from Government.	Miscellaneous.
Madras. ...	...	45.	10.2	8.6	19	16.8	...	0.4	44	0.3	15.1	36.4	4.2
Bombay.	46.9	16.3	3.2	0.3	4.5	16.9	8.	3.9	62.6	0.5	16.4	17.1	3.4
Bengal. ...	...	37.2	5.5	1.8	2.1	13.9	25.1	14.4	75.8	2.1	8.4	11.5	2.2
United provinces. ...	69.2	5.4	1.	3.8	2.8	6.6	1.1	10.1	62.8	1.6	19.7	13.6	2.3
Punjab.	89.7	6.8	0.8			1.3	1.2	0.2	63.1	0.8	19.3	13.7	3.1
Burma.	...	42.5	3.7	.	14.	9.2	20.6	10.	38.1	1.1	42.3	17.2	1.3
Behar and Orissa. ...	1.7	40.7	9.5	1.8	5.6	3.5	21.6	15.6	62.5	1.4	9.9	25.1	1.1
Central Provinces. ...	61.6	3.3	4.3	0.1	1.2	15.3	10.9	3.3	60.3	2.7	16.3	16.4	4.3
Assam. ...	..	40.5	7.6		9.9	11.6	22.1	8.3	36.8	4.	10.8	47.3	1.1
N.W.Frontier Provinces.	98.	0.6	0.1	.	...	1.2	0.1	...	42.1	0.2	15.9	41.1	0.7

The aggregate income of the 701 municipalities in 1912-13, not counting the Presidency Towns and Rangoon, was £ 3,282,845 apart from loans, sales of securities and other extraordinary receipts. Of this, considerably more than half in most provinces, and three-fourths in Bengal, was derived from taxation, one-sixth to one-fifth in Burma, over two-fifths was derived from municipal property, and a varying proportion—from one-tenth in Bengal to nearly half in Assam—was derived from Government grant.

The following is a more detailed analysis of Municipal revenues in the Bombay Presidency.

1911-12 Revenue Table.

Revenues.	B O M B A Y.	
	Presidency Town.	District Muni- cipalities
Octroi (net)	£ 115,792	£ 185,953
Tax on houses etc.	£ 331,755	£ 56,511
Water rate.	£ 138,408	£ 54,174
Other rates.	£ 124,485	£ 72,977
Special Acts.	£ 10,163	£ 3,064
Municipal property. ...	£ 64,407	£ 94,276
Government Grants....	...	£ 97,628
Miscellaneous.	£ 29,292	£ 12,531
Total	£ 814,301	£ 577,123

Of the taxes the octroi duties are most important wherever they obtain. They have their own merits and defects. They are familiar to the people, are likely to grow with the prosperity of the town, and, being collected in small amounts, are not felt as burdens. On the other hand they undoubtedly furnish occasion for fraud and oppression, are very expensive to collect, and, lastly, they are likely to degenerate into mere transit duties and so obstruct trade, inspite of the provisions for refunds. Attempts have been made to substitute these duties by some form of direct taxation or by a terminal tax in the United Provinces. The Government of India have approved these attempts on condition that the rate of such a

terminal tax is lower, that there are conditions which make such a tax specially inevitable, and that it is meant to effect the transition from a system of indirect to that of direct taxation. Where the octroi tax prevails precautions are taken to confine the tax only to those articles actually consumed in the town. The articles so taxed are generally commodities of local consumption *e.g.* the articles of food. Taxes on land and houses, trades and profession, animals and vehicles, water dues and road tolls, lightening charges and conservancy rates are more by way of variety than as important sources of revenue.

The average incidence of municipal taxation per head of municipal population in British India 1911-12 was Rupees 2.95. If we leave out of account the Presidency Towns, where the incidence is higher, the average from province to province varies being Rs 3.08 in the North West Frontier Province, Rs. 2.38 in the Punjab, Rs. 1.35 in Madras and Rs. 1.02 in Coorg. In the Presidency towns the incidence is highest in Bombay being Rs. 11.67, and lowest in Madras being Rs. 4.44. Calcutta comes between with Rs. 9, if we do not include Rangoon as a Presidency town with its average incidence of Rs. 10.5.

As regards municipal expenditure it corresponds necessarily to municipal functions. The one item of expenditure which is connected with no single specific function is the item of general administration and collection. These amount to something less than 10 per cent. Municipalities have in every case been relieved of the Police charges, while in case of famine relief, or extraordinary epidemics, their responsibility is shared also by the State. The construction of light railways—whether a privilege or a burden, will be noted later on. The total municipal expenditure in British India in 1911-12 was £ 4,844,734 distributed as follows:—

1. General administration and collection charges. £ 416,210.
2. Public safety (lighting, fire etc....) ... £ 294,565.
3. Public health and convenience:—
 - (a) Water supply. £ 576,889

(b) Drainage	...	...	...	...	£ 385,092
(c) Conservancy	...	...	...	...	£ 843,261
(d) Other heads <i>e. g.</i> roads and hospitals					£ 1,250,591
4. Public Instruction	...	...	...	...	£ 304,747
5. Contributions etc., including interest on loans	...	...	...	...	£ 877,337

The total debts of the municipalities amounted to £. 9,597,826.

IV. Municipal Policy.

The whole subject of the Urban Local Government in India was thoroughly examined by the Royal Commission on Decentralisation (1909), and various recommendations were made. They may be summarised as follows:—

(a) Municipal boards should be constituted on the basis of a substantial elective majority, nominated members being limited to a number sufficient to provide the due representation of minorities, and official experience. On this point the Government of India—six years after the Commission had reported—accepted the principle. The change, however, they thought, could not be introduced all at once; and in the absence of suitable candidates perhaps the change might not be introduced at all where suitable candidates cannot be had. In this respect it must be remarked that real progress of municipal government is impossible without full play being given to the elective principle.

(b) Municipal chairmen should be elected non-officials, Government officers should not be allowed to stand for election, and only where any other chairman but a nominated chairman would be impossible should they be allowed a chance. This

principle also is accepted by the Government of India, though they would like to leave to the local Governments the discretion to nominate non-official chairmen.

(c) The Bombay system of an elected chairman, acting as the official mouthpiece of the corporation, with a full time nominated official entrusted with the executive, subject to the control of the Corporation and its Standing Committee should be adopted every where in the presidency municipalities. One wonders why the Government of India, if they really desired to liberalise municipal government, should have demurred to this suggestion.

(d) The functions of municipalities need an all round extension, and, consequently, also their finances. We find indications and proofs that municipal trading on a large scale is not only profitable to the municipality itself, but beneficial to the citizens individually, both in the cheapness of the service rendered as well as in the wholesomeness of the article supplied, wherever that system is adopted. But the commission above referred to did not find it within the scope of their reference to make a specific recommendation on the subject; and in the absence of such a recommendation the Government of India can hardly be blamed for not incorporating it in their famous resolution. Nevertheless, it must be added, that there is no stimulant to civic spirit and civic pride like the extension of municipal functions. It is true we are yet beginners in that field. But that proves only the necessity of supervision and suggestion from outside, not a limitation of functions altogether. As regards the Budget, the Government of India are willing to give a free hand to the municipalities provided a prescribed minimum balance is kept.

V. Rural Local Self-Government.

If the municipalities in India have a comparatively short history, the institutions of self-government in the rural parts of

the country has a shorter history still. Before 1858 there were no such institutions, though there were some semi-voluntary funds in Madras and Bombay for local improvements, while in Bengal and the United Provinces there were consultative committees to assist the district officers in the use of funds for local schools, roads and dispensaries. In 1865 Madras led the way by a law to impose cesses on land for such purposes, and Bombay followed the lead in 1869. Two years later came the financial decentralisation scheme of Lord Mayo; and, in consequence, various acts were passed in the provinces for the levy of rates and the creation of local bodies—here and there with some tinge of the elective principle—to administer those funds. Under Lord Ripon the rural institutions flourished along with the municipal. Under the Resolution of 1882 the existing local committees were to be replaced by local boards extending all over the country. The principle observed in the creation of these boards was that the lowest administrative unit was to be small enough to secure local knowledge and interest on the part of each member of the board; the various minor boards of the district were to be under the control of a general District Board, and were to send delegates to a District Council for the discussion of measures common to all. The non-official element was to preponderate, and the elective principle was to be cautiously recognised. The resources as well as the responsibilities of the boards should be increased by transferring to them items of provincial revenue and expenditure.

VI. The Present System.

As the conditions in the different provinces varied immensely the Government of India could do no more than lay down the general principles—with a large measure of discretion to the Local Governments. Hence the systems introduced in the different provinces under the acts of 1882-4 varied considerably. The Madras organisation most nearly resembles the pattern set in the original orders. It provides for three grades of local boards;

(a) Important villages or groups of villages are organised as Unions, each controlled by a Panchayet. The duties of these bodies are chiefly in connection with sanitation, and they have powers to levy a light tax on houses. Next in order (b) come the Taluk boards—entrusted with the conduct of local works in the subdivisions of the district. Above them all (c) comes the District council with general control over the administration of the district. In Bombay there are only 2 classes of boards, the District and the Talukas. In Bengal, the Punjab and the N. W. Frontier Province the law requires the establishment of a District Board in each district, but leaves it to the Local Government to establish subordinate local boards. In the United Provinces the sub-district boards have been abolished since 1906, while in the Central Provinces the system resembles that prevailing in Madras.

The elective principle has been introduced in varying degrees everywhere, except in the North West Frontier Province where it has been abolished since 1903. On the whole, however, the principle of representation is much less developed in the rural than in the municipal area. In Madras the elective principle, previously confined to the District Boards, was extended to the Taluk Boards, while in the United Provinces and the Central Provinces there is a majority of elected members. The following table shows the general constitution of the boards in each province (1913-14).

Province.	District Boards.	Local Boards	Total Mem- bers.	By appointment.			By employ- ment.	
				Ex-Officio.	Nominated.	Elected.	Officials.	Non-Offi- cals.
Madras ...	25	96	2401	222	1161	1018	684	1707
Bombay ...	26	216	3690	651	1395	1644	725	2965
Assam ...	2	19	318	76	58	184	79	239
Bengal (1912-13)	25	72	1361	188	581	592	246	1115
Behar Ori- ssa ...	18	41	883	174	460	249	205	678
United Pro- vinces ...	48	...	897	3	270	624	250	647
Punjab ...	28	13	1406	270	559	579	284	1122
N. W. Fron- tier ...	5	...	219	51	163	...	51	108
Central Pro vinces ...	19	80	1858	27	503	1328	220	1627

VII. Local and District Boards Finance.

The income of the rural self-governing institutions is derived from sources much narrower and less elastic than those of the municipalities. The bulk of their income is derived from a cess on land over and above the land revenue and usually not exceeding one anna in the rupee on the annual rental or the Government assessment. This due is collected along with

the land revenue by the Government agency. Since 1905 Government have granted a special contribution, amounting to one-fourth of the income from the land cess, chiefly for education and sanitation. In addition to these special contributions there are other grants made by the Provincial Governments to the District Boards for specific purposes. Besides these all the boards derive a small percentage of their income from their educational and medical establishments, pounds and ferries, and, in Madras, road tolls. Except in that province, the Sub-District Boards have generally no independent source of income, their only receipts being such sums as the District Boards might allot to them.

The total income of the District and Local Boards in 1911-12 amounted to £ 3,434,219, and was distributed as follows:—

1. Provincial rates.....£ 1,541,919 nearly 47 per cent.
2. Education fees and contributions.....£ 448,629 „ 12 per cent.
3. Medical fees and contributions.....£ 97,763 „ 3 per cent.
4. Railways, Irrigation— and Navigation.£ 44,948 „ 1.6 per cent.
5. Police (Pounds and Ferries).....£ 128,648 „ 4 per cent.
6. Civil Works & Contributions.....£ 882,547 „ 25 per cent.

There are some miscellaneous sources of income as the receipts from land-revenue, interest, public gardens, exhibitions and fairs.

VIII. Functions.

The principal normal functions of these boards are the maintenance and improvement of roads and other communica-

tions, education—especially in its primary stages, upkeep of medical institutions, vaccination, sanitation, veterinary work, the charges of pounds and ferries. They may also be called upon to devote their funds to famine relief. The total expenditure of £ 3,303,670 in 1911-12 was distributed as follows:—

1. Education	...	...	£	777,106	nearly 24 per cent.
2. Medical	...	...	£	340,256	„ 11 per cent.
3. Civil Works.	...	...	£	1,758,479	„ 52 per cent.
Buildings.	...	...	£	213,225	
Communications.	...		£	1,112,066	
Water supply.	...		£	88,474	
Drainage.	...	...	£	6,438	
4. Miscellaneous.	...	...	£	427,829	„ 12 per cent.

The miscellaneous groups included general administration, cattle pounds, Veterinary work, public gardens, fairs and exhibitions.

