

CHAPTER V

THE PROTECTED STATES

NO federal scheme for India can be complete or satisfactory if it leaves out of account the Native States, which cover one-third of the area of the Indian Empire and contain some seventy million inhabitants, or two-ninths of the entire population. *It is therefore necessary to deal with them before discussing the constitution of the central authority.*

It is a familiar though often forgotten fact that these principalities vary in size, climate, density of population, economic, racial, and intellectual conditions to an extraordinary degree. There are great dominions, such as Hyderabad, Mysore, and Kashmir, worthy to rank with kingdoms in Europe. The Nizam of Hyderabad is the equal in power, in dominion, in the number of his subjects, and in the variety of interests to be considered, with the Kings of Belgium or Roumania. Indeed, just as the German Emperor has kings within his dominions, and as we hope some day the independent sovereigns of Persia and Afghanistan will, of their own free will, wish to enter the future South Asiatic Confederation, so, *prima facie*, there is every reason why the Nizam should, like the former Kings of Oudh, receive the royal title of "Majesty," a concomitant act being the rendition to him of the

Berars. A step forward was taken on New Year's Day, 1918, when he was given the special title of "Faithful Ally of the British Government," and the style, new to India, of "His Exalted Highness." This designation is strangely reminiscent of the old Dutch style of "High Mightiness," which was proposed for the President of the United States, but refused by Washington.

Then there are States not so vast in extent where, by intensive culture, commerce and trade have reached such a development as to make them the equals of the richest British districts in India. Some of the principalities go back in tradition and history to the very dawn of civilised society. There are Rajput States, the germs of which must have existed when Alexander encamped on the banks of the Indus, and it is not improbable that orderly governments, under the ancestors or collaterals of some of the present Rajput princes, were carried on in the eras of Cæsar and Augustus. Other principalities, again, date in present form from the early days of British rule, and in some cases were obtained by purchase or by other equally unromantic forms of acquisition from English officials, reluctant to accept further direct responsibility for Indian government. But whether ancient or comparatively new, the individual variations of these autonomous territories are of absorbing interest. Large dominions, like those of Baroda and Gwalior, possess a unity of history and sentiment attaching them to their ruling houses, from which, especially in the case of their present heads, they have received such devoted service as to have established between prince and people a relation almost tribal in the strength of its affection. There

are smaller States, such as Kapurthala and Bhavanagar, which are excellent examples of hereditary good government and contentment of the people.

Amid the diversities I have indicated, there is an all-embracing link of profound attachment to the British Crown. Not only through this vast war, but on many previous occasions, in almost every frontier expedition, in China, in Africa, and elsewhere, the princes have proved their devotion to the British Empire, and have made sacrifices such as to win for them the merited title of partners therein. In the last four years they have been enabled, by freewill gifts and sacrifices, to share in the great task of securing a victory for the Allies to an extent which has evoked general admiration and has vastly raised the scale of India's contribution as a whole. Their well-trained Imperial Service contingents, maintained by the Durbars for a generation past, formed an invaluable contribution to the military units in being when war broke out, and the stream of recruitment from the States has enormously helped to meet the pressing need for repair of the heavy wastages of war.

Looking back on the 150 years of British predominance in India, I can see scarcely any other act equal alike in wisdom, justice, and far-sightedness, to Queen Victoria's promise through Canning, on the morrow of the Mutiny, to refrain from the absorption of any Native States into British India. It came to relieve the fears and anxieties aroused, with unhappy results, by the Dalhousian policy of "lapse." Had that policy been vetoed at the time by the Government in Whitehall, I am firmly convinced that Britain's position in India to-day would have been all the stronger, for the existence of

Oudh, Nagpur, Satara, and the other sequestered principalities. The aggregate territory from which British Indian revenues are derived would have been less vast, and I do not deny that there would have been some other disadvantages, of a temporary character, but these would have been altogether outweighed. The administrative machinery of British India, now so great and cumbrous, would have been simplified; British rule would have had in those directly concerned sure and honest friends like the princes of to-day, and there would have been a correspondingly larger measure of indigenous government, with all its advantages, side by side with British administration. The builders of United Germany, from Bismarck downwards, have borne witness that the diversified principalities are the mainstay of that Empire, and that destructive anarchy has no more powerful antagonist than a dynasty belonging to the soil, ruling from age to age relatively small areas within a confederation.

It is not too much to say that to-day the Indian princes are the bulwarks of the Imperial connection. I have sometimes met Indians whose names, of course, I can never mention even in private, actuated by bitter hatred of England, and whose absorbing idea was to cut the painter. On one point they were all agreed: that the existence of the Native States made an insuperable barrier to the success of their childish ambition, and it was always with bitter regret that they referred to these principalities.

From the point of view of good administration these areas of indigenous rule, scattered like so many islands of varying size in the sea of British

India, are advantageous both to their own inhabitants and to those of surrounding districts. They provide suitable fields for administrative experiments such as could not be applied, without prior test, to the whole of British India. Some States advance the cause of social reform by enactments and orders which English administrators, conscious of their limitations as non-indigenous officials adhering to the principle of strict religious neutrality, have not dared to apply. In some services for the commonweal, such as education and sanitation, there are respects in which the most progressive States are ahead of British India. But it would be unfair to fail to recognise that the stimulus to advancement is reciprocal. The high standard of British justice, to give but one instance, calls for emulation, as is recognised by almost every State. Here and there are to be found principalities in which the administration of justice and general civil policy leave much to be desired ; but happily, with the spread of modern ideals, these have become rare exceptions. Religious liberty prevails in the States as well as in British India. A Moslem ruler, like the Nizam of Hyderabad, is respected and loved by his millions of Hindu subjects, while there are Hindu Princes, such as the Maharajas of Gwalior and Kolahpur (to mention only two names), whose Mahomedan subjects look upon them with almost filial affection and veneration, and who constantly prove that, if Hindus in faith, they are superior as rulers to all sectarian or other narrowing influences.

Again, these indigenous Courts scattered over the great peninsula are the fitting patrons of art in every form. Indian music, architecture, painting,

and the arts generally, have natural protectors and patrons in the various Durbars. It is not improbable that within the present century some of the dynasties may produce patrons of art as influential as the Medicis, or the princes of Weimar. Some special branches of higher agriculture receive encouragement from the princes, and in many other directions they give a remarkable impetus to the upbuilding of an expanded Indian life, responsive to modern ideas yet distinctive of the country and its peoples.

Increasingly, of late years, some of the best-known princes have been cherishing the ideal of a constitutional and parliamentary basis for their administrations. There can be no doubt that a liberal policy in British India will soon be followed in many of the States by widening applications of the principle of co-operation between the rulers and the ruled. It is most gratifying to Indian patriots to note the sympathy which the princes and nobles have shown with the aspirations of the people of British India toward self-government. After all, these rulers, unlike the small dynasties of the eighteenth and nineteenth centuries in Italy, are children of the soil and have a natural sympathy and fellow-feeling with their countrymen.

There could be no better or more convincing presentation of these aspirations of India, in brief compass, than that given by the Maharaja of Bikanir, in his historic pronouncement at the luncheon of the Empire Parliamentary Association to the Indian delegates to the Imperial War Conference, at the House of Commons, on 24th April, 1917. Those of us who personally know the ruling princes of to-day—so active, hardworking, patriotic,

and devoted to the welfare of their people, usually so free from all "side," and, in a word, so different from the legendary maharaja of the imaginative writers of the past—have no reason to doubt that this eloquent plea voiced not only the views of the educated people of India but also those of the average ruling chief. In fact, His Highness of Bikanir spoke on similar lines to his brother princes when they entertained him to dinner in Bombay on the eve of his departure for the Impérial War Conference. It may also be noted that the Maharaja of Alwar's speeches, so full of democratic enthusiasm, have made a considerable impression in India within the last two or three years.

The States cannot be mere spectators of the constitutional changes now impending. The question arises, "What is the part they are to play in the politically free India of to-morrow?" To reduce them gradually to the mere position of great nobles, and to let the power and the individuality attaching to their States pass out of their control would be a crime against history, art, and even nationality. On the other hand, the present standard of relations between the protecting Power and the protected State cannot go on after British India reaches the first stages toward self-government. What is the solution? Happily in federalism we find a system that will meet the need both of British India and of the Native States. It has been maintained in these pages that a successful unilateral form of self-government is impossible even for British India. The great provincial administrations, we have seen, must be autonomous in internal matters. The interference of the central authority, while necessary in the past, must be

metamorphosed into that entire non-intervention in State as distinct from Imperial affairs which characterises the Imperial Government of Germany or the United States Government in their dealings with the members of their respective confederations. A similar policy should at once be applied to the Indian principalities. In the succeeding chapter we shall show that the fact that these States are of such varying sizes and importance is not a bar to their incorporation in the proposed federal system.

