

in India. The problem has, therefore, to be considered by an examination of the existing popular control in (1) the Secretary of State's Council, (2) the Indian Legislative Council (3) the Local Legislatures, (4) District administration. The proposals for dealing with the strength and composition of the Legislatures and enlarging their functions and for the improvement of District administration come under this category.

(4) What is the effect of the establishment of self-governing institutions on the present organisation of the public services in India? What are the changes that are necessary?

(5) What is the position of the Native States in a complete scheme of self-government for India?

These are the problems that arise for consideration. The development of Indian Polity on a self-governing basis can only be secured by a radical re-adjustment of the mechanism of government, all through from the top to the bottom.

CHAPTER IV.

PARLIAMENTARY CONTROL.

"We have got an overweighted Parliament; and if Ireland or any other portion of the country is desirous and able so to arrange its affairs by taking the local part, or some local parts, of its transactions off the hands of Parliament, it can liberate and strengthen Parliament for Imperial concerns."—MR. W E GLADSTONE, (*in the House of Commons, 1879*)

Under the present Indian constitution the ultimate responsibility for the Government of India is unquestionably with the Imperial Government and therefore in the last resort with the people of the United Kingdom represented by Parliament. In the words of Lord Morley, "the cabinet through a Secretary of State have an unexpugnable right, subject to law, to dictate policy, to initiate instructions, to reject proposals, to have the last word on every question that arises, and the first word on every question that in their view ought to arise. On no other terms could our Indian system come within the sphere of Parliamentary Government." This description of the position of Parliament in relation to the Government of India really resolves itself into a discussion of the relative authority of the Secretary of State who is the mouth-piece of the cabinet and the Governor-General-in-Council and of the ability of the British democracy to govern the Indian Empire. In a very interesting article in the *Nineteenth Century and After* in 1911

on "the British democracy and the Indian Government" Lord Morley explained that self-government in India means two things. "In one sense," he said, "it touches the relations of the indigenous population to the European authorities whether central and paramount or provincial and local. In another sense, it concerns the relation between both the people and the organs of European authority in India on the one side and the organs of Home Government on the other. The distinction is in the highest degree important. The popular claim under the first head though not easy to adjust, is easy to understand; it founds itself on democratic principles borrowed from ourselves both at home and in the self-governing Dominions. The second is different. It has not yet taken formidable shape, but it may soon. The ruling authority in India is sure to find itself fortified from pressure from the new councils in forcing the Indian interests, and what is more, the Indian view of such interests, against any tendency in England to postpone them to home interests." We have, therefore, two problems. On the one side we have a bureaucracy in India without the control of representative institutions in the country. On the other, we have the problem of releasing the Government of India from the control of the British democracy. British Indian administration cannot be between two fires, and the establishment of self-governing institutions in this country with real and effective control over the administration must lead to the withdrawal of Parliamentary control over the domestic affairs of India.

This is sufficiently clear from the Parliamentary enquiry that preceded the consideration of the Bill which became the Government of India Act in 1853. The extension and improvement of the then existing governmental mechanism relating to India came up for a good deal of consideration. One of the subjects which came up for discussion was the constitution of the Home Government which then consisted of the Crown, the Board of Control and the Court of Directors. The organisation and functions of each of these bodies was very much considered and John Stuart Mill, whose long and intimate acquaintance with the India Office made him a considerable authority on questions relating to the machinery of the Government of India, was examined at length on these subjects before a Committee of the House of Lords. At the time of his examination the movement for the grant of self-government for the Colonies had already taken shape and Mr. Mill was asked why the machinery in England for the Government of India should be differently constituted from that of the Colonies and the other dependencies of Great Britain. Mr. Mill explained that in the Colonies there were local popular bodies which were of themselves very great check over local administration, independent of any check afforded by Parliament. If there was a possibility then of establishing a similar check in India by any form of representative government he was of opinion that the constitution of the organ of Government in England much less important. Mr. Mill stated that the public opinion

of one country was scarcely any security for the good government of another. The great security for the good government of any country was an enlightened public opinion. Mr. Mill asserted that the people of England were very ill-acquainted with the people and circumstances of India and felt so little interest in them that he apprehended that the influence of public opinion in England on the Government of India was of very little value and whenever that opinion asserted itself, it was usually from impulses derived from Europeans connected with India rather than from the people of India itself.