IX. Recommendations of the Decentralisation Commission.

On the subject of rural local government the following recommendations were made by the Decentralisation Commission. Under each recommendation the policy adopted by the Government of India in their resolution of April 28, 1915 is also noted.

(1) Sub-district Boards should be established every where, and should be made the agency of rural boards administration. For this purpose the boards should have adequate funds and a large measure of independence; and their jurisdiction should

be so limited as to ensure local knowledge and interest on the part of the members, and be at the same time a well-known unit to the people. These requirements were best met by a Tahsil or a Taluka. On this point the Government of India, finding a great divergence of opinion among the local Governments due to varying conditions of each provinces—have decided to leave the matter to them.

(2) The proposal that district and sub-district boards should contain a large preponderance of elected members—the nominated members being just enough to secure the due representation of minorities and official experience, was accepted by the Government of India.

(3) The chairman of these boards should be an official as at present—since, in the opinion of the commission, the dissociation of the District Officer from the general administration of the district including education, roads etc., which must inevitably follow the election or appointment of non-official chairmen, would be prejudicial to the interests of efficiency in administration. The Government of India accepted this view, though they made no objection to non-official chairmen being retained where they already existed, or to the appointment of such where the Provincial Government desired to try the experiment.

(4) As regards the financial resources of these boards, the commission would not allow the land cess to be increased beyond one anna in the rupee; and the Government of India accepted that proposal. But they proposed that the District Boards should be allowed to levy a railway or tramway cess of 3 pies in the rupee of land rental or assessment, in order to help the Districts to build light railways and thus to improve communications. The Government of India accepted the principle and have authorised local governments to undertake the necessary legislation, though they believe that the actual imposition of the cess would not be necessary. The mere power to impose

would be a sufficient guarantee. The construction of light railways by District Boards in Bengal and especially in Madras has shown that the financial results of carefully selected schemes will in a few years materially strengthen the resources of the District Boards. Assam has already undertaken such legislation and the Punjab Government has similar legislation under consideration. Finally financial and other Budget restrictions, should the Government desire, be gradually released.

X. General Remarks.

At the very commencement of their resolution of May 28, 1915 the Government of India remark "The results have on the whole justified the policy out of which local self-government arose. The degree of success varies from province to province and from one part of a province to another, but there is definite and satisfactory evidence of the growth of a feeling of good citizenship, particularly in the towns. The spread of education is largely responsible for the quickening of a sense of responsibility and improvements in the machinery. In certain provinces beneficial results have followed the elaboration of a system of local audit. On all sides there are signs of vitality and growth." But the same resolution goes on to say "The obstacles in the way of realising completely the ideals which have prompted action in the past are still, however, by no means inconsiderable. The smallness and inelasticity of local revenues, the difficulty of devising further forms of taxation, the indifference still prevailing in many places towards all forms of public life, the continued unwillingness of many Indian gentlemen to submit to the troubles, expense and inconveniences of election, the unfitness of some of those whom these obstacles do not deter, the prevalence of sectarian animosities, the varying character of Municipal area—all these are causes which cannot but impede the free and full development of local self government."

Even apart from these obstacles, however, the progress of self-government in India has been impeded for other reasons.

(1) In the first place all these institutions are new in India, in spite of the fact that India was not unfamiliar with self-government in the past. They are really an attempt to familiarise this country with institutions which have had the most marked success in England. The old indigenous local institutions of India—like the famous, almost immortal village-community—have been abandoned and superseded if not altogether suppressed; and progress is sought to be achieved on unfamiliar lines. The new institutions were established suddenly and such success as they have achieved is due to the now rapidly growing consciousness of local interests among the people, and not to any intrinsic merits of the institutions themselves.

(2) The scope for self-government whether in the municipalities or in the rural areas is very limited, quite in conformity with the character of these institutions as experiments in self-government. The principle adopted in India is to leave to these institutions such functions as would ensure interest as well as knowledge on the part of the members. But the functions themselves, however important they may sound in the West, are either novel or limited and restricted so much as to preclude the possibility of genuine interest. The class of citizens who can and will participate in local affairs is not only limited; but among them the necessary knowledge and experience is wanting. If the functions were enlarged possibly they would attract a larger class with more knowledge and more brains. Perhaps it is the limited extent of self-government allowed, more than any other factor, which can explain the want of interest displayed by the municipal public of even such a large and wealthy city as Calcutta. Out of 25 seats filled by election in Calcutta, only 2 were contested in 1903, in 1906 and 8 in 1909. Seldom has the contest there been so keen as the elections for the London County Council or even that which Bombay witnessed during the famous caucus elections.

(3) The limited scope allowed to the principle of election may also explain in part the lack of adequate interest on the

part of the native public. In the old Indian institution there was literally self-government when all the villagers voted on the questions affecting all. In the new institutions there is not even a full representative government. The presence of a fairly large proportion of officials of these councils, the domination of the official presidents tend towards apathy among the able, want of independence among the incompetent, and the routine for the rest.

(4) The financial resources of these bodies are narrowly circumscribed. Besides they must all depend upon Government aid to eke out their expenses. Government contributions being naturally dependent on the action of the local bodies being approved of by the Provincial Government, they are inevitably under official leading strings. Government control, whether by way of Budget restrictions or approval for new undertakings or new officers, though slightly relaxed, is not yet so modified as to permit a free development.

CHAPTER X.

The Indian Army.



I. History of the Indian Army.

The great Indian army of to-day had the most modest beginning in the guards enrolled for the defence of the treasuries and factories of the East India Company at Surat, Masulipatan, Armagam, Madras, Hoogly &c. These corresponded more to the *Ramoshis* and *Bhaiyas*, which great personages in India maintain for purposes of show as well as safety even in our days, than to the Police sepoy of to-day, much less to the regular soldier, enrolled for fighting. The native army of India proper may be said to have begun in 1748, when Major Stringer Lawrence, the 'Father of the Indian army'; following the example set by the French, enrolled some sepoys for fighting the French and their native allies. The army thus begun fought many a pitched battle in the service of the "Company Bahadur", defeated one after another their own countrymen who had not the advantage of the officers and equipment that the Company's sepoy had, and carried the flag of the Company from the Hoogly to the Jumna, from the Jumna to the Setlej, from the Setlej to the Kabul, reversing the tide of invasions for centuries past, conquering the conquerors of India, asserting their prowess and the English dominion even on the banks of the Nile against the soldiers of Bonaparte. The fidelity of the native soldiers to the Company for more than a century was unbroken by any serious rebellion; and the fact is all the more remarkable when we remember that in the same period they had fought some of the hardest battles for the Company with always a very small proportion

of the English soldiers to aid or to overawe them, when in the same period the English section of the army, both officers and men, had been guilty of more than one rebellion in more than one centre for quite selfish reasons, and when we remember that all through that period they were serving an impersonal master, different from them alike in race, religion, and language. And even in the great rising of 1857, the disaffected soldiers of the Company revolted not for any personal selfish reason, as their European comrades had done in the past, but for safeguarding their caste and their religion, which, they honestly, though erroneously, believed was in danger. Even in the Mutiny of 1857, not the whole army had rebelled; there were none braver in the attack on Delhi than the Sikhs from the Punjab, and the native cavalry under Sir Hugh Rose was second to none in putting down the mutineers in Central India.

Under the Company the armies of each Presidency were necessarily mutually independent and self-contained units. They consisted of native and European soldiers in unequal proportions, Indian soldiers forming chiefly the infantry. There were, besides the soldiers in the service of the Company, some officers and men in the service of the English Crown. The armies of the Company were organised on a definite principle for the first time in 1796. The European troops numbered 13000 and the native soldiers 54000. To describe this organisation fully would take us far into military details, not easily intelligible to a mere civilian; it would be enough, therefore, to give a sketch of the organisation as established in Bengal, the other provinces more or less copying that plan. The Bengal army in 1796 had:—

European artillery, 3 battallions of 5 companies each;

„ Infantry, 3 regiments of 10 companies each;

regular native cavalry, 4 regiments of 6 troops each;

„ „ infantry, 12 regiments of 2 battalions each;

Each cavalry regiment had a commanding field officer, 15 officers including the regimental staff, 4 European non-commis-

sioned officers, and 39 Indian non-commissioned officers, 12 native officers and 426 troops. In each infantry regiment there was a colonel commandant, 2 lieut. colonels, 2 majors, 8 captains, 22 lieutenants, 10 ensigns, 2 European non-commissioned officers, 40 Indian officers and 200 non-commissioned Indian officers, and 1600 sepoy with 40 drummers and pipers.

The strength of the army as fixed in 1796 was continually increased all through the period ending in the Mutiny of 1857. On the eve of the Mutiny the army in India consisted of 39,500 British soldiers, including 2686 cavalry, 6769 artillery, and 30,045 infantry; and 311,038 sepoy, including 37,719 cavalry, 11,256 artillery, 3,404 sappers and miners, 211,926 infantry. Thus the native army was as 8: 1 of the European force. After the Mutiny 2 important questions had to be decided by the Government of India; first the form of the European army for service in India, and secondly reconstruction of the native army. As to the first there were two opinions; Lord Canning, the Viceroy, proposed a local European army, entirely at the disposal of the Government of India. He thought that plan would be not only more economical, but politically more advisable, as the officers and men would identify themselves more closely with the country and its inhabitants. On the other hand it was suggested that the British army should be a truly imperial army, whose interests should in no way be divided by their having to serve two masters, and whose traditions would be impaired if any section of it was to be permanently localised in India. Just at that time there occurred what was known as the "White Mutiny" on account of the European troops objecting to being transferred to the Crown without their wishes in that respect being first considered: and the advocates of a local army were once for all placed in a hopeless minority. It was accordingly decided that the European army of the Company should be transferred to the Crown, the infantry becoming regiments of the line, and the artillery being amalgamated with the Royal Artillery and Royal Engineers. It was further laid down that this British force should be maintained at a strength of 80,000, and that the native troops should not exceed it by more than two to one in Bengal and more than

three to one in other provinces. The native regiments were to be recruited by a general mixture of all classes and all castes. The proportion between the European and Indian soldiers as thus laid down was maintained pretty closely, but the general mixture system in recruitment was found impracticable, and so was eventually abandoned, though those who proposed it fancied it to be a source of great strength to the Government in as much as soliders so recruited could never all combine against the Government.

As regards the European section of the army in India, since the amalgamation, regiments and batteries have been sent to India for a definite period, to be relieved at the end of that period by other regiments and batteries, on the same system as for any other part of the Empire. In this way almost all regiments and batteries go round the Empire, the tour taking 9 years for cavalry, 16 for infantry, and from 11 to 15 for artillery. While in India, these troops are in many respects under Indian regulations as regards pay, equipment &c., and the Government of India pays for them at a capitation rate of £7 s.10. The period of service in India for such units averages 5 years and 4 months. By 1863 the Indian Army was reorganised on a reduced footing, the reduction amounting to nearly 40 per cent as compared to the strength before the Mutiny. The question of officering this new army was solved by the institution of a Staff Corps while the total complement of officers for each regiment of cavalry and infantry was increased. In 1886 two important changes were made. The "linked battallion" system was introduced to guarantee a ready supply of trained units for regiments in the field, and an Indian army reserve was formed. The greatest of all changes came in 1893 when the separate organisation of each Presidency army, which was more than a century and a half old was abolished by an Act of Parliament.

II. Administration of the Army.

The supreme authority over the army in India is vested in the Governor-General in Council, subject to the control of the

Crown exercised through the Secretary of State. Until 1906 the Governor-General's Council had a military member, who was in direct charge of the administrative and financial business relating to the army. As a consequence there were frequent differences of opinion between the Commander-in-Chief, the official head of the army, and the military member of the Council. Lord Kitchener the Commander-in-Chief in India from 1902, opposed this arrangement, and proposed to place all matters relating to the army directly under the official head of the army. Lord Curzon, the then Viceroy, opposed this proposal on the ground that it tended to subvert the civil control over the army, which was such a distinctive feature of the British constitution. To some extent Lord Curzon was right, though Lord Kitchener pointed out that his position did not necessarily involve the ousting of the civil control over the army, as the commander-in-chief would himself in future be under the Governor-General in Council. He objected to the Military member of the Council, himself an army officer, and therefore a subordinate of the Commander-in-Chief, sitting in judgement on the military proposals submitted by the superior officer, under cover of advising the Governor-General in Council. Lord Curzon pleaded for the necessity of independent advice to the civilian chief of the Government; but he was at length overruled, and the Military Department was abolished. Its place was taken between 1906 and 1909 by the short-lived Military Supply Department which took over some portion of the work relating to the army. From 1909 every question relating to the army goes to the army department the head of which is the Commander-in-Chief, an extraordinary member of the Viceregal Council.