CHAPTER VI

THE CENTRAL GOVERNMENT

AS previously indicated, after the grant of autonomy to each newly constituted national State the Government of India would retain temporarily powers of general control over the provincial administrations. But this would be only for the purpose of carrying out with each province individually the various conventions by which authority over the whole series of legislation, finance, and administration comprehended in the term "Home Affairs" would be completely transferred to the constitutional bodies previously described, with the Governor possessing a veto over legislation and finance. If an Assembly rejected the annual budget, the Governor would be entitled to carry on with a repetition of the previous year's financial policy and the existing taxes, as in Japan and Austria.

While, on the one hand, the conventions would assure Home Rule to the State administrations, on the other hand, they would conserve to the central authority those Imperial and federal powers without which the confederacy would go to pieces. We have the historical fact of the existence of major Native States, such as Hyderabad, with treaty rights; and such internal powers as are vested in the Nizam's Government should be exercised by the

provincial States. Of the departments retained by the central Government, the first and foremost would be those of close relationship with the Imperial Government in London, through the Secretary of State for India. His position would more and more approximate to that of the Secretary of State for the Colonies, and his Council would be abolished. The right now exercised by the Presidency Governments to correspond with the Secretary of State on certain matters would apply to all the national States; though naturally the interest of the British Cabinet would be much greater in those branches of the administration which would fall to the central Government. Prominent amongst them would be foreign affairs. By this I do not mean relations with the Native States, which are now part of the work of the Foreign department at Delhi, but with external countries, including such future States as may be drawn hereafter within the orbit of the confederation through their own freewill and interest.

The Army and Navy would naturally belong to the central Government, and so would maritime affairs generally, including customs. Here some sacrifice on the part of certain Native States will be necessary, for just as the central Government would cede to the provincial authorities all those branches of internal business now administered by the principalities, so the principalities, in conjunction with the provincial States, would have to accept full military and naval and customs control by the Government of India. But this need not interfere with the sentimental connection of each State with its contingent to the Imperial Army. While full control of promotion, brigading, et

cetera, would remain in the hands of the central authority, the contingents raised in Native States would carry symbols of their origin, and the princes would be honorary commanders of their respective corps. Apart from customs, the Government of India would receive a settled contribution from each province. In the case of Native States the old and rather humiliating "tribute" paid in some instances, and now amounting to about £617,000, would be abolished and replaced by a uniform percentage of contribution equal to that paid by the provincial States. Public works and sanitation would belong to each province, but railway administration and finance, with uniformity or fair adjustment of rates over the whole extent of the federation, would be a branch of Imperial government.

This system would possess the great advantage of enabling the most progressive provinces to go ahead in their social legislation, without being restricted, as would often be the case under a uniform system, to the pace of the slowest and most backward. In an all-India legislature a project of social reform, such as Mr. Bupendranath Basu's Civil Marriage Bill, is almost inevitably judged from the point of view of the provinces least prepared for the advance. Under this scheme of federation education in all its branches, social laws (such as those of succession and marriage), control over the building of tenements and conditions of labour, agricultural improvements, scientific research and medical aid—progress in all these vital interests would become a matter of healthy competition. Each province, while able to adapt its policy to local conditions, would be

stirred to do its utmost to lead in the race for political and social development. No longer cribb'd, cabin'd, and confined by the central secretariats, the advanced parts of the country, such as Bombay or Bengal, may be expected to reach a standard of social polity that will be a beacon light for the other provinces to follow.

The headship of the Government of India would naturally remain with the representative of the King-Emperor, the Viceroy, to whose position the next chapter is devoted. Then would come his Cabinet, presided over by the Prime Minister, and containing members for Defence, Finance and Customs, Railways, External Commerce, Foreign Affairs, and two Ministers for the Interior. One of these would have charge of all relations with the federated authorities, and the other would deal with the judicial, legal, constitutional, and other branches of federal affairs not otherwise provided for. Here again the principle of selection for the Cabinet proposed for the provincial administrations would apply. The Prime Minister, under the Viceroy's guidance, would choose his colleagues without restraint as he thought best.

In what is now known as the Imperial Legislature the most radical change will be inevitable. For the short transitional period before the Government of India relinquishes detailed control of the provinces, a strong central legislature, with special representation of the various provinces and races, to help with the conventions, will be necessary. But after the due establishment of the federal constitution, the room for Imperial legislation and as distinct from questions of policy, will be so restricted that my preference is for a Senate or

Council, representing the provinces and the Native States, instead of needlessly complicating the federal organisation by the creation of two central chambers, with little to legislate about.

To this body each of the great provinces should send eight to ten representatives, some chosen by the Governor and approved by either one or the other House, and the remainder selected by each of the Assemblies and approved by the Governor. The great States like Kashmir, Mysore, or Gwalior would send five representatives, and Hyderabad, as the premier State, seven ; and even the smallest States whose ruler is included in the table of salutes would have at least one member. As in the German constitution, where the Federal Council safeguards the interests of every member of the Bundesrat by giving to the smallest representation far above its numerical proportion, so here the medium States, such as Bikanir and Patiala, would have two or three representatives, coming down to at least one member for such principalities as Janjira or Morvi.

The Senate would legislate for the whole of India when necessary ; but the proposed federal constitution will make such occasions rare or formal. They would ordinarily be confined to measures such as the Defence of India Act, or dealing with the protection of the coast, or tariffs, or Army and Navy services. The Government of India, in exercise of full fiscal autonomy, would establish for the entire federation the necessary tariffs with scientific schedules. The English Liberal, with his traditional mistrust of tariffs, too often forgets how totally different is the case of India from that of his own country. He knows that in England

Protection would mean, in practice, mainly a tax on corn, and result in raising the cost of various foodstuffs for the poorest classes. Her dependence on exterior supplies has been most pointedly demonstrated by the submarine campaign. In India, on the contrary, the food of the people is home grown, and a very considerable surplus remains for shipment abroad; the imports consist to a great extent of articles of luxury or such manufactured articles as can safely be taxed in order to encourage indigenous industry.

Under the new order of things the atmosphere of Simla or Delhi should be serene and dispassionate. The Government of India would be the connecting bond between great national provinces and principalities, united for common purposes but varying in organic and natural unity, representing their diversified history, races, religions, and languages. They would be not like to like, but like in difference :

Not chaos like together crushed and bruised,
But, like the world, harmoniously diffused,
Where order in variety we see,
And where, though all may differ, all agree.

The central federal authority, by promoting happiness, contentment, and development within its vast territories and over such an immense population, would sooner or later attract its neighbours in Northern and Western Asia. The benefits of federalism would soon be felt, since it would give a stimulus to progress which present conditions of centralisation discourage and retard. At the periodical Imperial Conferences in London, the representatives of Canada, Australia, and the other great Dominions, would meet those who would

voice the claims of an immense Indian Federation built on the rock of national autonomy in each of its living members. They would represent an organic whole which, in very truth, would be a living and vital entity with common interests, looked after by a federal Government and a strong Imperial Executive supervised by the Emperor's representative, the Viceroy, and his Prime Minister and Cabinet, and supported by the Federal Council representing all provinces and principalities.

CHAPTER VII

THE VICEROYALTY

IT is an accepted principle of modern statesmanship that the nation or federation of nations should be as broadly based as circumstances permit upon the opinion of the people, that the larger and more varied the foundations of the national life are made, the stronger will be the body politic. The Reform Act of 1918, enfranchising women and adding millions of men to the British electorate, notwithstanding the probability of mistakes here and there under the influence of these new elements, is yet certain to increase the strength of the realm by giving large numbers a personal and direct interest in the public welfare. Even the governing classes of Prussia and its Court, whose sympathy with democracy is merely opportunist, have come to the conclusion that by the conferment of manhood suffrage the Constitution and the monarchy will gain strength rather than lose it. In India, under the system proposed in these pages, the suffrage will be as wide as is reasonably practicable. Hundreds of thousands of the people will gain a new sense of responsibility in public affairs, and will be stimulated to take an active interest in the internal administration of the country.

While such widening of the base is essential, we must not overlook the importance of the apex.

Without unity of influential guidance national life is inevitably wanting in organic energy. But in searching for the apex of society, as in searching for a reformed Constitution, we must be guided by the history, the character, and the experience of the nation or race. The Presidency of the United States is a fine example of a naturally evolved institution in keeping with the conditions of the soil. But for India, for manifold historical, racial, and even religious reasons, the monarchy can be the only ultimate apex. In spite of innumerable differences of race, character, and psychology, in a very real sense (certainly as real as the claim of episcopal succession from St. Peter made by the Roman and Anglican Churches) our King-Emperor is in the line of succession from Asoka and Chandragupta.

This is so because from time immemorial, in periods of peace and happiness, India has had in practice its federal sovereigns and its over-lord. It is true that the ancient Hindu monarchy and society had become so weakened a millennium ago and more (probably owing to India's geographical isolation from the then world movements) that in the successive waves of Mahomedan invasion from the North the ancient polity was overthrown. For a long time thereafter Hindu and Moslem political history in India reveals an unconscious attempt on the part of dynasties, principalities, and nations to recreate the common Empire which had been dissolved long before. The men of genius among the Afghan and other dynasties that "had their day and ceased to be" obviously searched for a constitution that would leave local power in the hands of the many rajas, and yet unite their

forces for common effort under the central power at Delhi.