The scheme of reforms formulated by the Indian National Congress and the Muslim League touches both aspects of the question referred by Mr. Mill and Lord Morley. There is a demand that the organ of Indian Government established in England should be reformed, that the Council of India which controls the Indian administration should be abolished and that the Secretary of State should occupy the same position in relation to the Government of India as the Secretary of State for the Colonies does in relation to the Governments of the self-governing Dominions. In other words, the control of the India Office over the domestic administration of India should be removed and, that in its place the control of the legislative councils in India over the executive government should be substituted except in certain specified departments of governmental activity. These are the broad principles of Indian political reconstruction. Their application in the limited form in which they are presented in the

Congress-League Scheme does not constitute responsible government in any sense whatever. They constitute a further extension, and a more effective one, of the principle of representative government which was extended to India in 1892.

LORD PALMERSTON IN 1858.

Before proceeding further, I must refer a little more in detail to the machinery for Indian administration created in England by the Government of India Act, 1858, which in all essential respects, has remained the same to the present day. In introducing the Government of India Bill in 1858, Lord Palmerston fully explained the object of the measure and stated that the essence of the British political system consisted in the fact that all administrative functions should be accompanied by ministerial responsibility—responsibility to Parliament, responsibility to public opinion, responsibility to the Crown but in the case of India these functions were till then committed to a body of persons not responsible to Parliament, not appointed by the Crown but elected by persons who had no more connection with India, than that consisting in the simple possession of so much "India stock." He pointed out that the then existing system of double government, through the medium of the Court of Directors and the Board of Control, was cumbrous in the extreme, and the division of the functions of Government then in force was no longer suitable to the altered condition of things.

The functions of Indian Government had been till then divided between the Court of Directors, the Board of Control and the Governor-General in India.

The Board of Control established by Mr. Pitt's India Act in 1784 represented the Government of the day and was responsible to Parliament, and was appointed by the Crown and exercised functions delegated to it. The Court of Directors represented the holders of India stock and the Directors chosen by them were men of Indian experience. The Governor-General was invested with great and independent powers and the co-ordination of the functions of each of these three authorities was, Lord Palmerston stated, always a matter of constant concern and anxiety. He flouted the notion that the Government of India was a great mystery and that the House of Commons should keep aloof from any interference in Indian affairs and ridiculed the plea that if Indian affairs were placed under Parliamentary control, they would be the subject and plaything of party passions in the House of Commons. The management of India, Lord Palmerston pointed out was dependent on the same general principles of statesmanship which men, in the public life of Great Britain, acquired and made guidance of their conduct. He said that if things had not gone on so fast in India as they might have done, if progress and improvement was somewhat slower than might have been expected, that was due to the circumstance that the public of England were wholly ignorant of Indian affairs and has turned away from them and because Parliament had never come, face to face, with men personally and entirely responsible for the administration of Indian affairs. He expressed the opinion that "as regards the executive functions of the Indian Government in

Great Britain it was of the greatest importance to vest complete authority where the public have a right to think that responsibility should rest, and that whereas in this country there can be but one governing body responsible to the Crown, to Parliament, and to public opinion, consisting of the constitutional advisers of the Crown for the time being, so it is in accordance with the best interests of the nation, that India, with all its vast and important interests, should be placed under the direct authority of the Crown, to be governed in the name of the Crown by the responsible Ministers of the Crown sitting in Parliament, and responsible to Parliament, and the public for every part of their public conduct instead of being as now mainly administered by a set of gentlemen who, however responsible, however competent for the discharge of the functions entrusted to them, are yet a totally irresponsible body." These were the admirable sentiments which actuated the statesmen of the day in undertaking legislation for placing India directly under the Crown. Parliament thus made itself responsible for the good government of India and other the authority of the British democracy over the internal administration of India was thus established.

THE SECRETARY OF STATE'S COUNCIL.

In addition to this democratic control over Indian affairs, the establishment of a Council to assist the Secretary of State for India was another great constitutional change introduced in 1858. The Government of India Act, then enacted was an emergency measure undertaken immediately after the

Mutiny. The Government of the day were therefore, anxious, to provide for India a mechanism of government, as near as possible, the one that was superseded. A Council was established which took the place of the Board of Control and the Court of Directors till then existing. The Act of 1858 conferred on the Secretary of State and the Council of India enormous powers of control over Indian administration. In fact the Secretary of State in Council of India is the pivot of the whole system that came into existence then. The power of the Secretary of State except in finance, is supreme and final; where he and his Council differ his voice prevails over the whole Council; and where he and the Indian Government differ the voice of the Secretary of State prevails over the Government of India and the Viceroy.