III. Strength of the Army.

On the 1st April 1914 the sanctioned and actual strength of the army in India were as follows:—

Troops under the orders of the Commander-in-Chief:—

	Sanctioned	Actual.
British officers	5,017	5,001
British warrant and non-commissioned officers and men	73,323	73,155
Indian officers, non-commissioned and men	160,313	150,574
Troops not under the orders of the Commander-in-Chief:—		
British officers,... ..	9	9
Indian officers, non-commissioned and men	24,466	23,077
Total	263,128	251,761

The different portions of the army in India are governed by different laws. The British Forces in India are under the English Army Act, which is passed every year by the British Parliament. The Indian troops are governed by the acts of the local legislature, though their officers are governed by the Imperial Army Act

IV. Reorganisation, Redistribution and Rearmament.

The name of the late Lord Kitchener will for ever be associated with the wholesale schemes of reorganisation and redistribution of the army in India, with which during his tenure of office as Commander-in-Chief he identified himself. After the abolition of the separate Presidency armies in 1895, the army of India was divided into 4 large commands corresponding to the provinces of the Punjab, Bengal, Madras and Bombay, to which, since 1903-4, was added the Burma command. These commands were subdivided into districts, but they were in no way capable

of expansion; while their territorial organisation made it extremely difficult for them to take the field against an external foe. There were no organised army corps, nor brigades, the troops in case of war having to be drawn from all parts of the country, the various units being sorted out into brigades and divisions after they had reached the base of operations, and being provided with a scratch lot of officers just for that occasion. The whole force was in fact organised more for the purpose of internal defence than with any intention to its possible use against an invader. Lord Kitchener set to reorganise with a view to make the army of India equal to any demands that might in reason be made upon it. The units of the Indian army were renumbered, presidency and local distinctions were abolished, and a homogeneous army, free to serve in any part of India was established. The entire army, was formed into 9 divisions, exclusive of the Burma division, each with its proper complement of artillery, cavalry, and infantry, under its own general and staff complete. These were organised for war; each division could take the field by itself and yet enough troops would be left behind to guarantee the defence of the country. For the better training of candidates for staff appointments in India, a staff college was established, at Deolali first, and afterwards at Quetta. The strength of the army was also increased and the artillery section as well as the Flying corps were established. The Indian Army Reserve was substantially augmented, and 350 officers added to the army. The equipment of individual soldiers was altered to suit the altered conditions and the manufacturing establishments of the Ordnance branch were improved. The pay of all ranks was increased, and the general conditions of service were revised. At the Coronation Durbar in 1911 the coveted distinction of the Victoria Cross was thrown open to the Indian soldiers.

V. Volunteers.

The right to volunteer for the defence of the country was, until quite recently, confined to the Europeans or Anglo-Indians

in this country. They include foot and mounted regiments, light horse, garrison artillery, together with some companies of electrical engineers. Their role is to defend ports, railways, cantonments, and civil stations. On the outbreak of the War a general desire was manifested that a volunteer brigade should be raised for active service at the front. For the present, however, they were kept in India though many were sent to the front in the motor-cycle or machine gun detachments. The volunteer force has considerably increased in number and importance; and the latest legislation of the Government of India permits volunteering to the children of the soil. Though this measure is apparently only a war measure, and declared to last for the duration of the War and six months thereafter, it is to be hoped that the policy of distrust which has so long dominated the Government of India in this respect would once for all be consigned to oblivion. The services of the Indian soldiers at the various theatres of war, and the remarkable loyalty of all classes of Indians in this world War, may not unreasonably be taken to be sufficient proof that there is no room for a policy of distrust in new India. The other grievance of Indians in this department, *viz.*, that they are not allowed to become commissioned officers in the army of their country, will similarly, it is to be hoped, be remedied.

VI. Imperial Service Troops.

In 1887 the Nizam led the way by an offer to create and maintain at his own cost a body of troops for the defence of the Empire. His example has been warmly taken up by the other rulers of Indian Native States. The troops belong to the several states, and are recruited from their subjects. They are officered by native officers, under inspection by British officers, and available for Imperial Service when placed at the disposal of the Government of India by the rulers. The troops are armed and equipped in very nearly the same way as the Indian army, and in a number of campaigns they have shown a remarkable degree

of military excellence. The total strength of these troops is approximately 22,271 contributed by 29 states. They include 10,000 infantry, 7,500 cavalry, with transport and camel corps. Almost all these troops were placed at the disposal of the Government of India on the outbreak of the War, and many of them were dispatched to one or the other theatre of war.

VII. The Imperial Cadet Corps.

This corps was formed in 1901 with the object of providing military training for the scions of ruling and noble families. It consists of about 20 young men of noble birth who have been educated at the Chiefs Colleges, and have received instruction in military exercise and military science.

VIII. The Officers of the Indian Army.

On the reorganisation of the Indian army in 1861, its British officers were organised into 3 "staff corps," one for each of the 3 Presidency armies of Bombay, Bengal, and Madras. At first these officers were only transferred from the Company's army; but later on they were drawn from British regiments. In 1891 the separate corps were combined into one, and were styled thenceforth "The Indian Staff Corps". Ten years later the term "staff corps" was dropped, and the officers came to be known as the officers of the Indian army. They number about 3500, and are drawn partly from the British regiments stationed in India, but chiefly from the candidates at the Royal Military College of Sandhurst. An officer in the army must pass an examination in the native languages and in military subjects before he is eligible for staff employment of company in any part of India. These officers of the Indian army are employed not only in their proper military posts, but are often given civil posts and

they are sometimes lent to the Native States. They also hold a number of political posts chiefly under the Foreign Department, and make up the greater portion of the diplomatic service of India.

IX. Commissions in the Indian Army.

The question as to who is the proper authority to grant commissions in the Indian Army does not seem to be free from doubt. The King--Emperor, of course, is the final and undisputed source of all authority in the Army. But is the highest civil authority in India, the Governor--General, alone or in Council, competent to grant such commissions. Before 1858 the Company's Governor-General used to grant commissions to the officers of the East India Company, the power to do so being presumed to be derived from the Company's Charters and other Acts relating to the Company. On the abolition of the separate European army, Sir Charles Wood informed the Governor-General (1862) that local commissions should be granted, wherever practicable, by the Field-Marshal commanding-in-chief on the recommendation of the Government of India preferred through the Secretary of State. If in any case the Government of India thought it necessary to bestow commissions without any such previous reference, the commissions so granted should be made conditional on the approval of the Crown. Two years later, 1864 the same Secretary of State informed the Government of India that as royal commissions were granted to all officers of H. M.'s Indian forces and staff corps, local Governments in India, and the commander-in-chief in India need not issue any further commissions. The Indian Volunteers Act of 1869 introduced a modification. Though that Act itself is silent about the grant of commissions to volunteer officers, in practice these commissions were signed by the Governor-General alone, or in Council. As regards the regular army, the Crown is the supreme authority from whom alone military rank and powers of command can be

obtained. As a rule the commander-in-chief in India is authorised by his commission to grant commissions, pending the intimation of the sovereign in that behalf; but such commissions are granted by a military, and not by a civil, authority; and they are granted under specific powers. The existing Army Act (44 & 5 vict, c. 58) gives no authority to the Governor-General to grant commissions.

X. The Royal Indian Marine.

The Government of India have no navy of their own, though they give a small subsidy to the Imperial British Navy of about £ 100,000 a year. India has, however, a substitute for a navy, the so-called the Royal Indian Marine, which dates from 1612, and which has rendered naval services in the past of the highest importance. The marine at present renders service as transport. It is in charge of a Director.

The questions of constitutional importance in connection with the military forces in India are twofold; *viz.*, those relating to the status of Indians in the military forces of their country, and those relating to the authority of the Government of India over these forces. As regards the first, though Indians as such were never debarred from entering the army as privates, they could not hope to rise to the ranks of commissioned officers in their native army. Until quite recently, therefore, the army was a closed profession to Indians born in India. The new defence force is based on a measure which is admittedly of such a temporary character that no assertions can be based on that. We may, however, regard it as an indication of the tendency of the times; and if we are right in that the hope may be expressed that even in the permanent, regular army the status of Indians will improve after this War.

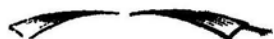
In this connection we might also mention the Arms Act which disables native Indians from carrying arms ordinarily.

The injustice of this measure is far too universally admitted at this time to require any lengthy argument to establish it; and the hope may be expressed here that as a consequence of this War, as a lesson of this War, this permanent and undeserved disgrace on Indian name will be removed.

The other question about the control over the Indian army has not, so far, taken that actually painful aspect, which the similar question with regard to the navy had taken in Canada just before the outbreak of this War. Provisions of the present Act no doubt require that Indian troops shall not be used outside the frontiers of India without the consent of Parliament. But such provisions cannot solve the grave question as to what authority is ultimately supreme in connection with the local forces of defence of any one particular part of the Empire. The supremacy of the King is only theoretical; but it is just possible that the Government of England may, sheltering themselves behind the name of the King, endeavour to use the local forces of the different parts of the Empire for their own purposes. And if these purposes are not, or cannot be, approved of by the Government of that particular part, must they always yield to the English Government, and allow their forces to be used in English quarrels, merely because the English Government claim to speak in the name of the sovereign? This grave question did not arise in the present War because every part of the Empire has made England's quarrel its own. But there is no ground to assume that such an identity of interest and sentiment would occur in every future war. This question is necessarily very grave already for those parts of the Empire, whose Governments enjoy a substantial measure of local autonomy, and it is relatively unimportant for countries like ours whose Government have no real independence. It is nevertheless, even for Indians, a grave constitutional question of the first importance. Within the scope of this work, we can but indicate this question, for it trenches upon the much wider problem of the constitution of the entire British Empire, which we cannot discuss here.

CHAPTER XI.

The Native States of India.



A study of the Indian system of Government, however brief, would be incomplete without some account of the relations of the Government of India with the Native States. They form an integral part of India, and though at first sight they may seem to be excluded from the scheme of Government in British India, the interests of the Native States, of the princes as well as of their subjects, are so closely interwoven with the interests of the population of the rest of this mighty country, that we cannot brush aside, as a prominent leader of political thought in India is reported to have done, as of no consequence, the question of the Native States, their present position and their place in the India of a generation hence.

In studying this question the student is confronted at the very outset with a very serious difficulty. The relations of the Government of India with the native princes are to a large extent conducted without that publicity which characterises the proceedings of the Government in other departments. This is of course no peculiarity of the Indian Government: even in England the complaint is very frequently made that the foreign policy of the country, on which depends so much the prosperity of a trading nation like Britain, is conducted without any reference to Parliament. To some extent this policy is not unreasonable, since, though the days of the bedchamber politics are over, the foreign relations of every country require such a delicate handling that the fierce light of popular criticism would throw the whole mechanism out of order. On the other hand it is justly contended that publicity would do away with

many of those trivial but yet portentous misunderstandings which often result in the most disastrous wars. And it is all the more dangerous when what is claimed to be entirely confidential leaks out, and not always in its true form, thereby causing endless confusion, misunderstanding, distrust and hatred. If in Europe they cannot always guard such secrets of state policy against official indiscretion, or journalistic impudence, the Native States in India cannot be blamed very much, if in the laxer atmosphere that prevails there, state secrets including the relations with the suzerain, leak out, and are none the better for the slight editing that they receive in the process of transmission from mouth to mouth. While, therefore, we can say very little authoritatively, beyond what we can glean from the various treaties and sanads, about the way the relations between the princes and their suzerain are determined. We know or we fancy that we know a lot about what takes place behind the scenes, which, if published, would place an entirely different complexion upon certain matters from the version which the official gazettes deign to place before the public. This state of chronic and confirmed doubt and suspicion is naturally very dangerous to every one concerned, but in the existing state of things it seems to be inevitable. The student of this part of the governing machinery in India must beware against saying too little as well against saying too much, he must weigh every word, and consider every phrase in all its possible and even its impossible meanings; for the latter are even more to be dreaded than the former, as, exactly because an interpretation is impossible it would be deemed to be the most likely, and would therefore be adopted.