Akbar at last, in part by his own military and administrative genius (as carefully shown in Mr. Vincent Smith's lately published critical biography), but infinitely more owing to the working of eight hundred years of historical causes, re-established the position of national emperor. Innumerable national, dynastic, racial, and historical factors culminated in the Great Mogul; but even under his rule seeds were sown that led to a disintegration as widespread as any that took place before his day. It was perhaps inevitable that this ambitious conqueror should over-centralise; but his two much less able successors carried that policy still further. Even the judicious policy of marrying Hindu princesses encouraged the tendency, for many of the rajas whose families had thus become matrimonially linked with the splendid Court of Delhi gradually sunk into the position of nobles instead of retaining that of federal allies.

With Aurangzeb the policy of excessive centralisation culminated. The foolish conquest of the Southern kingdoms, and not religious bigotry, was the real cause of his prolonged conflict with the Hindus of the Deccan. Had he been content to leave the rich kingdoms of Bijapur and Golconda unannexed, it is probable that one of two things would have happened, each equally satisfactory from the point of view of Imperial consolidation. Either the Moslem dynasties of the South would have identified themselves more and more with their Hindu subjects, much as the early Nizams did, and ultimately the Southern kingdoms would

have been federated with the empire-nation at Delhi. The other eventuality, that of the Mahrattas under Sivaji wiping away the local dynasties, would still have meant the establishment of a powerful confederacy in the South, but with a natural and inevitable attraction toward the empire of the North. Sooner or later, they would have united for common purposes, while each kept its own internal independence and national character. After careful study of Indian history from the rise of Akbar onwards, I have no hesitation in attributing the break-up of the Mogul Empire and the terrible anarchy of the eighteenth century mainly to the centralising policy of Akbar, Jehangir, Shah Jehan, and Aurangzeb.

I do not suggest that the alternative policy of leaving the principalities independent and bringing about a federal system would have relieved India of internal differences, wars, and complications, any more than it did the Holy Roman Empire of approximately the same period; but I hold that national greatness and freedom would have been maintained. There were not in India, as in Europe, two strong states and dynasties like Prussia and Austria, the Hohenzollerns and the Hapsburgs, to fight a hundred battles till one of them was turned out of the Empire, to return later to the ancient fold, but as an ally. There was no danger that India would see any such drama on her soil as the long-drawn tragedy of which the last act was played at Sadowa. The Moguls were the strongest and best organised of the forces existing in the peninsula, and in the pursuit of a federal policy they would have drawn around them, as planets, the Deccan States and Bengal, the principalities

of Rajputna, and the newly born nationality of Afghans.

Fate decreed otherwise. From the death of Aurangzeb to the close of the eighteenth century the history of India is among the blackest in the annals of modern times. For all effective purposes the Mogul Empire had passed away. Hence Nadir Shah or Ahmed Shah Abdali could ravish the beautiful provinces of the North, kill Hindu and Moslem alike, and fritter away wealth and resources they could not but abuse. The tragedy of the triangular rivalry and bloodshed of Sikh, Hindu, and Moslem, so useless and insensate, in the Punjab, has never been painted by a capable historian in the dark colours it deserves. The Kings of Oudh, incompetent and ever looking to foreign alliances for support, destroyed the unity of a province designed by nature to be the right arm of the Empire. Disunited Bengal was the theatre of internecine war until the East India Company, obtaining the Dewani, established absolute and, at that time, by no means too benevolent rule. The southern half of India was degenerating into a vast jungle with the Pindari and the Mahratta ravaging provinces and states in all directions. Amid all this internal unrest the long-drawn contest of various European Powers for supremacy went on, and in particular the English and the French made the South the battleground for the settlement of their European differences.

Still the forces of ordered progress, so dear to the heart of mankind, were triumphant. In spite of a hundred checks and many errors, in spite of individual acts of harshness and injustice that no impartial student can deny, Britain raised India

to the status of a great empire. As centuries of disorder and division had led to ultimate union under Akbar, so the generations of disaster and disintegration that followed the decay of the Mogul Empire led by imperceptible degrees to the union of India under Great Britain. That union has grown ever closer till to-day, in a sense more real than Akbar ever reached, George V is the successor of Asoka. In the British dynasty we have an imperial apex of Indian rule historically suited to the soil. The latter half of the nineteenth century was characterised by the constantly growing attachment of the people of India to the British Sovereign. Victoria, in the course of her long reign, came nearer to the hearts of the Indian subjects she loved so well than any of the Emperors the great peninsula had had in the last thousand years of her chequered history.

The many princes who visited the Court of Windsor during Her Majesty's reign took back to their territories, both personally and through their entourage, memories of her sincere and maternal affection for her Indian subjects. Her kindness and consideration towards such ordinary Indians as came near the presence, her employment of Indian personal servants, the pains she took to acquire a working knowledge of Hindostani—all this became widely known and appreciated in India. Peasants whom no one would credit with such knowledge often surprised Indians of education by their shrewd remarks on the Good Queen's affection for their country. The many years the Duke of Connaught spent in high military command in India, making friends everywhere, getting known to and learning to understand the people, wove

further personal links with the Sovereign. The visits, first of the late King Edward when Prince of Wales, and later of the Duke of Clarence, were welcome reminders of the interest of the Royal Family in the country and its peoples.

This sentiment of attachment to the Crown, so consonant with Indian tradition and religious belief, has come to still fuller fruition under our present gracious Sovereign, who is as well known to and as well beloved by his Indian subjects as any emperor could desire. His first visit to India, as Prince of Wales, with its message of Sympathy, and still more his second visit as regnant Emperor, with its message of Hope, are ever near and dear memories to the hearts of the people. The Great War, with its community of sacrifice and suffering, with the ready and unfailing example of patriotic service and self-denial set by the monarch, and the evidences of his deep personal interest in the Indian troops in every theatre of conflict, has deepened and extended this great personal influence of the Royal House. The many Indian princes, gentlemen, soldiers, and others who have had the privilege of coming into contact with His Majesty—and their number has been much increased during the war—have been so many means of communion between the Emperor and his Eastern dominion. The feeling that, after all, India is not governed on the inconceivable theory of her vast conglomerate population being subject to another race, thousands of miles away, but owns allegiance to her own Emperor, is a unifying source of strength. The monarchy is the natural and fitting apex to the political structure, and must remain so amid all coming permutations. To cold casuists,

hair-splitting in their studies, the Indian feeling of warm affection for the Sovereign may seem illogical ; but it is one of the great formative forces of the world.

The Viceroy is the only direct representative of the Sovereign in the country. At the same time he is Prime Minister, the head of the executive, the authority to whom the provincial Governors and Lieutenant-Governors appeal for direction and counsel, the president of the Supreme Legislature, the Foreign Minister, and the chief connecting link with His Majesty's Government in Whitehall. He has so many other duties and heavy responsibilities that it is impossible for him, however great his capacities, to provide more than a relatively small proportion of the benefits derivable, either for England or for India, from the position of the Emperor's direct representative. The ordinary newspaper accounts of Viceregal doings and speeches are sufficient to show that the Governor-Generalship, the headship of the Executive, absorbs the major part of the Viceroy's time and thought. While in common parlance he is always known by the latter designation, it is not used in the warrant of appointment issued by the Crown, although in Royal Proclamations both titles are expressed. The standard official authority tells us that the title of Viceroy "appears to be one of ceremony, which may most appropriately be used in connection with the state and social functions of the Sovereign's representative."¹

With the establishment of any federal constitution, a great change must come over the work of the Viceroy in any case. The time and thought

¹ *The Imperial Gazetteer of India*, Vol. IV, p. 16.

now given to the supervision of provincial administration must be directed more fully to strictly Imperial affairs. Ought not the opportunity to be taken to make a still more radical change, with the object of no longer leaving undeveloped the signal powers for good of the attachment of the people to the Royal House? If the political head of the federal Government at Delhi or Simla is to maintain a united Cabinet and promote a common policy, why should not India accept the experience of every other part of the world that a Prime Minister cannot also successfully play the rôle of viceroyalty?

These considerations, and the natural desire to make permanent the unifying bond of attachment to the Royal House, lead to the conclusion that the time has come to appoint to the viceregency a son or brother of the Sovereign, and to make the tenure non-political. The Royal representative would have his Prime Minister nominated at the same time, and for the same period of five years or so, by the Imperial Government in England; and the Viceroy and the Prime Minister would choose their British and Indian colleagues of the Cabinet. The only argument seriously advanced against appointing a member of the Royal Family as a non-political Viceroy when this suggestion was definitely made by myself¹ and others a dozen years ago was that the field for his activities would be insufficient to justify the additional expenditure. This pseudo-reasoning sounds strange from the lips of Britons who have become so familiar for generations with the benevolent activity and

¹ "Some Thoughts on the Indian Discontent," *National Review*, February, 1907.

unifying influence of a non-political and nation-representing monarch. An examination of only a few of the many advantages of this change will suffice to show that the argument is not only unsound in itself, but starts from a false premise.