The Council of India is mainly a consultative and advisory body. The present position is that Parliament has no power to control Indian expenditure except in cases where it is incurred beyond the frontiers of the country. Parliament has an undoubted right to legislate for India but that legislation is, as a matter of fact, in practice only confined to cases where, on account of financial transactions carried on in the United Kingdom on behalf of India such as the Public Debt, a charge has to be imposed on the revenues of India. The legislation relating to India is undertaken in India by the Indian Legislative Councils created under Parliamentary statutes. But in the matter of Indian expenditure the vote of the Council of India is decisive. In fact it has been urged that the establishment

of the Council of India independent of Parliamentary control, is a departure from the general principles of the British Constitution.

From this statement of the constitutional position it will be evident that the Secretary of State enjoys extensive powers of patronage and financial manipulation and enjoys, besides practical immunity from Parliamentary control. His salary is not placed on the Estimates of the United Kingdom and therefore his conduct and activities cannot be discussed in the ordinary course by the House of Commons.

The democratic control in the Indian constitution at present is, therefore, the control of the Parliament of the United Kingdom. The whole field of Indian administration is open for criticism and discussion in Parliament practically in the same manner and to the same extent as the domestic concerns of the United Kingdom. A member of Parliament has the same right of interpellation, or moving resolutions and of financial criticism in regard to Indian affairs as he has in the affairs of his constituency or in those of the British Empire. Parliament has however practically deprived itself of some power of control by the constitution of the Council of India in whom financial administration is solely vested under the terms of the Act.

INDIA AND PARTY POLITICS

It has often been asserted that questions connected with India are not and must not be treated as party questions in Parliament. This statement is by no means accurate. It implies that

party questions are subjected to considerations of a type from which Indian questions are rightly kept free. There is an assumption here that the former are apt to be judged not exclusively upon their intrinsic merits but to some extent also by a reference to party loyalties and that the perpetual competition of the 'inns' and 'outs.' Sir Charles Metcalfe expressed the same sentiment at the beginning of the last century in another way by stating that India would be lost on the floor of the House of Commons. Anglo-administrators, members of Indian Civil Service and Governors of Provinces, dislike Parliamentary interference in Indian affairs. Even Viceroys are not free from this feeling. On the eve of his departure to India after an extension of his term of office Lord Curzon appealed to an English audience not to trouble him "with an excessive display of Parliamentary affection." It is impossible, however, under the present party system in the United Kingdom to eliminate Indian questions from the sphere of party politics and to refrain from subjecting them to a party vote. There is a desire on the part of the ministerial majority to keep their leaders in office and whenever a question of British Indian policy is pressed in the House against the views of the Secretary of State and the opposition is likely to become effective, the ministerial majority respond to the ministerial whips in order to save the Government from defeat. A Secretary of State whose policy is challenged knows perfectly well that if the question is taken to a division he can count

with confidence upon the fear of the defeat of the Government to secure the support of a sufficient number of men of his own party. The only hope, therefore, for an effective discussion of Indian questions against the view of the Cabinet as represented by the Secretary of State is in His Majesty's opposition and when a Secretary of State appeals to the House of Commons to keep India out of the contentions of British politics he really makes a request to the members of the party in opposition not to controvert his views. The Secretary of State, whether a liberal or conservative, is under the advice of the Council of India and his policy cannot be successfully attacked in the House of Commons so long as the Government has a majority in the House. This is the true position of India in British politics. The party in opposition to the Government has not the same incentive to examine Indian questions as it has in regard to questions in which the British constituencies are interested. India is, therefore, practically administered by the India office and several Secretaries of State bent on reform and progress have been successfully thwarted in their endeavours by the members of the India Council and the permanent staff at the India office.

A PLEASANT FICTION

Another statement that has been made now and then is that all the members of the House of Commons are "members for India." India is not directly represented in the House of Commons and every member of that House can in a sense regard himself