I. The Origin of the Native States.

Confining ourselves only to the British period, the native states, as we known them to-day, did not originate until the days of Lord Wellesly. The Company had no doubt entered into relations with the princes of India long before that date;

but their position at the native courts, in the days before Wellesly, was hardly superior to that of suppliants or military adventurers, little better than the French soldiers of fortune who continued to baffle the English long after the French were ousted from India as an organised power. Even where the relations were those of equals, as in the case of the Nawab of Carnatic or the Nizam, the position of the Company was far too uncertain, and their territorial possessions far too inadequate to their pretensions of a later day, to allow us to regard them as really the equals of their native allies. In a sense that idea of equality, which we now associate with the alliance of two modern sovereign powers like England and France, never appeared in India, at least as far as the East India Company were concerned. They passed too rapidly from the position of dependents to that of dictators for that idea to materialise. The Subsidiary Alliances of Wellesly laid the foundations of our modern protected states in India. By requiring them to maintain at their cost a considerable British army, ostensibly to aid them in their perennial dynastic quarrels, possibly to keep them in check against any design that they might be misled to entertain against the Company, by compelling them to surrender all control over their foreign relations; by stipulating that they should entertain no European in their service without the consent of the Company's government; by inducing them to agree to the arbitration of the Company in all their differences with the friends of the Company; Wellesly managed to render them entirely innocuous for future mischief. Naturally all the consequences of this grand policy were not clearly apprehended from the first even by the author himself. No wonder that those who followed him, or those who opposed him, could not see in this net-work of alliances anything but an irresistible force which would steadily impel the Company, in spite of themselves, from one frontier to another, till at last they would have to succumb under the very load of their greatness; and consequently tried to set aside this grand and silent scheme of conquering India without shedding a drop of unnecessary blood. It is difficult to say what Wellesly thought to be the probable results of such a policy in the end:

would he have regarded it only as a prelude to total annexation of the native territories, when the Company were strong enough to venture on annexation without unnecessarily exposing themselves? or did he consider his scheme as an ultimate and permanent solution of the political problems of India in his day? Certain it is that while his policy had inspired the weaker among the native princes with hopes of their own continuance in power, it provided no obvious solution to the riddle which faced his immediate successors as to what should be done in the event of internal anarchy, or external molestation of those who had not allied themselves with the Company yet; nor did they know what to do when a prince, secured in his own possessions by the aid of the Company, used his security to his own undoing by extravagant misrule in his own dominions.

Lord Hastings carried the policy of Wellesly a step further; and, while arranging treaties with the native princes for safeguarding and improving the position of the Company, he made it clear that the obligations of an alliance with the Company included a reasonable measure of decent Government within a prince's own dominion. The direct extension of British territory, which this Governor-General was instrumental in bringing about, was also due to the same general idea of securing a modicum of good Government to the peoples of India whether directly under British rule or not. In his time he had no distinct opportunity to make this principle clear, but under his much more pacific successor, Lord William Bentinck, the principle was carried out in the case of Coorg, which was annexed to the dominions of the Company, on the reigning prince showing himself utterly incompetent to improve his Government. In the Mysore case the same Governor-General adopted a slightly different principle; the Mysore territories were placed under the administration of the Company's officers, though the Government was conducted in the name of the prince himself. The prince was given a fixed income to support his position, and beyond that he had nothing to do in the affairs of his principality.

In the twenty years that followed the departure of Lord William Bentinck from India, the policy of the Company's

government fluctuated in this respect. The important native states of the Punjab, of Nagpur, of Oudh and of Sind were all annexed for one reason or another; and for a while it seemed that the supreme power in India had made up its mind to abandon the role of King Log and commence the part of King Stork. The annexations of Sind and of the Punjab were dictated by reasons of imperial defence; they lay so temptingly in the way of India's centuries old channels of invasion, and of the Company's natural line of advance, that the authorities in India as in England decreed their annexation. In the case of the Punjab there were no doubt other considerations. Under the late ruler Punjab had been a strong and reliable barrier between the English possessions and the old invaders of India; his successors were too weak to preserve their own authority; and so to remove once and for all this danger of the pretorian bands of the Punjab Government, Dalhousie decided for annexation, only two years after Hardinge had, on a similar occasion, decided for maintaining the local prince in subordinate alliance with the Company. In the case of Sind there was not the ghost of a reasonable excuse; and it was much more of a "humane piece of rascality" than the facetious Sir Charles Napier was aware of. The fundamental reason was in both these cases imperial necessity; the others were only temporary pretexts, the hollowness of which was not disguised from the superior authorities at home. The same may be said for Nagpur. It lay so inconveniently between the different parts of the Company's dominions, and prevented so effectually the linking up of the various presidencies and provinces with one another, that the doctrine of lapse received all the sting and importance which the ingenuity of lawyer could devise and the necessities of the statesman could suggest. We cannot give the same explanation for the annexation of Oudh; there the reason given was the prevailing and apparently irremediable misrule of the native government. The principle was at that time deliberately asserted that by supporting a prince on his throne against all opposition, whether from his own subjects or from his external enemies, the Company's Government had made themselves responsible for the proper discharge of

the duties of the sovereign towards his subjects; and that the sovereign who failed to improve his administration inspite of repeated warnings could not, in justice to his subjects, be maintained in power by the Company without their being held responsible for that misrule.

These annexations of Lord Dalhousie occasioned a natural and general alarm. The Mutiny which followed was regarded by many as the direct result of the many and injudicious annexations of the preceding Governor-General; though it is a fact of history that the rebel forces received no substantial aid from the native princes, that may have been due to the distrust of the rebel leaders and of their motives more than to any settled affection for the Company's suzerainty. The suspicions of the Company's intentions were much too generally entertained, and far too reasonably founded for the new Government of India under the Crown to ignore altogether the problem of the Native States. The Queen's proclamation allayed all doubts that might have been felt by the Native princes by specifically promising that the Native States would be maintained in their integrity, and that the honour of the native princes would be preserved by the English sovereign as the honour of the English Crown.

II. The Present Position.

Before trying to speculate on the actual position of the Native States in the Indian polity to-day, as well as their future, it would perhaps be better if we summarise the existing obligations of the Government of India towards the Native States and vice versa, as far as we can learn them from the published treaties and arrangements between the two. Among themselves the Native States show every variety of size and importance, and perhaps the summary given below may not apply in its entirety to every state irrespective of its size and its past record. Generally speaking, however, the mutual obligations sketched below hold true.

Every state in India is protected against aggression from without, while a solemn assurance is given that their protector, the paramount power, will respect their rights as rulers. Hence in all questions of foreign relations the paramount power acts for them. Within their own dominions, the inhabitants of those territories are regarded as the subjects of their rulers; with the exception of the personal jurisdiction over British subjects, and the "residuary jurisdiction" these rulers and their subjects are free from the control of the laws of British India. The police of British India, for instance, cannot arrest criminals escaping from British India to the adjoining Native States, but they must be arrested by the authorities of the native state and handed over to the British police, or the latter might be permitted to arrest itself. The native princes are secured not only against the menace of an aggressive neighbour; the paramount power will, it is well understood, intervene when the internal peace of their territories is seriously threatened. They also enjoy as a matter of course all the benefits which the paramount power secures by its diplomatic relations, as for instance in commerce, railways, ports and markets of British India. Though a customs line is not entirely abolished, it is none of the most stringent; while as regards the movements of the people of India from one part of the country to another no passport is required, and no barriers created. According to the strict letter of the law, until quite recently, the subjects of the Native States were foreigners in British India; but they were admitted practically to all the privileges of British Indian subjects, and since the last Act on the subject even this slight difference is done away with.

Against these rights the Native States have corresponding obligations. Thus as regards the Foreign relations, the Native States have practically no foreign relations except those with the Government of India. They have no international existence. Not only they cannot deal with any foreign prince or state by themselves, but they cannot treat one another among themselves without the intervention of the paramount authority. This exclusion from all international relations is carried

so far that the Native States cannot employ any European or American without the previous permission of the British Government in India. They cannot receive any diplomatic agent from any foreign power, nor accept any title or mark of honour from such foreign powers except with the consent of the Imperial Government. The subjects of a Native State cannot obtain a passport from their own prince for purposes of foreign travel; and they are regarded for all practical purposes, when travelling in foreign parts as subjects of His Britannic Majesty. As for foreigners resident in a Native State, it is the British Government, and not the Government of the state, which has jurisdiction over such persons. If the supreme Government enters into any treaty with a foreign Government, which cannot be carried into effect without the participation of a Native State, that state shall do all in its power to give effect to that treaty. Amongst themselves all disputes must be referred to the arbitration of the paramount authority. In all such interstate questions, as boundary disputes, or the mutual extradition of criminals, or the completion of an interstate line of railway, the paramount power must arrange the matter, and its arrangement is binding upon the Native States.

As the princes have no foreign relations and no occasion to fall out with their neighbours, they need not keep up a large military force. The Instrument of Rendition of the Mysore State lays down that the military force maintained in Mysore "for the maintenance of internal order and the Maharaja's personal dignity, and for any other purpose approved by the Governor-General in Council, shall not exceed the strength which the Governor-General in Council may from time to time fix." Though this provision is not specifically incorporated in the treaties with other States it is well understood that the army maintained by the native princes shall ordinarily be confined to the police needs of the State and for the proper show of the ruler's dignity. The British Government in India maintains an army which is organised not only for the defence of British India, but also of the territories of the native princes. On the other hand it is expected of these states that they shall render a proper account of themselves in the event of the

necessity of Imperial defence. They must co-operate actively in securing the efficiency of the Imperial army, and at the same time do their allotted share of the defence of the empire. Under these principles the Native States must not fortify or garrison their own strong places for that the Imperial Government may have cause for anxiety. They must allow the British forces in their dominions camping facilities, find them supplies, and arrest their deserters. They must submit to the Imperial control over the means of communications like the railways or the post and telegraph office within their territories. As regards their active help in time of war that depends on treaties partly, and partly upon good understanding and loyalty, to which is trusted the solution of all doubtful points when the occasion arises. In the present War for instance the Native States, one and all, have rendered the most magnificent service to the British Empire, in excess in many cases of their paper obligations. At the present time several states in Rajputana, Central India, and in the Punjab, as well as Cashmere, Hyderabad, and Mysore habitually maintain what are known as the Imperial Service Troops.

In all the matters relating to the obligations of the Native States in connection with foreign relations and the defence of the country, the position of every state is generally speaking the same. It is otherwise with the questions relating to the internal administration of the several states. Several old and unpealed treaties require that the British Government shall have nothing to do with the Maharaja's dependents or servants "with respect to whom the Maharaja is absolute". The usage of more than half a century has confirmed the principle that the Government of India is not precluded "from stepping in to set right such serious abuses in a native government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a Native State when there shall be sufficient reason to do so". (Lord Canning's Minute of April 30, 1860). As to when that necessity may be said to have arisen is in the discretion of the Governor-General, subject to such control as may be provided by Parliament. It is well

known now that the Government of India will intervene in all cases of grave internal misrule. They would also intervene, it is felt, to prevent the dismemberment of a state by divisions among the sons of a prince or by means of a legacy.

In the name of public order the paramount power would intervene to stop disputes about succession and to prevent rebellion. So also to put a stop to such inhuman practices as female infanticide, or sati, or slavery or barbarous punishments. On the other hand in such cases as the reforms in administration in prosecuting works of material development of the country, the co-operation of the Native State would be invaluable to the British Government, but in this respect the latter would ordinarily content themselves with advice, and wait for the willing co-operation of the local prince.

The dissimilarity in the relative position of the different princes is the greatest in matters of local jurisdiction. It is not difficult to understand that the paramount power should claim jurisdiction in connection with its own subjects resident in the Native States as also in connection with the foreign subjects resident in those territories. But in some states the jurisdiction exercised by the suzerain goes far beyond this, and extends sometimes to a population which neither consists of British officials nor of British subjects. This jurisdiction is sometimes conceded by treaty, but frequently it is the result of long usage and acquiescence.

III. The Future of the Native States.

The brief sketch of the present position of the Native States in the scheme of Indian polity is sufficiently intriguing not to raise the inquiry as to their future. The policy of their gradual absorption in the British territory, under pretexts which could always be discovered or created, has, however, too definitely been dropped by the suzerain to permit us in indulg-

ing in speculations as to the possible merits of a policy of gradual sequestration of even the remnants of sovereign authority that the Native States enjoy to-day. Had it been intended to bring the whole of India gradually under one undisputed authority, the occasions were not wanting in the case of some of the most important states in the last 60 years or so to carry that policy into execution. It may perhaps be said that the obligations with the Gaekwar family were far too deep and enduring to allow the suzerain the exercise of the last authority of paramount power on the mere pretext of a laxity in the personal conduct of a native ruler in the nineteenth century in India. The graver charge of the attempt to poison the representative of the British Majesty, not being proved to the satisfaction of the Indian commissioners in the commission of inquiry in that case, the Government of India decided in that case to dethrone the prince but to maintain his principality, utilising that occasion for a clear enunciation of the mutual rights and obligations. But the best proof of the intentions of the Government of India in favour of maintaining the native princes is, perhaps, afforded by the restoration of the State of Mysore to the Maharaja, who had been for more than 50 years deprived of his princely authority in the administration of his territories. The Rendition of that state, after fifty years of direct administration by British officers, to the native ruler may well be cited as an example, evidencing the trend of policy in favour of the maintenance of the native rule. There are many reasons why the Government of India may not merely tolerate but actively support the native rule in certain parts of India. Even apart from the treaty obligations, which cannot be treated by a modern civilised power as mere scraps of paper without endangering its own reputation in the family of nations, even though in the particular case at issue the power tempted to set at naught its treaties may have nothing to fear; the British Government has many distinct advantages in their preservation. The States bear an appreciable portion of the cost of the defence of the Indian Empire, and provide a sort of indefinite but yet a reliable reserve to be drawn upon in case of emergency. And people are not wanting who allege that there is a more deep-

seated reason, a more subtle influence, requiring the British Government to tolerate and even to actively support the Native States: the Native States provide an admirable foil, by their relatively backward system of Government, to set off in all its advantage the British form of Government. Perhaps this does but scant justice to the motives of such distinguished statesmen like Lord Curzon, who endeavoured, even at the risk of being misrepresented, to infuse a new spirit of vitality in the administration of the Native States. Said he at the Rajkote Durbar in November 1900, "I am a firm believer in the policy which has guaranteed the integrity, has ensured the succession, and has built up the fortunes of the native states. I regard the advantages accruing from the secure existence of those states as mutual. In the case of the chiefs and the states it is obvious. But to us also the gain is indubitable, since the strain of Government is thereby lessened, full scope is provided for the exercise of energies that might otherwise be lost to the government, the perils of excessive uniformity and undue centralisation are avoided, and greater administrative flexibility ensured. So long as these views are held,—and I doubt if any of my successors will ever repudiate them,—the native states should find in the consciousness of their security a stimulus to energy and well doing..... If the native states, however, are to accept this standard it is obvious that they must keep pace with the age. They cannot dabble behind and act as a drag upon an inevitable progress. They are links in the chain of Imperial administration. It would never do for the British links to be strong and the native links to be weak and vice versa..... I therefore, think,..... that a very clear and positive duty devolves upon them. It is not limited to the perpetuation of their dynasties or the maintenance of their Raj. They must not rest content with keeping things going in their time. Their duty is one, not of passive acceptance of an established place in the imperial system, but of active and vigorous co-operation in the discharge of its onerous responsibilities."