In the first place, there would constantly be at the disposal of federal princes and the heads of federal provinces, of the Prime Minister and the members of the Cabinet, as a source of reference and advice, a socially superior, an independent mind, kept informed under the Constitution of all important events and policies, and with the right of advising, warning, and suggesting. These are great and beneficent powers, as is proved by the published *Letters of Queen Victoria, 1837-1861*, and by many biographies of the statesmen of her reign. There would be a second and constant mental influence, detached from direct participation in the controversies of the moment, able to throw a new light on the current problems of politics for the benefit of the Ministry. Since the control of Whitehall, now extending to small details, would be replaced to a considerable extent by that of the representatives of the States, provincial and indigenous, and, in the domain of Imperial finance, by that of the Federal Senate, there would be still greater need than at present of a permanent representative of the Throne, watching, advising, and, if things went wrong, warning. The position of the prince would raise him above all temptation or suspicion of any such motive as ambition for a great political future in the Parliamentary arena at home, and he would be looked to as the final judge and arbiter of the most important

elements in inter-state relations, namely, those of good taste and good behaviour.

Another consideration has to be urged. We have seen that, in accordance with the principle Parliament laid down no less than eighty-five years ago, if a position can be worthily held by an Indian, he should not be debarred therefrom merely on grounds of race. Hence we have urged that appointments to provincial Governorships should not be beyond their reach. Can it honestly be maintained that there are no minds or characters in modern India equal to those of the Viceroys sent out from England? In intellect and character a Bikanir or a Sinha yield to none. If the Viceroyalty is to remain anything less than a constitutional rôle, a position due like the monarchy it represents to the symbolic power of hereditary kingship, then it must be open to Indians as well as Englishmen. No self-respecting Indian will allow for a moment mere racial superiority as an argument for the exclusion of his countrymen.

Then there is the immense and almost untilled field of individual social reform, of charity, and of social effort, which cannot be compassed by our present system of political vicerealties with their absorbing duties. To take only a few instances: do Indian hospitals secure all the encouragement and supervision they merit? In the widest sense of the term, does not social help—not indeed from race to race or from class to class but from individual to individual—need organisation and encouragement? The seed which the Dowager Lady Dufferin and Lady Hardinge, to name but two Vicereines, steadfastly sowed in India has

reached but an infinitesimal growth in comparison both with the need and the possibilities. In all such matters the successive occupants of Viceregal Lodge, Simla, have done their best; but the conditions render impossible close attention to the social factors which are so important in the up-building of Indian nationality. The Viceroy, immersed in files, "cases," and interviews with secretaries, is locked up in the summer at Simla, and is still more pressed by administrative duties in the legislative season at Delhi. A non-political Royal Viceroy would be free to travel more frequently, to visit seaside and other resorts, to set the tone of Indian and not merely high official society, and to generally encourage the development of social life in the provinces.

While the princely courts, as previously indicated, would promote art and literature in the widest form, so on an Imperial basis, the Viceroy would be the patron of all that is best in the representation of our emotional life. The two Tagores—the poet and the painter—have shown to Europe what India is capable of, even in these terrible days when everything outside politics is perforce neglected by the State. The Royal Court of Delhi and Simla would be the natural centre for encouragement of the arts. Indian music, both vocal and instrumental, operas, and tragedies appealing to the Indian temperament, would receive the encouragement which, as German history proves, helps to develop national talent and genius in such directions. In a word the Royal Viceroy, as I wrote in the article previously mentioned, "would put himself at the head of all movements, social, literary, economic and artistic,

that improved the relations of all sections of society, that destroyed racial and religious particularisms, that helped to amalgamate the parts into a healthy whole."¹

National Review, February, 1907.

CHAPTER VIII

LOCAL SELF-GOVERNMENT

FROM the central authorities and the Viceroyalty in India, we may turn to a consideration of the local units in the work of public administration, for the connection between base and apex is more intimate than might be supposed by the superficial observer. Sir Charles Dilke once told me that Lord Ripon's local self-government policy in India was consciously influenced by the example of Alexander II in re-organising the *mirs*, the *volosts*, and the *zemstvos*. Whether this was the case or not, a bird's-eye survey of the Russian experience is pertinent to our study.

After the disastrous Crimean War, there was a great movement amongst the Court and the upper classes toward what they called "Europeanism." In his early years Alexander II strongly desired the introduction of at least the limited forms of representative administration which had served his Western neighbour so well. But *Festina lente* is ever the motto of despotism when its advance towards popular national government is voluntary. So the usual argument, which we in India have heard *ad nauseam*, of learning parish and county administration before attempting to participate in State affairs prevailed, and the local

elective bodies, so well known to students of modern Russia for their constant clash with the bureaucracy, and its autocratic principles, came into being. Owing to causes which it is beyond the scope of the present argument to examine, Alexander II and his son and grandson maintained a bureaucracy and left local self-government nominally to popular assemblies. The result for a period of nearly two generations was unhappy: constant interference, difficulties and conflict, sometimes leading to local revolution followed by merciless suppression. Such is the painful story of this famous experiment of nominally free local bodies existing side by side with an irresponsible central Government.

In no other part of the world, except nominally in India, has a Government founded on bureaucracy attempted to leave local affairs to popular assemblies. And in India Lord Ripon's reform, happily for all concerned, led to the bureaucracy retaining real power in local government, while leaving a nominal share to so-called representatives of the people in municipal and district boards. With the exception of the Bombay Municipal Corporation, and in somewhat less degree those of the two other Presidency cities, there is scarcely a civic authority in India that has had powers equal to those of the Russian local councils. And even in these three exceptional cases the executive work of the municipality, as well as a large amount of supervision, still remains in the hands of official chairmen appointed by the local Governments. Happily the constant friction arising from the Russian experiment has not been reproduced in India, for the good and simple reason that the real power

has never been out of the hands of the bureaucracy.

It must not be inferred that the Civil Service can be charged with the conscious and preconceived ambition of throttling the local authorities. But in the political structure there are contradictory principles which cannot be simultaneously applied. An irresponsible bureaucracy depending for its power and promotion on a hierarchy of its own cannot work satisfactorily with really popular powers of municipal administration. The inadequacy of a common meeting ground makes friction inevitable. On the other hand, when there is a popular assembly in the capital associated with the Government, the relations of the district officials and the local bodies inevitably take on the character of co-operation. The natural dependence of both sides on central authorities gives each the consciousness that it is but an extension, in another form, of the power of the other.

Turning to the examples of some of the politically advanced countries, we find that invariably the responsibility of Government to the people has preceded the application of democracy to municipal rule. In England and Wales the power of Parliament, and especially of the House of Commons, was established for generations before local affairs were taken out of the hands of small and close corporations, such as parish vestries and magisterial benches. In other words the principle of popular control was applied first to the State as a whole, and subsequently to its component parts and local areas. The process was carried forward step by step after the Reform Act of 1832. It is important to note, however, that it was not con-

summated until after household franchise had been given, first to the boroughs in 1867, and finally to the counties in 1885. County councils, covering and co-ordinating both urban and rural self-government, were established by the Act of 1888, and six years later the Parish Councils Act set up popular assemblies in the smallest units of local government. It should be noted in passing that an English rural parish frequently comprises several hamlets each containing as many inhabitants as the ordinary Indian village.

It is true that in Japan local self-government preceded the establishment of the Diet in the Nine Years' Programme of 1881. But the real act of civic emancipation took place many years earlier. The political foundations of the Empire were modernised with the advent of the Mikado to Tokyo, and it was from the completion of the successes of the Imperialists over the Shogun and conservative elements that Japan's political rebirth dated. Similarly in Prussia, the real awakening of modernism took place long before the revolution of 1848 led to the introduction of a limited form of constitutionalism. The administration of Frederick the Great and, indeed, going back to the time of the Great Elector, though autocratic was yet national and impersonal, and so came nearer to modern ideals than the reader might suppose from a mere formal study of the Prussian Constitution.

In France, as all men know, the great Revolution was an attempt to gain control over the central administration. And in the long period from 1815 to 1870, we do not find the establishment of widely popular local assemblies proposed by anyone of the several régimes. It was not until the Third Re-

public came into being that, throughout the length and breadth of the land, including the smallest communes, the people took the helm.

Further historical examples are not required to emphasise the obvious conclusion. This is that in India an attempt to extend municipal autonomy widely without providing for each province-state the foundation of a really popular assembly directly representing every class and creed, with hundreds of thousands of electors behind it, would be inept, and might lead to something like a repetition of the long and sad record of the conflict of the central and local authorities in Russia. The lesson of history is that satisfactory reformation of subordinate authorities on a popular basis can only be carried out by a Government which is itself brought into touch, by an elective assembly, with the general consensus of reasonable opinion amongst the governed. Besides, to be really successful our local administration, like other political institutions, must be related to the surrounding conditions of development. It would be atrophied by merely mechanical imitation of other models or by doctrinaire attempts at uniformity. Even so important a step as the exercise of a wide discretion in local rating cannot be granted or refused on merely *a priori* grounds.

These being the ruling principles, I advocate the formation in each province-state of a ministry in the Cabinet relating to municipal and district authorities, and with powers similar to those of the Local Government Board in Whitehall, though modified in conformity with Indian conditions. Each provincial member of the federation would thus have a minister, in touch with its Cabinet and

popular assembly, dealing with all the subordinate bodies. Thus, at last, real and general effect would be given to the principle laid down by Lord Ripon's Government that State control "should be exercised from without rather than from within," and that "Government should revise and check the acts of local bodies, but not dictate them."

While the powers of the new department would be similar in each province, in practice they would vary according not only to the conditions of the province-state itself, but of each district within the state. In this way the structure of local autonomy could be built up from the municipalities of the great towns down to the smallest village *panchayat*, and even the latter would differ according to the varying conditions of village life, and the standard reached by their respective communities. It is an idle dream to think that in the India of to-day, with its 37,000 miles of railways, with its posts, telegraphs and telephones, with its coming general use of motor traction, we can establish village communities such as were in existence in the pre-Mahomedan era. An economically self-contained and entirely independently administered village community as the general rule would be utterly unsuited for the expanding life of modern India. An attempt to restore such conditions would be like stopping the circulation of the blood to any of the various members of the human body. The principle of cohesion from the smallest up to the largest municipal unit, so successfully applied in England and Wales, must be followed. The Local Government Board, in every case where the village had a community sufficient to justify the procedure,

would constitute an assembly of five, and the villagers would be linked up in groups to *tehsil* and district boards, and, when suburban, to municipalities. The larger authorities would be as free from official control as possible.

It will be seen that such a system would be essentially elastic, differing according to local conditions, in each province. Its progress and efficiency would be safeguarded, on the one hand by the Governor and Cabinet, assisted by the bureaucracy, and on the other hand by the popular assembly elected, not as now by a few English-speaking and well-to-do individuals, such as landlords and members of municipalities, but by thousands of every class, creed, and colour.

CHAPTER IX

THE CIVIL SERVICE

FROM the working of district and municipal bodies, we may turn to the great service which at present "guides and controls"¹ them. The administration of India as now constituted depends more on the Civil Service than on any other factor. In Britain and France the man in the street is the final support of the administration; in Germany the Government relies on the general consensus of opinion among the military, landed, and educated classes; and in Russia, under Tsardom, the army and the police were the final supports of autocracy. In India without the Civil Service government could not be carried on for any length of time.

But the bureaucracy is divided into two unequal portions. The first while numerically small, in importance and powers is far greater than the second. Recruited by competitive examination in London, it mainly consists of Englishmen, with a small percentage of Indians whose education has been completed in Britain. The second category, known as the provincial civil service, consists of large numbers recruited in India "to do the bulk of the ordinary executive and judicial work of the

¹ *Report of the Royal Commission on the Public Services in India*, Vol. I, p. 161.

districts and to fill the minor charges.”¹ Adapting its character and qualities to those of the first group, this has been an admirable organism for carrying out the orders of what was formerly known as the “Covenanted Service.” Without such direction and lead this element in the machinery would not be strong enough to execute the business of Government. In the same way as it has taken its colour from the *corps d’élite*, it will, should that service considerably change its character, adapt itself to the new circumstances. No outstanding reform can be effected by changing the conditions in this lower category. So the needs of the India of to-morrow compel us to concentrate our attention on the superior branch, leaving to the natural influence it exerts the bringing of the subordinate branch into line with the altered conditions.

The Indian Civil Service is one of the most extraordinary, interesting and distinguished corps in history. British India is essentially the result of its labours. To the question whether it has been a success or a failure a sincere, decided and unqualified answer cannot be given. It has succeeded absolutely and beyond any reasonable expectation in certain important grooves of national life; yet, judging by results, it has also been a failure in some other important directions. It has succeeded in the activities that have been natural departments for a bureaucracy to deal with. It has failed when it has attempted to do work which, in a constitutionally governed State, falls to the monarchy, to the legislature, and to the nation.

The maintenance of law and order, the impartial

¹ *Report of the Royal Commission on the Public Services in India*, Vol. I p. 161

execution of ordinances, the gathering of taxes, the transparent honesty of finance, and the general freedom from the slightest taint of corruption have been beyond praise. The hundred and one sources of friction between the interests of the State and those of the individual have usually been adjusted with fairness and equity. Care has been taken in administration not to allow the interests of the poor and ignorant to be sacrificed to the cupidity of the rich, though elaborate codes passed by the legislatures have encouraged impoverishing litigation. Crime has been reduced to as low a limit as the poverty and ignorance of the people make possible, and the executive has always done its best to bring before the judicial tribunals (themselves largely composed of civilians) the real culprits. Material improvements, such as extended communications and the irrigation of tracts liable to scarcity, have been earnestly and consistently supported. In all these spheres, the smoothness of working and the general efficiency and success of the administration have been greater than in some European countries.

But none will deny that we have much further to travel in transforming unhappy features of life so common in Eastern lands. The grinding poverty of the masses, the recurring famines when rainfall is deficient or ill distributed, the ignorance and low standard of health general throughout the land, the absurd smallness of the income of the nation per head of population, and its natural result, a revenue far too small for the legitimate requirements of an immense Empire¹—all these factors

¹ Exclusive of land revenue (which is not properly taxation) the average taxation per head, even on the incorrect assumption that all customs

lead to the conclusion that if India is to take her proper place, both within the British Empire and in contributing her quota to the stock of human progress, reform is inevitable. The narrow service by which she has been governed for over a century must, in the work of direction though not that of execution, be replaced by legislative and popular institutions such as have been successfully evolved in so many modern monarchies. The very constitution of a bureaucratic service bars it from directing those great national energies that a constitutional monarchy, in co-operation with the taxpayers, can mould to worthy ends. The direction and leading of the people, as well as the political education of the masses, now far too long overdue, must come in each of the province-states from the monarchy as represented by the Governor, and the people themselves through their representative institutions. Only by becoming conscious citizens do men make the greater sacrifices required for national advancement. A sullen and politically soulless people is peculiarly liable to sink into still greater poverty and ignorance.

In the legitimate and executive sphere of the work of the service, the necessity for considerable changes has long been apparent. The Royal Commission over which Lord Islington presided a few years ago was mainly designed to find ways and means for a larger admixture of Indians in the higher services. If its proposals to this end are adopted, they will not remove the fundamental objections to the existing dominance of the I.C.S.

and other duties are paid by inhabitants of British India, was only 2s. 1-1d. at the outbreak of war, according to the Statistical Abstract of British India, Fiftieth Number, 1917.

No Indian will deny that in an average district there is a certain atmosphere of aloofness between the collector and the people that cannot be other than unwholesome. After all, an Indian district magistrate is approximately in the position of a Russian governor during the Tsardom, or some of the provincial presidents in Germany and prefects in France. Yet how much more intimate in any European country are the general and business relations—apart from social contact—between the district administrator and the inhabitants than in India. It is a disadvantage, in this connection, that in Britain herself (owing to the wide diffusion of unpaid civic work) there are no similar authorities; for had such a system existed in the United Kingdom, it would have afforded scope for more national practice in this class of work.

A method of bringing the service and the people into closer touch which has been widely advocated in India for years past has been that of simultaneous, or at least similar, examinations in India and in England, with a view to a large increase in the Indian element.¹ I have advocated this measure in the past, but fuller reflection has forced me to the conclusion that the mere addition of Indians will not solve the problem of aloofness between rulers and ruled. The Civil Service is an old and famous corporation that has done an immense work. As always, the doing of the work has given rise to a tradition. An *esprit de corps* has been developed with the consequence that the mere

¹ While rejecting the expedient, Lord Islington's Commission recommended a limited degree of direct recruitment in India, followed by three years' probationary study at English Universities contemporaneously with successful competitors, English and Indian, at the London examination to be taken at the school-leaving age.

increase of the Indian proportion will not render the service less distant from free contact with the people. It is not to be concluded that I deprecate *esprit de corps*, or criticise it in itself; but it is easy to have too much of a good thing. When the whole length and breadth of the country is divided into relatively small areas known as districts, and each district is vertically divided in charge of a governing few in the two branches of the service, with their *esprit de corps*, each member ruling many thousands, an unwholesome artificiality of life is inevitable.

The best corrective is to be found in a widened basis for public service. While retaining the I.C.S. on the lines of the present constitution, subject to changes such as were recommended by Lord Islington's Commission to greatly increase the Indian proportion of membership, we should bring district administration into closer touch with the people by non-official dilution. This may sound a very bold step, but it has been successfully tried in such European countries as have had bureaucratic administration. In Tsarist Russia, in Germany, in France, leading local gentlemen, whether members of the landed nobility or distinguished for their wealth, position, intelligence or honorary public services, have been often appointed governors, presidents, or prefects. After all, there is nothing in the work of an average Indian collector of so technical and difficult a nature as to render essential the very high educational tests which now keep men under preparation at the universities, or under probation in England, until they are midway through the third decade of life. The navigating officer or the civil engineer requires

much more technical training than the Indian district officer. The present unavoidable restriction of European recruitment to very narrow limits has led to many posts hitherto filled by the higher branch of the Service being occupied by members of the subordinate branch, who have had a much less extensive and wholly Indian education. In the British appointments to be made by nomination, under the temporary Act of 1915, the educational standard will of necessity be lower than that normally exacted at the open examination, since the selections will be mainly of men who were prevented by war service from undergoing a university course. This inevitable breach in a tradition of sixty years might be extended advantageously to a utilisation of non-official agency. From amongst the ordinary citizens of India it would be possible to select many excellent district collectors for a term of years. A leading landlord, a public-spirited millionaire, or a lawyer or a gentleman at large who has given much of his time to local public service, might well be nominated to the headship of his district.