It would be manifestly unjust to such views to assume that the men at the head of affairs in India are interested in keeping

the government of the states deliberately backward. On the other hand it cannot be denied that the Native States are by their very nature impervious to the modern western ideas of good government. Whatever be the intention of the Viceroys and Governors in India, they are but the birds of passage whose influence cannot endure beyond the period of their own sojourn in the country. Unless therefore it be made a maxim of public policy to try and make the Native States keep up the pace they would invariably lag behind. But such efforts at making them keep up their rate of progress are apt to lead into too detailed, and not always pleasant, interference into what may be regarded as the purely domestic concerns of a prince. And such interference had best be avoided for obvious reasons. To the British official, who really desires the uplift of the land he serves, it may no doubt seem an onerous condition that the equal and simultaneous progress of all parts of India is rendered impossible for what he might well deem to be preventible causes. To the Indian nationalist also, the presence of the Native States as so many relics of a deplorable past is insupportable. Impotent to do any good, incapable of assimilating modern ideas of good Government, constitutionally averse to all ideas of progress, the Native States cannot but appear to the impatient nationalist as so many hindrances in the way of India's regeneration. He is but too apt to forget that the Native States offer, in the existing circumstances of this country, about the only chance for displaying administrative talents or genius to the inhabitants of India. He also forgets that the Native States are the only section of the Indian community, who can, if they would, promote materially the regeneration of India. He thinks but of the few but fascinating examples of royal license and recklessness; he remembers their misrule in the past and broods upon their apparent absolutism in the present, and hastens to dub them from such evidence as entirely unsympathetic with the hopes and aspirations of the rising generation of India. Curiously, therefore, if at this time there are any advocates of the mediatization, or even total annexation of the Native States, they are to be found in the ranks of the young and ardent nationalists.

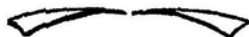
From the point of view of the princes themselves, also, it must be observed, the position of the rulers of the native states is not quite enviable. To the thinking portion of them it cannot but be evident that their powers are in most directions so narrowly circumscribed, by formal engagements, or by the silent force of usage and acquiescence, that they are unable to govern according to their inclination. They are not in reality the equal members of an imperial federation, in which the interest and authority of each partner are equal, though expressions are often given utterance to by responsible officials which might perpetuate that misunderstanding. Between them and the suzerain there is no independent tribunal to judge; and the decisions of one of the parties to a dispute, sitting as a judge in the dispute, cannot be expected to be always palatable to the other party. They are also not in the position of a powerful aristocracy, as is sometimes believed: for they have yet that much of the sovereign in them which, while rendering them entirely innocuous as sovereigns, yet prevents them effectually from assimilating the mentality of a class of citizens, however privileged that class may be. Probably no one would repudiate more emphatically than the princes themselves the idea of regarding them as merely the hereditary, titular, privileged subjects of the British Crown, entrusted with the task of administering their patrimony in trust for and on behalf of the British Crown. Those in the ranks of the Indian publicists, who hope for the salvation of India through the action of these our aristocracy, are destined to bitter disappointment if they go on cherishing their delusion.

These considerations make the task of forecasting the future of our Native States all the more difficult. They are not members of a federation; they are not the landed aristocracy of India corresponding to the barons of England and the Junkers of Prussia; they are unable to march ahead and yet they would not be suffered to lag behind. They are not respected as their natural leaders by the people, and yet not treated as their collaborators by the government; they are incapable of uniting among themselves, and yet powerless to resist by

themselves a determined attack on their position. Under these circumstances the student of our system of Government must assign the task of offering a possible or even a plausible solution of this enigma, and leave it to be decided by the man of the moment.

CHAPTER XII.

Miscellaneous.



PART XI.

Offences, Procedure and Penalties.

124. If any person holding office under the Crown in India does any of the following things, that is to say,—

(1) If he oppresses any British subject within his jurisdiction or in the exercise of his authority; or

(2) if (except in case of necessity, the burden of proving which shall be on him) he wilfully disobeys, or wilfully omits, forbears or neglects to execute, any orders or instructions of the Secretary of State; or

(3) if he be guilty of any wilful breach of the trust and duty of his office; or

(4) if, being the Governor-General, or a Governor, Lieutenant-Governor or chief commissioner, or a member of the executive council of the Governor-General or of a Governor, or Lieutenant-Governor, or being a person employed or concerned in the collection of revenue or the administration of justice he is concerned in, or has any dealings or transactions by way of, trade or business in any part of India, for the benefit either of himself or of any other person, otherwise than as a share-holder in any jointstock company or trading corporation; or

(5) if he demands, accepts, or receives, by himself or another, in the discharge of his office, any gift, gratuity or reward, pecuniary or otherwise, or any promise of the same, except in accordance with such rules as may be made by the Secretary of State as to the

receipt of presents, and except in the case of fees paid or payable to barristers, physicians, surgeons and chaplains in the way of their respective professions,

he shall be guilty of a misdemeanour; and if he is convicted of having demanded, accepted or received any such gift, gratuity or reward, the same, or the full value thereof, shall be forfeited to the Crown, and the court may order that the gift, gratuity or reward, or any part thereof, be restored to the person who gave it, or be given to the prosecutor or informer, and that the whole or any part of any fine imposed on the offender be paid or given to the prosecutor or informer, as the court may direct.

125. (1) If any European British subject, without the previous consent in writing of the Secretary of State in Council or of the Governor-General in Council or of a local Government, by himself or another,—

- (a) lends any money or other valuable thing to any prince or chief in India; or
- (b) is concerned in lending money to, or raising or procuring money for, any such prince or chief, or becomes security for the repayment of any such money; or
- (c) lends any money or other valuable thing to any other person for the purpose of being lent to any such prince or chief; or
- (d) takes, holds, or is concerned in any bond, note or other security granted by any such prince or chief for the repayment of any loan or money hereinbefore referred to,

he shall be guilty of a misdemeanour.

(2) Every bond, note, or security for money, of what kind or nature soever, taken, held or enjoyed, either directly or indirectly, for the use and benefit of any European British subject, contrary to the intent of this section, shall be void.

126. (1) If any person carries on, mediately or immediately, any illicit correspondence, dangerous to the peace or safety of any

part of British India, with any prince, chief, landholder or other person having authority in India, or with the Commander, Governor, or president of any foreign European settlement in India, or any correspondence, contrary to the rules and orders of the Secretary of State or of the Governor-General in Council or a Governor in Council, he shall be guilty of a misdemeanour; and the Governor-General or Governor may issue a warrant for securing and detaining in custody any person suspected of carrying on any such correspondence.

(2) If, on examination taken on oath in writing of any credible witness before the Governor-General in Council or the Governor in Council, there appear reasonable grounds for the charge, the Governor-General or Governor may commit the person suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him a copy of the charge on which he is committed.

(3) The person charged may deliver his defence in writing with a list of such witnesses as he may desire to be examined in support thereof.

(4) The witnesses in support of the charge and of the defence shall be examined and cross-examined on oath in the presence of the person charged, and their depositions and examination shall be taken down in writing.

(5) If, notwithstanding the defence, there appear to the Governor-General in Council or Governor in Council reasonable grounds for the charge and for continuing the confinement, the person charged shall remain in custody until he is brought to trial in India or sent to England for trial.

(6) All such examinations and proceedings, or attested copies thereof under the seal of the High Court, shall be sent to the Secretary of State as soon as may be, in order to their being produced in evidence on the trial of the person charged in the event of his being sent for trial to England.

(7) If any such person is to be sent to England, the Governor-General or Governor, as the case may be, shall cause him to be so sent at the first convenient opportunity, unless he is disabled by illness from undertaking the voyage, in which case he shall be so sent as soon as his state of health will safely admit thereof.

(8) The examinations and proceedings transmitted in accordance with this section shall be received as evidence in all courts of law, subject to any just exceptions as to the competency of the witnesses.

127. (1) If any person holding office under the Crown in India commits any offence under this Act, or any offence against any person within his jurisdiction or subject to his authority, the offence may without prejudice to any other jurisdiction, be inquired of, heard, tried and determined before His Majesty's High Court, and be dealt with as if committed in the county of Middlesex.

(2) Every British subject shall be amenable to all courts of justice in the United Kingdom, of competent jurisdiction to try offences committed in India, for any offence committed within India and outside British India, as if the offence had been committed within British India.

128. Every prosecution before a High Court in British India in respect of any offence referred to in the last foregoing section must be commenced within six years after the commission of the offence.

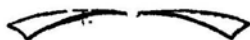
129. If any person commits any offence referred to in this Act he shall be liable to such fine or imprisonment or both as the court thinks fit, and shall be liable, at the discretion of the court, to be adjudged to be incapable of serving the Crown in India in any office, civil or military; and, if he is convicted in British India by a High Court, the court may order that he be sent to Great Britain.

COMMENTS.

The provisions of all these sections can be traced to the consciousness of the difficulty of governing India-as befits a great country-through the servants of a company of merchants. The trial of *Hastings at the bar of the House of Lords* revealed but too clearly the lengths to which the servants of the Company in India could go with impunity. The interest of the Company often served as a valid excuse for official iniquity; and British justice often proved powerless to reach such high-placed offenders as the Company's chief officers in India. The Government of India by the Crown direct had, for reasons of policy, to maintain the privileges of Indian officials as against the courts of justice in India; but these sections attempt to provide effectively against the possible misuse of these official immunities. As no instances have occurred to the knowledge of the public further comments are superfluous.

PART XII.

SUPPLEMENTAL.



Repeal of Acts.

130. The Acts specified in the Fourth Schedule to this Act are hereby repealed, to the extent mentioned in the third column of that Schedule;

provided that this repeal shall not affect:—

- (a) the validity of any law, charter, letters patent, order in Council, warrant, proclamation, notification, rule resolution, order, regulation, direction or contract made, or form prescribed, or table settled, under any enactment hereby repealed and in force at the commencement of this Act, or
- (b) the validity of any appointment, or any grant or appropriation of money or property, made under any enactment hereby repealed, or
- (c) the tenure of office, conditions of service, terms of remuneration or right to pension of any officer appointed before the commencement of this Act.

Savings.

131 (1) Nothing in this Act shall derogate from any rights vested in His Majesty, or any powers of the Secretary of State in Council, in relation to the Government of India.

(2) Nothing in this Act shall affect the power of Parliament to control the proceedings of the Governor-General in Council or to repeal or alter any law made by any authority in British India, or to legislate for British India and the inhabitants thereof.

(3) Nothing in this Act shall affect the power of the Governor-General in Legislative Council to repeal or alter any of the provisions mentioned in the Fifth Schedule to this Act, or the validity of any previous exercise of this power.

132. All treaties made by the East India Company, so far as they are in force at the commencement of this Act, are binding on His Majesty, and all contracts made and liabilities incurred by the East India Company, may, so far as they are outstanding at the commencement of this Act, be enforced by and against the Secretary of State in Council.

133. All orders, regulations and directions lawfully made or given by the Court of Directors of the East India Company or by the Commissioners for the affairs of India, are, so far as they are in force at the commencement of this Act, deemed to be orders, rules and directions made or given by the Secretary of State under this Act.

Definitions, Short Title and Commencement.

134. In this Act, unless the context otherwise requires,—

- (1) "Governor-General in Council" means the Governor-General in executive council;
- (2) "Governor in Council" means a Governor in executive council;
- (3) "Lieutenant-Governor in Council" means a Lieutenant-Governor in executive council;
- (4) "Local Government" a Governor in Council, Lieutenant Governor in Council, Lieutenant-Governor or Chief-Commissioner;
- (5) "Office" includes place and employment;

- (6) "Province" includes a presidency; and
- (7) references to rules made under this Act include rules or regulations made under any enactment hereby repealed, until they are altered under this Act.

135. *This Act may be cited as the Government of India Act, 1915, and shall come into operation on the first day of January one thousand nine hundred and sixteen.*

SCHEDULES

Sections 63 (2), 74 (1), 76 (1).

FIRST SCHEDULE.

MAXIMUM NUMBER OF NOMINATED OR ELECTED MEMBERS OF LEGISLATIVE COUNCIL.

Legislative Council.	Maximum number
Indian Legislative Council	Sixty.
Local Legislative Councils—	
Bengal Legislative Council	Fifty.
Madras Legislative Council	Fifty.
Bombay Legislative Council	Fifty.
Bihar and Orissa Legislative Council	Fifty.
United Provinces Legislative Councils	Fifty.
Punjab Legislative Council	Thirty.
Burma Legislative Council	Thirty.
Assam Legislative Council	Thirty.
Central Provinces Legislative Council	Thirty.
Legislative Council of the Lieutenant-Governor of any province hereafter constituted	Thirty.

SECOND SCHEDULE.

Section 85.

OFFICIAL SALARIES ETC.

Officer.	Maximum annual salary.
Governor-General of India	Two hundred and fifty-six thousand rupees.
Governor	One hundred and twenty-eight thousand rupees.
Commander-in-Chief of His Majesty's forces in India.	One hundred thousand rupees.
Lieutenant-Governor	One hundred thousand rupees.
Ordinary member of the Governor-General's Executive Council.	No statutory maximum has been fixed.
Member of a Governor's Executive Council	Sixty-four thousand rupees.

THIRD SCHEDULE.

Section 98.

OFFICES RESERVED TO THE INDIA CIVIL SERVICE.

PART I—GENERAL.

1. Secretaries, joint secretaries, deputy secretaries, and under secretaries to the several Governments in India, except the secretaries, joint secretaries, deputy secretaries and under secretaries in the Army, Marine and Public Works Departments.

2. Accountants-General.

3. Members of the Board of Revenue in the presidencies of Bengal and Madras, the United Provinces of Agra and Oudh and the Province of Bihar and Orissa.

4. Secretaries in those Boards of Revenue.

5. Commissioners of customs, salt, excise and opium.

6. Opium agent.

PART II.

OFFICES IN THE PROVINCES WHICH WERE KNOWN IN THE YEAR
1861 AS "REGULATION PROVINCES"

7. District and sessions judges.

8. Additional district or sessions judges and assistant sessions judges.

9. District magistrates.

10. Joint magistrates.

11. Assistant magistrates.

12. Commissioners of revenue.

13. Collectors of revenue, or chief revenue officers of districts.

14. Assistant Collectors.

FOURTH SCHEDULE.

Section 130.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 Geo. 3, c. 47.	The East India Company Act, 1770.	The whole Act.
13 Geo. 3, c. 63.	The East India Company Act, 1772.	The whole Act, except sections forty two, forty- three & forty-five.
21 Geo. 3, c. 70.	The East India Company Act, 1780.	The whole Act, except section eighteen.
26 Geo. 3, c. 57.	The East India Company Act, 1786.	Section thirty-eight.
33 Geo. 3, c. 52.	The East India Company Act, 1793.	The whole Act.
37 Geo. 3, c. 142.	The East India Act, 1797.	The whole Act, except section twelve.
39 & 40 Geo. 3, c. 79.	The Government of India Act, 1800.	The whole Act.
53 Geo. 3, c. 155.	The East India Company Act, 1813.	The whole Act.
55 Geo. 3, c. 84.	The Indian Presidency Towns Act, 1815.	The whole Act.
4 Geo. 4, c. 71.	The Indian Bishops and Courts Act, 1823.	The whole Act.
6 Geo. 4, c. 85.	The Indian Salaries and Pen- sions Act, 1825.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
7 Geo. 4, c. 56.	The East India Officers' Act, 1826.	The whole Act.
3 & 4 Will. 4, c. 85.	The Government of India Act, 1833.	The whole Act, except section one hundred and twelve.
5 & 6 Will. 4, c. 52.	The India (North-West Provin- ces) Act, 1835.	The whole Act.
7 Will. 4 & 1 Vict, c. 47.	The India Officers' Salaries Act, 1837.	The whole Act.
5 & 6 Vict, c. 119.	The Indian Bishops Act, 1842.	The whole Act.
16 & 17 Vict, c. 95.	The Government of India Act, 1853.	The whole Act.
17 & 18 Vict, c. 77.	The Government of India Act, 1854.	The whole Act.
21 & 22 Vict, c. 106.	The Government of India Act, 1858.	The whole Act, except section four.
22 & 23 Vict, c. 41.	The Government of India Act, 1859.	The whole Act.
23 & 24 Vict, c. 100.	The European Forces (India) Act 1860.	The whole Act.
23 & 24 Vict, c. 102.	The East India Stock Act, 1860.	The whole Act, except section six.
24 & 25 Vict, c. 54.	The Indian Civil Service Act. 1861.	The whole Act.
24 & 25 Vict, c. 67.	The Indian Councils Act, 1861.	The whole Act.
24 & 25 Vict, c. 104.	The Indian High Courts Act, 1861.	The whole Act.

Session and Chapter.	Short Title	Extent of Repeal.
28&29 Vict, c. 15.	The Indian High Courts Act, 1865.	The whole Act.
28&29 Vict, c. 17.	The Government of India Act, 1865.	The whole Act.
32&33 Vict, c. 97.	The Government of India Act, 1869.	The whole Act.
32&33 Vict, c. 98.	The India Councils Act, 1865.	The whole Act.
33&34 Vict, c. 3.	The Government of India Act, 1870.	The whole Act.
33&34 Vict, c. 59.	The East India Contracts Act, 1870.	The whole Act.
34&35 Vict, c. 34.	The Indian Councils Act, 1871.	The whole Act.
34&35 Vict, c. 62.	The Indian Bishops Act, 1871.	The whole Act.
37&38 Vict, c. 3.	The East India Loan Act, 1874.	Section fifteen.
37&38 Vict, c. 77.	The Colonial Clergy Act, 1874.	Section thirteen.
37&38 Vict, c. 91.	The Indian ¹ Councils Act, 1874.	The whole Act.
43 Vict. c. 3.	The Indian Salaries and Allow- ances Act, 1880.	The whole Act.
44&45 Vict, c. 63.	The India Office Auditor Act, 1881.	The whole Act.
47&48 Vict, c. 38.	The Indian Marine Service Act, 1884.	Sections two, three, four and five.

Session and Chapter.	Short Title.	Extent of Repeal.
55&56 Vict, c. 14.	The Indian Councils Act, 1892.	The whole Act.
3 Edw. 7, c. 11.	The Contracts (India Office) Act, 1903.	The whole Act.
4 Edw. 7, c. 26.	The Indian Councils Act, 1904.	The whole Act.
7 Edw. 7, c. 33.	The Councils of India Act, 1907.	The whole Act.
9 Edw. 7, c. 4.	The Indian Councils Act, 1909.	The whole Act.
1&2 Geo.5, c. 18.	The Indian High Courts Act, 1911.	The whole Act.
1&2 Geo.5, c. 25.	The Government of India Act, Amendment Act, 1911.	The whole Act.
23& Geo.5, c. 6.	The Government of India Act, 1912.	The whole Act.

FIFTH SCHEDULE

Section 131. (3)

PROVISIONS OF THIS ACT WHICH MAY BE REPEALED OR ALTERED BY THE
GOVERNOR-GENERAL IN LEGISLATIVE COUNCIL.

Section.	Subject.
16	Transmission of information by the Governor-General in Council to the Secretary of State.
33, the last twenty words.	Obedience of Governor-General in Council to orders of Secretary of State.
40 (1).	Form and signature of proceedings of Governor-General in Council.
41 (1), the words "the Governor-General in Council shall be bound by the opinion and decision of the majority of those present".	Governor-General in Council to be bound by the opinion and decision of the majority of the members present at a meeting of the executive council.
41 (4).	Restriction of powers of Governor-General in acting against the opinion of the majority present at a meeting of his executive council.
43(2).	Orders by Governor-General to local Governments or Officers or servants during absence from his executive council.
43(3).	Suspension by Secretary of State in Council of the power to issue orders under section 43 (2).
44	Restrictions on power of Governor-General in Council to make war or treaty.

Section.	Subject.
45 (2) . . .	Restrictions on power of local Government to make war or treaty; punishment of officers disobeying orders of Governor-General in Council under this sub-section.
47 (3) . . .	Commander-in-Chief when to be a member of a Governor's executive council.
49 (1) . . .	Form and signature of proceedings of Governor-in-Council.
50 (2) . . .	Power of Governor to act against the opinion of the majority present at a meeting of his executive council.
50 (3) . . .	Written communications, and signatures in such cases.
50(4) last twenty words	Restrictions on powers of Governor in acting against the opinion of the majority present at a meeting of his executive council.
51. first paragraph, the last twelve words.	Powers of member of Governor's executive council presiding in absence of governor.
51. proviso.	Governor's signature to proceedings of meeting held in his absence.
62 . . .	Power to extend limits of presidency towns.
104 (2) . . .	Commencement and exclusiveness of official remuneration of judges of High Court.
104 (3), (4) . . .	Payments to representatives of deceased judges of High Courts.
106 . . .	Jurisdiction, powers and authority of High Courts.
108 (1) . . .	Exercise of Jurisdiction of High Court by single judges or division courts.

Section.	Subject.
109 . . .	Power for Governor-General in Council to alter local limits of Jurisdiction of High Courts, etc.
110 . . .	Exemption from Jurisdiction of High Courts.
111 . . .	Written order by Governor-General in Council of justification for act in High Court.
112 . . .	Law to be administered in case of inheritance, succession, contract and dealing between party and party.
114 (2). . .	Powers of advocate-general.
116 . . .	Power of Bishop of Calcutta to admit to holy orders.
118 (2)-so far it relates to the Bishop of Calcutta and archdeacons.	Commencement, exclusiveness and continuance of official remuneration.
118 (3)-so far as it relates to the Bishop of Calcutta.	Expenses of visitations.
119--so far as it relates to the Bishop of Calcutta.	Payments to representatives of deceased bishop.
120--so far as it relates to residence of the Bishop of Calcutta as such bishop or as archdeacons.	Pension.
124 (1). . .	Oppression.
124 (4)-so far as it relates to persons employed or con-	Trading.

Section.	Subject.
cerned in the collection of revenue or the administrations of Justice.	
124 (5)-so far as it relates to persons other than the Governor-General, a Governor, or member of the executive council of the Governor-General or of a Governor.	Receiving presents.
125 . . .	Loans to princes or chiefs.
126 . . .	Carrying on dangerous correspondence.
127 . . .	Prosecution of offences in the United Kingdom.
128 . . .	Limitation for prosecution in British India.
129 . . .	Penalties.

Appendix.

The Government of India (Amendment) Act, 1916.

(6 and 7 Geo. 5, Ch. 37.)

An Act to amend certain enactments relating to the Government of India, and to remove doubts as to the validity of certain Orders in Council made for India. [23rd August, 1916.]

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) In section sixty-three of the Government of India Act, 1915 (in this Act referred to as "the principal Act"), shall be inserted the following sub-sections:—

"(6A) Rules made under this section may provide for the final decision of doubts or disputes as to the validity of an election."

(6B) Subject to any rules made under this section, any person who is a ruler or subject of any state in India shall be eligible to be nominated a member of a legislative council."

(2) In sections seventy-four and seventy-six of the principal Act corresponding subsection shall be inserted, and shall be numbered (4A) and (4B) in section seventy-four and (3A) and (3B) in section seventy-six.

(3) This section shall apply to and shall validate rules and nominations made as well before as after the commencement of this Act.

2. (1) In section seventy-one of the principal Act shall be inserted the following sub-section:—

"(3A) A regulation made under this section for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory."

(2) In section eighty-four of the principal Act, after the words "Governor General in Legislative Council" shall be inserted the words "or a local legislature," and, at the end of the section, shall be inserted the following words:—

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of the repugnancy, but not otherwise, be void."

(3) This section shall apply to and shall validate laws made as well before as after the commencement of this Act.

3. After section ninety-six of the principal Act shall be inserted the following section:—

"96A. Notwithstanding anything in any other enactment, the Governor General in Council, with the approval of the Secretary of State in Council, may, by notification, declare that, subject to any conditions or restrictions prescribed in the notification, any named ruler or subject of any state in India shall be eligible for appointment to any civil or military office under the Crown to which a native of British India may be appointed, or any named subject of any state, or any named member of any independent race or tribe, in territory adjacent to India, shall be eligible for appointment to any such military office."