Such a dilution of the exclusively bureaucratic and professional element by local gentry and men drawn from the various categories of civil life would not only help to bridge the present lines of separation between rulers and the ruled. It would also give freshness and variety of outlook in the working of a machine which has become, to use the terms of Mr. Montagu's historic speech, "too wooden, too iron, too inelastic," not only at headquarters, but also in the districts. Even the professional administrator may find inspiration from the freshness of view of a neighbouring collector

whose training and career have been on lines different to his own. The service tradition unduly tends to mould its members into the same type ; and there is need for a widened range of selection for the higher posts to meet the complaints of rigidity, aloofness and over-professionalism. Moreover the "amateur" will be safeguarded against mistakes by the fulness and exactitude of the many Indian codes and regulations and the traditional watchfulness of the provincial secretariat.

The new element need not be limited to the Indian subjects of the King-Emperor. There is no reason why, say, a leading British merchant or publicist who has spent twenty years in, and learnt to love, Bombay or Madras, Calcutta or Karachi, should not be appointed to the charge of a district before he retires. Some people may smile at the idea of keeping in the country an Englishman, who has already "made his pile" in commerce, by the offer of four or five years of not overpaid public service. But I am confident that there are not wanting non-official Englishmen in the country—many names come readily to mind—who would gladly respond to the call to this new labour of love. Another, though smaller, field for such recruitment is to be found among the missionaries, some of whom, especially those engaged in higher education, may be prepared to serve India, the land to which they have devoted their lives, in a wider if secular sphere.

In the main, however, the non-official agency would be indigenous. There are many prominent Indians who would welcome the opportunity of such district service. That great nobleman the Maharaja of Darbhanga, the first Indian member

of the Behar and Orissa Executive Council, told me while holding the office that he regretted not being called to the more restricted, but in many ways not less helpful, position of a collector, in which he could see especially the opportunity of setting an example to others. While I have been writing this book, an Indian friend has been offered membership of one of the provincial executives. For various personal reasons, he regretfully declined the offer. I asked him whether if he had been offered the collectorship of his own beloved and beautiful native district, he would have made the great sacrifices involved in any acceptance of Government service. After serious reflection his answer was a decided "Yes."

The district collectors represent the Government to the people, and are the natural arms of the central authority. In the provinces of the future, on the lines advocated in these pages, I fail to see the need of those expensive go-betweens, the divisional commissioners. In the Madras Presidency there is no local officer above the head of the district, and I do not think the administration has suffered in consequence. Under the new system one or more members of the provincial Cabinet would carry on the work now devolving on the Board of Revenue. Whatever may have been the needs of the past the utility of maintaining in each province, other than Madras, several highly paid officials in charge of divisions would disappear.

CHAPTER X

THE POLICE

THE principle of a widened basis advocated in the preceding chapter for the I.C.S. should be applied *mutatis mutandis* to the police force, both on grounds of efficiency and for raising this service in public estimation. Under present conditions there is not mere aloofness, as in the Civil Service, but mistrust and even hostility on the part of vocal public opinion toward this necessary adjunct of government. No institution in the country is more abused than the police, and especially the division known as the Criminal Investigation Department. To listen to some popular politicians, one might suppose it to be an Okhrana reproduced on Asiatic soil with all the vices, though in milder form, of its notorious European prototype. Its leading members are sometimes described as *agents provocateurs*, and, to justify their own existence, held to be capable of such crimes as Azef and other Russian officials are known to have committed. When the perpetrator of an outrage or attempted outrage, such as the bomb-throwing at Lord and Lady Minto on their visit to Ahmadabad, disappears and is never traced, rumour attributes the crime to the dark forces of the police. In Calcutta one is repeatedly told by Bengali gentlemen of undoubted

honour that the dividing line between the revolutionary bomb-throwers and the agents of the police is never distinct. Whenever a prominent man is run down by the Government and, either under the old Regulation of 1818 or by virtue of the Indian "Dora," segregated from his fellow-citizens, the average educated Indian attributes the internment to nothing but the machinations of the C.I.D.

Then, apart from politicians, thoroughly respectable middle-class citizens constantly talk and think of the police in a manner that is saddening and yet somewhat grotesque. In England only amongst the lowest classes of rough professional bullies and prize-fighters is the police referred to in the spirit in which it is regarded by the most respectable portions of the Indian *bourgeoisie*. It is true, as Fitzjames Stephen wrote many years ago, the difference in conditions makes the police more important and relatively far more powerful in India than in England. But that is not in itself a reason why they should be accused, as a body, of avarice, of corruption, of indifference to the real interests of the Government, and of only being anxious to fish in troubled waters. The official answer to such criticisms is that improvements are being steadily made, and that the fear inspired by the department is a remnant of the traditions of vanished native dynasties, when the absence of regularly enforced laws and of an independent Bench left the people at the mercy of the subordinate authorities. While it is acknowledged that the standards need to be raised, the average English official will tell the enquirer that the charges constantly brought against the police

are most frequently attributable to fevered imaginations, and sometimes to bad consciences.

The fair-minded observer cannot accept without great qualification the very uncomplimentary popular version of the character of the police. Except for the higher positions it is Indian in composition. Substantial reforms were effected a dozen years ago as a result of the enquiries of the Police Commission. The members of the C.I.D. are almost all of them Indians, often good fathers of families, and though they are not recruited from the better ranks of society they usually come of respectable and conservative parentage. They are badly paid, and the general prospects of advancement are so poor that the wonder is that bribery and corruption are not more common. For after all, when one searches for the proofs of their dishonesty they are rarely to be found. The average Indian C.I.D. officer is poor throughout his life, and, retiring on a slender pension, he rarely leaves anything more than an average clerk usually possesses. Nor is it to be forgotten that in recent years in Bengal many such officers have been the victims of assassination as a result of their courage and resource in tracking down anarchical revolutionaries. It is unfortunate that there are not sufficient gentlemen and men of education in the police to give the people confidence in its working. There is great need for the police to be better paid and recruited from a higher stratum of society.

But in itself this would not be sufficient. Every government, and especially one like that of India where the highest personnel is mainly foreign, needs knowledge of the thought and conscious movements

of the population. In irresponsible bureaucracies, whether inefficient, as were those of Turkey under Abdul Hamid and of Tsarist Russia, or well organised, like the rule of Britain in India, the Government is, for information, necessarily dependent on police reports. Notoriously this is particularly the case in Bengal, where the Permanent Settlement operates against contact of the Indian Civilian with the cultivating classes to the same degree as in *ryotwari* areas. But in all parts of the country the service whose natural sphere is to prevent and investigate crime takes the place, as a link between the Government and the people, which is filled under modern systems by popular representation. The only effective remedy is to establish elective legislatures, not, like the present travesties of representation in India, limited to a handful of people educated in English* or rich, but on a wide basis, and directly drawn from every class, caste and community. Then, indeed, the voice of the people would be heard directly and distinctly. If ambitious members of the police force tried to influence policy by their secret reports, the prestige and self-reliance of an assembly directly elected by the people would prevail. The police would concentrate on their legitimate work and not be, as at present, an obscure and irresponsible factor in the inner councils of the realm.

Side by side with this external remedy for the present unhappy schism in the body politic, it is necessary to make the police more truly national. This need was recognised in the detailed recommendations of the Islington Commission, though it was held that a preponderating proportion of

the superior officers, as in the case of the I.C.S., should be recruited in England. But all are agreed that a very substantial share of the highest posts now occupied by Englishmen should be filled by educated Indians. And as in the preceding chapter it was held that here and there ordinary citizens should be appointed district collectors in order to bring to the work of executive administration a fresh and less stereotyped angle of vision, so, in the police, important superintendentships should be filled in the same way. There is nothing in the duties of the average superintendent of so technical a nature as to make it necessary that the police administration in every city and district of the vast peninsula should be in purely professional hands.

Such a system would have a twofold advantage it would be calculated to modify and possibly to remove the exaggerated but general mistrust of the police to which I have referred ; and it would give the professional heads the advantage of considering many things from the point of view of the non-professional citizen. As in the case of the I.C.S., unofficial Englishmen residing in the country should also be included in the range of selection. In Great Britain, in Germany, in France, and in Russia, various categories of citizens have been made use of for the higher police administration. It is not enough that a few members of the I.C.S., itself a close corporation, should be appointed to important positions, such as the inspector-generalships, as was recommended by the Police Commission in 1905. The principle of general co-operation in the detailed work of the administration between the professional servant of the State and the

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citizen must be followed in this department as well as in the headship of districts. These are the means for effecting, in relation to the protection of the life and property of the citizen from crime, that comprehension and mutual understanding between the non-official and the official which, in the most advanced states, has contributed so materially to the making of a united nation.