4. In section ninety-seven of the principal Act, after the words "British subjects" shall be inserted the words "and of persons in respect of whom a declaration has been made under the last foregoing section who are," and, after sub-section (2), shall be inserted the following sub-section:—

"(2A) The admission to the Indian Civil Service of a British subject who or whose father or mother was not born within His Majesty's dominions shall be subject to such restrictions as the Secretary of State in Council, with the advice and assistance of the Civil Service Commissioners, may think fit to prescribe, and all such restrictions shall be included in the rules."

5. An Order of His Majesty in Council heretofore or hereafter made under the Foreign Jurisdiction Act, 1890, empowering the Governor General of India in Council to make rules and orders in respect of courts or administrative authorities acting for any territory shall not be invalid by reason only that it confers or delegates power to confer on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers or delegates power to confer appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory.

6. (1) India stock may, if registered for the time being as stock transferable by deed in manner provided by regulations made under this section, be transferred by deed.

(2) The Banks of England and Ireland respectively, with the concurrence of the Secretary of State in Council, shall provide by regulations for a separate stock register being kept for India stock which is for the time being transferable by deed, for the conditions upon which stock is to be entered in or removed from that register, for the mode in which the transfer by deed is to be carried out, and for the payment of any fees in respect of the entry or removal of stock in or from the register and the carrying out of any transfer of stock by deed.

(3) The provisions of all enactments relating to India stock which are in force at the commencement of this Act shall apply to stock transferable by deed in pursuance of this section as they apply to stock transferable in the books of the Banks of England or Ireland, or of the Secretary of State in Council, except so far as express provisions is made to the contrary by this section or by the regulations made thereunder.

(4) No stamp duty shall be payable in respect of any deed of transfer of India stock or any dividend warrant or register certificate relating to India stock.

(5) In this section the expression "India stock" means any stock created and issued, whether before or after the commencement of this Act, by the Secretary of State in Council under the authority of Parliament.

7. (1) The principal Act shall be further amended in manner appearing in the First Schedule to this Act.

(2) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(3) Nothing in this Act shall affect any right acquired before the commencement of this Act under any judgment or order of a court of competent jurisdiction.

8. (1) This Act may be cited as the Government of India (Amendment) Act, 1916, and the principal Act and this Act may be cited, together as the Government of India Acts, 1915 and 1916.

(2) This Act shall come into operation on the first day of September, one thousand nine hundred and sixteen.

(3) Where any enactment or word is directed by this Act, or by any Act for the time being in force, whether passed before or after the commencement of this Act, to be inserted in or added to the principal Act, or to be substituted in the principal Act for any other enactment or word, or where any enactment or word in the principal Act is so directed to be repealed, then all copies of the principal Act printed by His Majesty's printers after that direction takes effect shall be printed with that enactment or word inserted in or added to the Act, or printed therein in lieu of any enactment or word for which the same is substituted, or omitted therefrom, according as the direction requires, and with the sections and subsections numbered in accordance with the direction; and the principal Act shall be construed as if it had, at the time at which the direction takes effect, been enacted with that addition, substitution or omission.

(4) A reference in any enactment, whether passed before or after the commencement of this Act, to the principal Act shall, unless the context otherwise requires, be construed to refer to that Act as amended by any enactment for the time being in force.

SCHEDULES.

FIRST SCHEDULE.

Further Amendments of the Government of India Act, 1915.

Enactment to be amended.	Amendment.
The Government of India Act, 1915 (5 & 6 Geo. 5, c. 61).	
Section 3 (3). . . .	The word "British," where secondly occurring, shall be repealed.
Section 13 (1)	For this sub-section shall be substituted the following sub-section:— “(1) Where an order or communication concerns the levying of war, or the making of peace, or the public safety, or the defence of the realm, or the treating or negotiating with any prince or state, or the policy to be observed with respect to any prince or state, and a majority of votes therefor at a meeting of the Council of India is not required by this Act, the Secretary of State may send the order or communication to the Governor General in Council or to any Governor in Council or officer or servant in India without submitting it to a meeting of the council or depositing it for the perusal of the members of the council or sending or giving notice of the reasons for making it, if he considers that it is of a nature to require secrecy.”
Section 13 (2)	The words “or any of the matters aforesaid” shall be substituted for the words “or the levying of war, or the making of peace, or negotiations or treaties with any prince or state.”

Enactment to be amended.	Amendment.
Section 21 . . .	At the end of this section shall be added the words "Provided that a grant or appropriation made in accordance with provisions or restrictions prescribed by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the council shall be deemed to be made with the concurrence of a majority of such votes."
Section 26 . . .	The words "twenty-eight days" shall be substituted for the words "fourteen days."
Section 27 (10) . .	The words "or retiring" shall be inserted after the word "superannuation;" the words "and their legal personal representatives shall, for the purposes of gratuity" shall be inserted after the word "allowance;" and the words "the auditor and his assistants" shall be substituted for the word "they."
Sections 28 (1) and 30 (1).	The words "or personal," shall be inserted after the word "real," where secondly occurring, and the words "or otherwise" shall be inserted after the word "mortgage."
Section 28 (2) . . .	The word "two" shall be substituted for the word "three."
Section 63 (3) and 74 (2) .	The words "any office of profit" shall be substituted for the word "office."
Sections 64 (3), 75 (3) and 78 (2)	The words "or when questions are asked" shall be inserted after the words "any matter of general public interest."
Sections 67 (3) and 80 (3)	The words "or when questions are asked" shall be inserted after the words "at any such discussion."

Enactment to be amended.	Amendment.
Section 86 (1) . . .	The words "and a Lieutenant-Governor in Council" shall be inserted after the words "a Governor in Council."
Section 92 (3) . . .	The words "or special duty" shall be inserted after the words "is absent on leave."
Section 94 . . .	The words "or special duty" shall be inserted after the words "absence on leave," and the words "absence may be permitted" shall be substituted for the words "leave may be granted."
Section 99 (1) . . .	The words "in British India," where secondly occurring shall be repealed.
Section 106 . . .	In this section shall be inserted the following sub-section:— "(1A). The letters patent establishing or vesting jurisdiction, powers or authority in a high court may be amended from time to time by His Majesty by further letters patent."
Section 107, proviso . . .	The word "law" shall be substituted for the word "Act."
Section 109 (1) . . .	The words "any British subject for the time being within" shall be substituted for the words "Christian subjects of His Majesty resident in."
Section 110 (1) . . .	The words "Lieutenant Governor and chief commissioner" shall be inserted after the words "each Governor," and the words "executive council of the Governor General or of a Governor or Lieutenant-Governor" shall be substituted for the words "their respective executive councils."

Enactment to be amended.	Amendment.
Section 114 . . .	<p>At the end of this section shall be added the following sub-section:—</p> <p>“(3) On the occurrence of a vacancy in the office of advocate-general or during any absence or deputation of an advocate-general the Governor General in Council in the case of Bengal, and the local Government in other cases, may appoint a person to act as advocate-general; and the person so appointed may exercise powers of an advocate-general until some person has been appointed by His Majesty to the office and has entered on the discharge of his duties, or until the advocate-general has returned from his absence or deputation, as the case may be, or until the Governor General in Council or the local Government, as the case may be, cancels the acting appointment.”</p>
Section 120 . . .	<p>The words “Secretary of State” shall be substituted for the words “Chancellor of the Exchequer;” the words “Madras or Bombay” shall be inserted after the words “Bishop of Calcutta,” where thirdly and fourthly occurring; and the words “to be paid quarterly” and the word “British” shall be repealed.</p>

For the Fifth Schedule shall be substituted the following:—

FIFTH SCHEDULE.

Provisions of this Act which may be repealed or altered by the Governor General in Legislative Council

Section.	Subject.
62	Power to extend limits of presidency towns.
106	Jurisdiction, powers and authority of high courts.
108 (1)	Exercise of jurisdiction of high court by single judges or division courts.
109	Power for Governor-General in Council to alter local limits of jurisdiction of high courts, etc.
110	Exemption from jurisdiction of high courts
111	Written order by Governor General in Council a justification for act in high court.
112	Law to be administered in cases of inheritance, succession, contract and dealing between party and party.
114 (2)	Powers of advocate-general
124 (1)	Oppression.
124 (4)—so far as it relates to persons employed or concerned in the collection of revenue or the administration of justice.	Trading.
124 (5)—so far as it relates to persons other than the	Receiving presents.

governor general, a governor, or a member of the executive council of the governor general or of a governor.

125	Loans to princes or chiefs.
126	Carrying on dangerous correspondence.
128	Limitation for prosecutions in British India
129	Penalties."

SECOND SCHEDULE.

Enactments repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
13 Geo. 3, c. 63	The East India Company Act, 1772.	Sections forty-two, forty-three and forty-five.
24 Geo. 3, sess. 2 c. 25	The East India Company Act, 1784:	The whole Act.
26 Geo. 3, c. 74	The East India Company Act, 1786.	The whole Act.
9 Geo. 4, c. 74 .	The Criminal Law (India) Act, 1828.	Section fifty-six, except so far as in force in the Straits Settlements,
5 and 6 Geo: 5, c. 91.	The Government of India Act, 1915.	In section twenty-six, paragraph (d). In section eighty-seven, sub-sections (2), (3), (4), and (5). Section one hundred and sixteen.

INDEX.

A

Absence, leave of, to Members of Governor General's Council ...	200	Aitchison, President of Public Service Commission ...	211
„ Commander-in-chief	201	Ajmere-Merwara, Province of ...	75,88,90
Acts, of Parliament, Government of India, 1858, ...	1,4,5,19	Allahabad, High Court of	211
Regulating, ...	4,231	Amboyna, indemnity for massacre of ...	2
Charter Acts, ...	41,211	Amir of Kabul, negotiations with ...	35
Authority of Government of India not exclusively determined by ...	62	Andaman Islands, and Nicobar, administration of, ...	88
Regulating powers of government, ...	99	Anglican, see Church.	
Indian Councils Act ...	73	Appointments, in the Civil Service ...	206,213
Not affected by Indian laws ...	254	Tenure of ...	41,213
Repealed, see schedule	122	In the Army ...	41,189
Act of State, defence in suits against Secretary of State...	53 et seq.	Acting ...	201
Addiscombe ...	41	Subjects and rulers of Native States eligible to ...	336,337
Admiralty Offences ...	106	Army, cost of, to India ...	15
Advocate General		Appointments in ...	41
Ex-officio member of Legislative Councils, ...	126,152	Commissions in ...	189,301
Appointment of, ...	233	Organisation of service in ...	225
Law officer and leader of the bar ...	252	History of ...	292 et seq.
Afghanistan ...	51,75	Administration of ...	295
Agra, Province of ...	86,87	Strength of ...	296,297
a new Presidency and Council in ...	90	Reorganisation and rearmament of ...	298,300
		Officers of ...	300
		Assam ...	88
		Chief Commissioner of, Bishop of ...	265

Auditor, India Office ...	47	Exclusive of Native	
-General in India ...	179	States, ...	304
B.		Army, ...	296
Barlow, Sir George ...	245	Subjects, ...	206,208
Bengal, Partition of, ...	5	In Native States ...	311
Province of, ...	90	Loans to Native States,	320
See also Governor, Council, High Court, Army, Bishops, Presidency.		Judicial immunities of (European)	243 et seq.
Bentinck, Lord William	307	Government and Native States ...	304 et seq.
Berar, annexed to the Central Provinces ...	91	Boundaries ...	89
Bihar and Orissa, Province of ...	87	Budget, Discussion of, in Council ...	156,158
Bill,		System ...	169,180,181
Procedure for, in the Council ...	164 et seq.	Bureaucracy ...	66,83
Bishops ...	205,261	Burke ...	17
Board, of Control established ...	4	Burma, Province of ...	83
„ Powers of ...	25,36	„ Chief Court in ...	237
„ Of Revenue in Regulation Provinces ...	103,209	C.	
District and Local Constitution of ...	75,106,152	Cabinet, Position of Secretary of State in British	26,37
Finance of ...	283	Comparison of Indian Councils with ...	77
Functions of ...	286	Cadetships ...	41
Bombay, See Province, Presidency, Council, Governor, Army, Bishops, High Court, Municipality		Imperial Cadet Corps	300
Bradlaugh ...	17	Calcutta, See Presidency, High Court, Municipality, Bishop.	
Bright, on decentralisation ...	112	Canning ...	17,51
British Baluchistan	75,88,108	Capitularies ...	253
British India.		Carnatic, Nawab of ...	13
Definition of revenues of	43	Caste ...	211
Property in ...	49	Disabilities Removal Act. ...	253
		As foundation of Village	268
		Central Provinces ...	88
		Cession of territory ...	62
		(See also Crown)	

Chambers of Commerce, representation of ...	152	Commander-in-chief, Extraordinary member	58,69,85
Chaplain, salaries of ...	221,265	In charge of Army de- partment ...	74,76
Charles I. ...	2,255	Position of, ...	200
Charters of the E. I. Com- pany. (See Acts of Parliament, E. I. Company, Courts, Presidencies.)		Lord Kitchener as, ...	298
Chief Commissioner	88,98,108	Commerce, Department of	69,74
Chief Justice, position and qualifications of.	228	Commissioners, Municipal	270
Child, Governor of E. I. Company. ...	3	See also chief com- missioner.	
Chisolm Sir Valentine ...	82	Commissions, in royal army ...	79
Christians ...	265	In Indian Army	170,189,301
Church, Organisation of	261,263	See also I. Civil Ser- vice and Decentra- lisation.	
Government of ...	266	Committees, of India	
Established ...	265	Council ...	21
And Crown ...	265	Secret, of Board of Con- trol ...	25
Ecclesiastical Jurisdic- tion ...	241	Of Municipalities ...	275
Civil Procedure ...	56,254	Commonwealth, of Aus- tralia, Position of states in ...	117
Civil Service, and Vice- royalty ...	64	Company, East India—	
Legal provisions ...	207	Origin of ...	3
Organisation of, ...	210 et seq.	Complaints against. ...	13
Commission on, ...	214	Debts, of, charged to re- venues of India ...	43
Recent changes, ...	217	Permitted to erect a fourth presidency ...	90
(See District officer)		Organisation of public service under ...	208
Clive ...	90,208	Church under ...	264
Codification of laws, ...	254	Army of ...	293 et seq.
Collectors ...	106	Local Government under ...	270
See also District Officers ...	210		
Colonies, sovereignty in...	5,9		
Self-Government in ...	170		
Viceroy from ...	68		

Contracts by the Secretary of State ... 52 et seq.	Indian Legislatures ... 120
Control, Board of, See Board.	of Governor-General ... 120
Osorg... ... 75	Extraordinary mem- bers of ... 121
Cornwallis, Lord, organi- sation of public ser- vice by ... 208	Local Legislative Coun- cils ... 126
Coronation, Durbar of ... 298	Of Presidencies ... 127
Cossijurah ... 240	Of Lt. Governors ... 129
Council,	Law making powers of ... 133
of India, origin ... 27	Characteristics of ... 135
Constitution and powers ... 191	Official majority in 137 et seq.
Relations with Secre- tary of State 30 et seq.	Mahomedan represen- tation in, ... 143 et seq.
Division into Commit- tees ... 34	Land-holders in ... 143
Comparison with Court of Directors ... 36	Financial procedure in ... 154
Future of, ... 37 et seq.	Proposed changes 168 et seq.
Proposed changes ... 40	Council, Privy ... 235, 241
Abolition of ... 109	Diocesan ... 266
executive, of the Governor-General ... 57	Courts of Law—
Powers and procedure 58 et seq.	History of ... 233
Character ... 73	High Courts ... 227
Comparison with Cabi- net ... 77	Constitution ... 227
Mill's views on ... 79	Jurisdiction ... 230
Comparison with India Council ... 81	Consolidation of all courts in ... 235
Legal liability ... 83	Chief Courts ... 237
of Governors of Presi- dencies ... 85	Lower Civil Courts ... 237
Lieutenant-Governors... 87, 88	„ Criminal „ ... 238
Merits of government by ... 96	Revenue ... 241
Legislative ... 97, 109	Of Directors, see Directors
	„ Proprietors, see Proprietors and also E. I. Company.
	Covenants, of civil ser- vants ... 208
	Criminal Procedure ... 253
	Courts ... 237

Investigation Department	258
Cromwell, relations with E. I. Company ...	2
Crown, Sovereignty of ...	1
Power to declare war.	52
Liability of	53
Property of	55
Debts of	61
Cession of territory by Allegiance to, not alterable by Indian legislatures... ..	62
Army of	122
Church and	295
See also Prerogative.	
Representative of in Carnatic	255
Curzon, Viceroy, qualifications of ...	13
On Provincial autonomy	64,67,81
Conflict with Kitchener	109,112
On Native States	300 et seq.
	395

D.

Dalhousie, annexations of	307
Debt, of Crown	61
Of E. I. Company	43
Of India	99,123,188
Decentralisation	
Views of Bright on ...	112
Royal Commission on	79,119,120,193
Delhi, province of	88
Departments of government... ..	74

Deputy Commissioners ...	107
Dioceses	261
Directors, Court of	4,19,25,27,41,91,210
Dispatches	31
Districts, organisation of	108
Officer	106
His duties	106 et seq.
Division, of Provinces ...	103
Diwani	90
Dutch East India Company	2

E.

East India Company	
See Company.	
Ecclesiastical	75,190,221,265
See also Church.	
Education	
Department of	69
Service in	190,221
Electorate, in India	146 et seq.
Electoral machinery ...	149
Elizabeth, Charter of. ...	2
Ellenborough, recall of ...	41
European British subject see British subject.	
Evidence Act	254
Excise, revenue from ...	184
Executive Council	68
See also Council, Governor-General-in-Council, and Governor-in-Council.	
Explosives Substances	
Act	76
Extraordinary member ...	58
See Commander-in-Chief.	

F

Famine	190
Federation, nature of	102,170
Finance, of India ...	179 et seq.
Member and Depart- ment of	69,74,77
Of Municipalities ...	275
Financial procedure ...	154
Statement 124,131,179 et seq.	
Provincial	159
Commissioners ...	107
Foreign affairs of the Government of India	6,99
Of the Native States...	310
Department of Govern- ment of India ...	74
Foreigners in Native States	311
Forests, under Home De- partment	74
Revenue from	182
Franchise, for Council elections	146
French Wars	308
Furlough allowances ...	228

G

Gaekwar, Deposition of...	314
Godolphin, award of ...	3
Governor-General ap- pointment of	60
Powers of pardon ...	62
Qualifications	63 et seq.
From Royal family ...	66
Duties of	68
Power over council ...	74

Power to refuse assent to Indian laws ...	12,141
Overriding Council ...	59
Salary of	205
Governor-General-in- Council	
Orders to	22
Power to make con- tracts	49
" grant property ...	50
Legal liability of ...	83
Power over Local Governments ...	84
Power to establish Exe- cutive Councils in Lt. Governorships ...	87
Power to legislate for some parts	101
Governors	
Extraordinary mem- bers of Viceregal Council	60
Appointment and po- wers	85
Relations with Councils	85
Relative rank	94
Relations with Govt. of India	108
For United Provinces	170
Salary of	205
Governor-in-Council	
Orders to	22
Power to Contract ...	49

H

Hayleybury, College of...	216
Hardinge, Lord	
Conception of Viceroy's duties	67

On Provincial autonomy	112
On Local Government	275
Creating a Council in U. P.	95
Hastings, Warren	208,234
" Lord	307
High Courts—see Courts	
Hindu Law	254
Home Government	1
" Department	74
" Charges	191 et seq.
House of Commons—see Parliament.	
Hyderabad	312
see Nizam.	

I

Ilbert Sir Courtney quoted	34,42, 82,134,245
Imperial Service troops	299,312
Cadet Corps	300
Government—see Governor-General in Council.	
Impey	235
India Office, charges of	15
Relations with Secretary of State	26
India Council—see Council	
Inspectors General	100
Interest on debt	182
International law	306
Irish members in Parliament	15
Irrigation... ..	75,100,186

J

Jails	259
James II, Charter of	247
Judges, tenure of; in England	27
Qualifications in India	205
Peculiarities of, in India	227,228
Judicial Commissioners	108
Committee,	237
See Privy Council.	
And Executive functions, Combination of,	247 et seq.
Jurisdiction	230
Jury	238,255
Justices of the Peace—Honorary Magistrates	239,244
Electors for Municipalities	272

K

Kitchener	
Commander-in-Chief	296
Re-organisation of army by	297 et seq.
Conflict with Curzon on	296

L

Lahore—see Punjab, Chief Court, Bishop.	
Land-holders, representation of	143
Laws, administered in India... ..	232,253
Validity of (Indian)	132,133
Law member	69,74,76

Lawrence, Sir John	...	64,109
Legislatures	...	} See
Legislative Councils	...	} Council
Lex loci	...	253
Lieutenant-Governor	87,90,95,97,	126,129
Loans by Municipalities		275
See Provincial finance.		
„ To Native states	...	320
Local Government.	...	75,84
See Provincial Government.		
Local Self-Government	267 et seq.	
Local Legislatures—		
see Councils.		
Lytton, Lord.	...	67,82,109

M

Madras—see Presidency,		
High Court, Governor, Bishop.		
Magistrates	...	105,205,239
Mahomedans	...	143
Law for	...	254
Maine, Sir H., special provision for	...	28,34
On village community		267
Mamlatdar	...	106
Marine, Royal Indian	...	122,302
Mayo	...	193
Mill on Councils...	...	79
Minto, Lord.	...	38,71
Missionaries	...	264
Moghul	...	5,63,90
Moral and Material Progress...	...	47
Morley	...	26,39,71,82,139

Municipalities	75,270,273 et seq.
Munsif	...
Mutiny	...
Mysore	...

N

Naoroji, Dadabhai	...	9,14
Napier, annexes Sind	...	308
Native States		
Relations with (secret)		5
Control on	...	75,99
Question of the Provincial autonomy and...		115
Railways in	...	186
Indian Civil Servants in	...	210
Origin of	...	304 et seq.
Present position.	308	„
Future of	...	313 „
Nizam.	...	299,306
Nundkumar	...	240
Northbrook	...	82

O

Offences	...	319
Opium, revenue from	...	183
Oudh, province of,—see U. P. and Agra annexed	...	306
Orders secret	...	22
In Council	...	5
Statutory	...	7
Ordinances	...	125
Orissa,—see Bihar and Orissa.		

P

Party Government	...	7
------------------	-----	---

Parliament,		Prerogative Royal	
Growth of Sovereignty over India,	2,3	Created E. I. Company	2
Nature and extent of Parliamentary Sovereignty,	5 et seq.	Extent of, in India	5
Means to attract Notice of	12 et seq.	To Veto Bills	73
India Councillor removable by,	23	See also Crown.	
Disqualification of India Councillors for,	20	Presents	319
Secret Orders to be communicated to,	23	see also Covenants.	
Secretary of State, member of,	26	Presidencies	85,90,111
Revenues of India not to be used for aggressive war without consent of	44	„ Towns	152,239
Accounts laid before	46	„ Municipalities 270,271, 280	
Cession of territory and Authority of, not affected by Indian Legislatures	61	„ armies	293
Rules to be laid before both Houses	128	Prime Minister	63,78
Rules for appointment to I. C. S. to be laid before.	207	Property	48
Patna—see High Court.		Proprietors, Court of	19
Penal Code	130	Provinces... ..	6,87,90
Pensions	202, 263 et seq.	New creation of	92
see Maine.		Relative status of	93
Petition of right... ..	52	Regulation and Non-Regulation	101
Pitt'	4	Major	100
Police	75,105,190,256	Provincial—	
Posts and Telegraphs 76,99,182		Principles of Government... ..	97
		Structure of Govt.	111
		Autonomy	112 et seq.
		Finance... ..	159 et seq.
		Proposed changes in the Government... ..	190
		Public Works	69,105,185,224
		Punchayet	268,269
		Punjab	87
		See also Chief Court, Lieutenant Governor, Provinces.	

Q

Queen, Jubilee of

Questions	162,167
Quorum in India Council	35

R

Railways	99,182,186
Finance	123
Board	115
Regulations	101,125
See also Provinces.	
Religion	221
Rent—see Revenue Courts	
Resignation	203
Resolutions in the Councils	163,167
See Local Self-Government, Provincial finance.	
Revenue	6,43,74,123,182
Ripon	17,245,314
Russia	36

S

Salaries	199,205,263
Salt	182,184
Scheduled Districts	125
Scotch Church	267
Scotland, Faculty of Advocates of,	58
See Judges.	
Secretary of State—	
Salary of,	7
On Indian revenues	15
Origin of	25
Control over the council	33
" " expenditure in India	44
Power to contract	52,135
" over Governor-General	57

Less control over Royal Viceroys	66
Relations with the Government of India	82
Financial powers	156
Office of in English Constitution	25
Comparison with other Secretaries	25
Selborne, Judgment of	134
Sessions	209,238,244
See Courts	
Sind, annexation of.	308
Sovereignty, See Crown, Parliament.	
Stamps, revenue from	185,136
Statutes,	76
See Acts of Parliament.	
Strachey	36,38,77,112,245
Subsidiary alliances	307
Supreme Court,	235,240
See High Court.	
Supreme Government	311
Succession	313
Stuzerain	310
Syond	265

T

Tahsil	106
Tanjore, case of.	54,99
Tariff	99
Telegraphs, See Posts and Telegraphs.	
Tibet	51,75
Treason	319
Treaties	60 et seq. 84