CHAPTER XI

THE JUDICIARY

HAPPILY the mistrust and dissatisfaction with which the police are regarded in India does not extend to the judicial system. On the contrary the application of British principles of legal justice is warmly cherished by the people. Some would say that it has contributed greatly to British "prestige." Yet in Indian society, where my somewhat peculiar position has brought me into contact with all sorts and conditions of men from princes to peasants, I have never heard the term used by my countrymen. Indeed, I have not found in any Indian language a true equivalent of this English word. Those usually given in dictionaries certainly raise quite different conceptions in the Oriental mind from that for which "prestige" stands to the Englishman. *Izzat* and *aatibar* are anything, but synonymous therewith. The real equivalent for this word, as it is fondly used by some people, would be a high-handed disregard of right, justice, and even honour, in order to maintain the supremacy of the white man.

Happily for Britain, her rule in India is not generally associated with this aggressive form of Nietzschean supermanism, which flourishes vigorously only in its German home. Long before the military strength, the material improvements, or

the other tangible activities of British rule are referred to by the average Indian, you may be quite sure that he will speak of its justice. To all classes in India, other perhaps than the ruling princes and their subjects, this is the essential quality needed for British rule in India. It is generally interpreted in the narrow sense of the relations between man and man, rather than the general expectation of fair play from the State and society at large towards the individual. But this second and wider conception is already gaining ground. There are many not usually associated with political activities, who reflect upon, and ask questions as to the ultimate right and mission of *Britain in the country*. *The answer is to be found*, in my humble judgment, in the co-operative federal constitution advocated in these pages. But even in the narrow sense of the relations of man to man and his business contact with the State, justice plays a predominant part in the political conception of the average informed Indian.

The general testimony is that the administration of justice is good and on the whole fair, but excessively long and costly. This is partly due to inherent causes, such as the wide range of variety in customs and usages among the various communities and in different parts of the country. Not only is the indigenous law of India personal, and divisible with reference to the two greatly preponderating elements in the population, Hindu and Moslem; but there is also a great body of recognised customary law, varying with the locality. Moreover, owing to the influence of Western jurisprudence, to the great body of case-law emanating from courts moulded on English models, to the

advance of enlightened ideas, and to the progress of education, the ancient personal law of Hindu and Mahomedan has been subjected to modification and alteration in many important particulars. All this gives the overcrowded legal profession opportunity for prolonged and subtle disputation in almost every conceivable case relating to Indian social life. The codification of laws and of judicial procedure in India, originated by Macaulay, has been carried much further than in any other part of the British dominions. Though usually clear in wording, these codes are elaborate. While the opportunities for appeal are manifold gazetted public holidays are very numerous, owing to the necessity for observing the sacred days of the various communities. Nor are climatic and general conditions favourable to the obtainment of speedy decisions.

Obviously the expenditure of time and money involved by the slow pace of justice gives an advantage to the rich. In the case of the poor it is calculated to lead to certain loss, or perhaps a worse alternative, the sale of his rights to legal speculators. In the great towns either sharks or gamblers are ready to exploit every conceivable occasion for litigation, often ruining respectable families. In some instances the claims of litigants carried step by step to the Privy Council in London have remained unsettled for twelve or fifteen years. The scandal of these delays has been the subject of severe criticism, especially in the last year or two, in pronouncements of the Judicial Committee ; and definite proposals have been made to the authorities in India to provide remedies by changes in the rules relating to appeals.

In the absence of any central appellate court in India "the right of access to the King in Council is eagerly cherished, and nothing must be done to infringe it, whether theoretically or actually, in the least degree."¹ Though it is obvious "that the avoidance of years of costly delay will operate in favour of even-handed justice as between all classes of His Majesty's Indian subjects,"² there is a strongly rooted belief in India that complete equity is bound up with the costly and time-exhausting formalities which have developed with the application of British jurisprudence. A case begun in the court of a subordinate judge in the *mofussil*, carried to the district judge, reviewed by the appellate side of the provincial High Court, and finally disposed of by the Privy Council in London, is regarded by the general public as issuing in a fair settlement of the disputes involved. But by the time the process of appeal is exhausted the property which has been the subject of contention has probably become no more than a fragment of its original value, when the cost of the proceedings is brought into account.

A curious but widespread idea amongst the British in India is that while the executive should continue to be overwhelmingly European, the judicial services can well be handed over to Indian management. For my part I have never been able to see the reasonableness of this marked differentiation. When all is said, Englishmen are in official positions in India because, after her chequered and tragic history, she is not able to satisfactorily settle her own affairs without the

¹ *The Times* in an article on the subject, 2 January, 1917.

² *Ibid.*

co-operation of people from happier lands. But this justification for British agency carries the necessary corollary that in all the main fields of State activity we need, for the present, the co-operation of both elements. If the executive is to be a close preserve for one race, then the other will lack opportunities for exercising what the history of the past, under an Akbar or a Shah Jehan, has proved to be the natural aptitude of the cultured Indian for executive functions. If the judiciary becomes the preserve of the Asiatic, then in what is morally the most important duty of the Government there is the assumption that British example and co-operation are no longer required. Those who argue thus overlook the consideration eloquently expressed by the distinguished* first and only Indian to be called to the Judicial Committee of the Privy Council that "the equal administration of justice is the greatest glory of British rule in India, and furnishes the strongest claim to the loyalty of the people." Not only in the High Courts, but also in the districts, a fair admixture of the two races in high judicial office will for a long time to come produce the best results.

Yet here I must register a protest against one of the outstanding examples of racial injustice in India to-day, namely, that a Chief Justiceship has never been granted permanently to an Indian. There are Indian jurists well fitted to preside over provincial High Courts, and their exclusion on merely racial grounds must not be continued. Selection must be on the basis of merit alone. By all means let us have English Chief Justices in some of the provinces, but when there is an Indian on the Bench worthy of the highest position, it

is absolutely unjustifiable to close the door of promotion because he is an Indian. Again, when an eminent jurist like Syed Ameer Ali is debarred from adding to his present functions on the Privy Council the judicial duties of a Law Lord appertaining to most of his colleagues, it is natural that his countrymen should resent such differentiation, knowing full well that he would be, on every ground, an ornament of the Upper House.

The federal system for India, advocated in these pages, carries the necessary implication of a Supreme Court for the whole peninsula, thus obviating, save in exceptional cases, the enormous cost in time and money of carrying the final appeal to London. An Indian Judicial Privy Council, might well be formed, nor need its members be necessarily debarred from seats on the provincial Benches. Of course India must have a place in any scheme that may be adopted for conserving the unity of final appellate power within the Empire in London. Under such an arrangement two or three Indians should belong to the reconstituted Imperial Privy Council, and their *doyen* should be advanced to the peerage.

The need for replacing the present complicated and in some respects inequitable system of the admission of advocates and pleaders by a sensible and uniform plan is widely recognised. It is well known that the tests exacted for qualifying in India as an advocate of the High Court are much more severe than those imposed for calls to the Bar in England, and involve long and elaborate courses of study. Some of the conditions of admission of overseas students to the Inns of Court in London and Edinburgh have had the result of

diverting young Indians to the Dublin law colleges. There is something ridiculous in the idea of a man called to the Bar in Ireland having privileges as a lawyer throughout India, with a hundred times greater population, denied to the graduates of the Indian law colleges. It is far from satisfactory that those who can afford to go abroad can claim higher privileges without the same studious efforts as are needed for the less affluent who remain in the country. Indeed, there are many cases of men entering for call to the Bar in Great Britain because they have found themselves unequal to the Indian tests. The manifold drawbacks of the system were well summarised in the valedictory report of Sir Charles Mallet as Secretary of the Indian Students Department. He pointed out that it is not uncommon to see a family which can ill afford the cost and perhaps hardly realises how heavy it will be, raise at some sacrifice the funds necessary to equip and maintain their boy studying for the Bar in England, "and then find all their labour wasted owing to the risks to which he has been exposed." I heartily support his suggestion that provision should be made for Indians to be called to the Bar in their own country and to secure in India the legal training they require.¹

If an advocate system is preferred, a uniform standard for winning the right of advocacy should be established throughout the country. Englishmen wishing to practise at the Indian Bar should be expected to go through the Indian examination, in the same way as English doctors who contemplate setting up in France, or elsewhere

¹ *Report on the Work of the Indian Students' Department, 1915-16.*
Cd. paper, 1916.

on the Continent, are required to pass the medical standards of the countries in which they settle. Since there is no language difficulty, it ought not to be a very formidable ordeal for a young Englishman, of good general education and legal knowledge, to pass the Indian advocacy examinations. The present system is a most haphazard and artificial growth; it is partial in its incidence, unduly favouring the well-to-do, and there is urgent need for its supersession by a more natural and sensible plan.

The changes suggested for both Bench and Bar would not in themselves be sufficient. Side by side with a splendid and honourable, but expensive, judiciary there is need for official encouragement of arbitration. The Sinn Feiners, as a sign of impatience with the Imperial connection, have urged the institution of non-official arbitration boards throughout Ireland, with a view to reducing the law courts to inactivity. A like idea has occasionally been heard from the lips of Indian extremists; but the existence of such anarchical motives in implacable quarters need not blind us to the considerable merit of the idea of arbitration boards side by side with judicial benches, and as alternatives to costly litigation. The people in India, no doubt, are as free to settle their disputes by mutual arbitration as those of other countries. But initiative and resource are not always conspicuous in human nature, particularly under tropical skies and when handicapped by illiteracy and poverty. The general freedom to choose arbitrators is not the same thing as having ready at hand men officially recognised as capable of exercising such quasi-judicial functions.

I strongly urge, therefore, the institution in every district and also in the great cities of regular panels of unpaid but willing men, with common sense and general honesty as arbitrators. Many gentlemen now on the roll as justices of the peace, and others willing to thus serve the community, would be nominated by the Governors as members of the boards for the various districts. The composition of the panels would be known, and while the courts would be prepared to leave to litigants an effective option, they should encourage resort to arbitration. The present privilege of private reference to arbitrators would not be curtailed; but, in addition, when cases not involving important questions of law went to the courts, the parties would receive from the judge a suggestion of submission to some of the arbitrators on his panel, as a welcome alternative to the expense and delay of regular litigation. The tendency would be toward avoidance of the costly processes of the law courts, except in cases of substantial importance, or of an abstruse nature. The panels would do much to mitigate the litigious tendencies which have so impoverishing an effect upon the cultivating classes.

CHAPTER XII

OVERSEAS SETTLEMENTS

HAVING considered the constitution of an Indian federation and the framework of civil and judicial administration by which it should be accompanied, we may widen our survey to discuss India's relations first with other portions of the Empire and next with foreign countries, before we deal with the problems of defence and internal economic and intellectual development. It is to be remembered that from before the dawn of Indian history the advent of conquerors by way of the Northern passes has been coincident with some degree of emigration, and at times this must have been on a considerable scale. At no time of which record exists has India been wholly isolated and self-contained in the matter of the movement of population.

Thus we have many evidences of a tendency in ancient days toward the spreading of Brahmanical culture beyond the confines of the peninsula. Indian legends, folk-lore, early epics and romances give abundant proofs, when all allowance is made for hyperbole and extravagant metaphor, of the immemorial struggle for expansion of the Aryan races in their contact with the dark aborigines carrying them across the seas. The great part the island of Ceylon, for example, plays in these semi-

historic legends is well known to Western readers of the Ramayana. Indian influence and culture long dominated the Malay Peninsula and Archipelago, and went further eastwards. In the depth of Cambodia, one of the protectorates of Indo-China, are the immense and wonderful ruins of Angkor Wat and Angkor Thôm—miles of stately edifices covered with carvings of the most delicate and elaborate description, and retaining to a great extent their beauty and strength, although they are sunk in tropical forests, overgrown, deserted, and abandoned of man. Angkor Thôm is dated by experts before the Christian era, and the temples of Angkor Wat were certainly finished by the fifth or sixth century. Well-nigh every stone of them is carved, some with Hindu and some with Buddhist figures. To this day certain ceremonies performed in Cambodia resemble distantly the Brahmanical cult, while the Anamese religion is a vague and very tolerant Buddhism, which in practice resolves itself chiefly into the worship of ancestors.

The natural tendency toward external expansion on the part of the most advanced Indian races was checked from the third century of the Christian era by the hopeless disorganisation of Indian society, arising from such causes as the prolonged struggles between the Brahman hierarchy and the Buddhistic and Jain cults, and the economic effects of cycles of deficient rainfall in over-populated areas. India lost contact with her children beyond the seas, and left the Brahmanical influences in the Malay Archipelago to wither away, or at all events to be greatly modified by the habits and customs of the aboriginal peoples. Hence when Islam reached Java and other islands of the Archipelago

some ten centuries later, it had little difficulty in succeeding to the dominant position formerly occupied by the Brahmans, and in establishing Moslem civilisation on durable foundations. Meanwhile Hindu society lost its cohesion and stability, and its expanding and colonising powers came to an end. From the sixth or seventh century down to the fourteenth or fifteenth century, though minor communications existed between India and the East and there was some interchange of commodities westwards, there was little attempt at regular settlement beyond the seas.

The early struggles of the Western European Powers for dominance of the Indian seas, after the discovery of the Cape route, had their reflex action in reviving Indian overseas enterprise. A tendency to expansion across the Indian Ocean to the African coast arose. It steadily grew, amid all the mutations of the ensuing centuries, until in Victorian times the Eastern littoral of the vast African continent became the principal outlet for the emigrating classes of the country. There also developed under British rule a stream of Indian emigration to the West Indies, Mauritius, and islands of the Pacific, such as Fiji. In the same way, a minor current in the early years of the present century turned the thoughts of emigrants to the Pacific coast of Canada and the United States. Still, apart from the easy access to, and return from, plantations in Ceylon and the Straits Settlements, the main trend was toward Africa. There were hopes amongst instructed Indians at least of the foundation on the other side of the Indian Ocean of a daughter country. But the vision was disturbed by the conflict of interests

which led the white colonists to impose restrictions and disabilities upon the Indian communities.

The first cause for anxiety came when, in the southernmost part of Africa, in Natal and the two Dutch Republics, the severe pressure of anti-Asiatic legislation and executive action was widely felt. The grievances of the emigrants and settlers whose labour had been eagerly sought in the first instance for the agricultural and plantation development of Natal were taken to heart by their fellow countrymen at home. The marked impression made throughout India by the difficulties confronting the Indians in South Africa—difficulties which, after all was said and done, were not surprising in view of the disadvantages from which India herself suffered—can only be attributed to an instinctive consciousness that one of the dearest aspirations of the country, though scarcely formulated as yet, was in danger. India was groping her way, even then, to a more honoured and recognised place in Imperial partnership. Rich and poor, educated and ignorant, men of all races and creeds, conservatives like Sir Mancherjee Bhownaggee (who eloquently pleaded the cause of justice for his countrymen in Parliament), and those of advanced opinions and idealism, like Mr. Gandhi, the Indian leader in South Africa, were united and determined. In a very real sense a *cri du cœur* was raised by India for the protection of her absent children.

Behind the natural indignation and sorrow aroused by the knowledge of the indignities suffered lurked the almost unconscious fear of a great danger that was not adequately appreciated by the British people at the time. Long before the

partition of the mainland dominions of the Sultan of Zanzibar amongst the European Powers, East Africa had been the principal field abroad for Indian activity in higher services than those of manual labour. The contribution the Indian has rendered to civilisation and material development in East Africa dating from before the advent of European influence in Zanzibar and on the adjacent mainland, can scarcely be over-estimated. Commerce in every branch, the development of agriculture, the supervision of works of public utility, the higher forms of skilled labour, the exercise of no insignificant share of political influence amongst the chieftains—all these were in Indian hands for many a decade before Europeans began the work of thorough and scientific exploration of the East African mainland. And the pioneers of this great enterprise, Stanley, Kirk and others, were indebted to Indians, such as the late Sir Tharia Topan, for the organisation of their expeditions into the interior. The value of Indian merchants and traders to this part of Africa was vastly increased by the establishment of British rule in the equatorial zone and through to Uganda. Indians not only constructed the railway from the coast to Lake Victoria Nyanza; they were the pioneers of the intercourse with the interior of which it is the chief link.¹

During the closing years of the nineteenth century, however, it was discovered that the plateau

¹ "It is the Indian trader who, penetrating and maintaining himself in all sorts of places to which no white man could go, or in which no white man could earn a living, has more than anyone else developed the early beginnings of trade and opened up the first slender means of communication."—*My African Journey*, 1908, by the Right Hon. Winston Churchill, then Under-Secretary for the Colonies.

of British East Africa offered an excellent field for European colonisation. The resort thereto has not been very large, but has comprised farmers from Great Britain, and also some colonists from South Africa who had not succeeded there so fully as they had hoped. But the influence of the white settlers was very great, and the twentieth century was still in its infancy when it became evident that there existed in embryo most of the factors which had led to the troubles of the Indians in South Africa. In a country which, till then, India had had reason to regard as almost a daughter state, a relative handful of white settlers claimed the reservation to Europeans of the whole of the fertile highlands, covering an area from 25,000 to 80,000 square miles. The regulations passed under the influence of the white settlers exposed the Indian subjects of His Majesty to growing disabilities and restrictions.

Inevitably the feeling between the two sections became one of sullen, if usually unexpressed, hostility. Every year there was, on the one side, a sense of injustice and fear of repetition of the distressing experiences of fellow-countrymen in South Africa; while, on the other side, there were selfish claims and a dislike for the enterprise of people of dark colour looked upon as a conquered and inferior race even in their own country. The Indian settlers in East Africa were mostly of a more advanced and prosperous class than those which had gone to the Natal plantations under indenture, and some of them were men of wealth. Hence they were able to visit their native land much more frequently than South African Indians. They poured the tale of their sorrows into sym-