as a member for India. He has however, no constituency behind him which can charge him with neglect of duty and which can press him persistently to urge any particular aspect of Indian administration on the attention of Parliament. English Parliamentary elections have been seldom fought on an Indian question and the ignorance of India and her teeming populations and of the broad points of Indian policy in the United Kingdom is incredible. To some Indian policy may mean North-Western Frontier or Persia and to others it may mean cotton manufactured goods or cutlery. The broad points of Indian administration and policy is a sealed book to most members of the House of Commons. If, therefore, any member of Parliament turns his attention to a consideration of Indian questions, it is either from those highly patriotic motives which have always actuated English public men from the days of Edmund Burke or due to Indian connections in the European services. Pitt and Fox, Burke and Sheridan, Macaulay and Sir Henry Maine, Bright and Fawcett, Bradlaugh and Caine, Sir Henry Cotton and Sir William Wedderburn and many others of the same type belong to the former class. They have advocated the extension to this country of the same liberal principles of Government which are the keynote of the British system and their names are enshrined in the hearts of the people of this country. The other class which represents, or to be more accurate, misrepresents India in Parliament are the retired Anglo-Indians, who, with honourable exceptions, have tried to belittle Indian aspirations, to magnify

the difficulties of Indian administration, and to take every opportunity to ventilate their obsolete knowledge of Indian polity. India, moreover, does not kindle the fire of party which is the most attractive element in securing crowded houses and long speeches. It is unnatural that the generality of the representatives of democratic constituencies of the United Kingdom intent on rectifying local abuses and on the solution of Imperial problems should trouble themselves with the domestic affairs of this country. For, the British Congress Committee organised an Indian Parliamentary Committee to educate the members of Parliament on questions relating to India, but the attempt did not meet with much success though there were as many as 150 members at one time on the Committee. Every expedient has been tried to get a better hearing for Indian questions in the United Kingdom but, on the whole, if we have not succeeded it is entirely due to the inherent impossibility of the situation. An analysis of the Parliamentary discussions relating to India during the last half a century leaves a general impression that the attention of Parliament was directed more towards the rectification of the grievances of the European services in India and the promotion of the general welfare of the commercial classes in Great Britain. Measures relating to the social welfare of the people of this country, their material and moral progress attracted comparatively little attention from Parliament. It would, indeed, have been surprising if Parliament took more interest in Indian affairs than it did or than it does.

CONGESTION OF BUSINESS.

The gradual congestion of business in the Imperial Parliament since the Reform Act of 1832 has already been referred to. The movement for the establishment of subordinate Legislatures has been advocated not merely to enable Parliament to discharge its Imperial responsibilities but also its duty to India. This argument was actually put forward in Parliament in 1902 on a motion for the establishment of self-government for the various nationalities forming the United Kingdom. The mover stated that the affairs of the largest and the most important dependency in the Empire are disposed of in the House of Commons year after year in one short afternoon and that this was not creditable to the British Nation.

THE INDIAN BUDGET

This brings me to the subject of the Indian Budget in Parliament. The annual Parliamentary discussion of Indian affairs is looked to with breathless interest throughout India and a report of these proceedings is the one political event of the year which is eagerly awaited in the country. This is the only opportunity in the year on which the Indian administration can be brought under discussion. The annual debate in Parliament may be likened in many ways to similar performances in the Indian Legislative Councils at the present day. Parliament has no power to vote upon the Budget, having under the terms of the Government of India Act, 1858, constituted the Secretary of State in Council the final authority on questions relating to Indian

revenues and expenditure. The Secretary of State is only required to lay the Financial Statement before both the Houses of Parliament and the resolution that is actually adopted every year in Parliament is in these terms:—"That it appears from the accounts presented to Parliament that in 1913-14 the revenue of India amounted to £88,434,950; the expenditure charged to revenue to £85,355,560 and the capital expenditure not charged to revenue to £3,150,560." The resolution does not express approval or disapproval of anything. It neither adopts nor suggests any policy. It merely registers an arithmetical fact that certain totals are to be found in certain closed accounts. The character of this resolution gives us the measure of the control which Parliament is able to exercise over Indian finance. In India, the taxpayers are helpless as they have no voice in the administration. In the United Kingdom, the Parliament which might be helpful has allowed itself to be gagged. The result is that the actual power is vested wholly in a handful of officials at the India Office who enjoy complete irresponsibility and deprecate any interference with their despotic authority. When the financial statement is usually presented in Parliament in August, it has already been brought into force in the preceding March. As I have already pointed out, the Budget debate is however useful as the one certain opportunity in the year for a random discussion on Indian questions.

Even this formal annual function has always been performed at the far end of the Parliamentary

session and no serious attention has been paid by anybody to this or other Indian questions. The invariable complaint ever since 1858 has been that the Indian Budget is put off to the very latest date in the session when most members had left for their homes. The attendance on these occasions has been very meagre.

NEGLECT OF INDIA.

This systematic and deliberate neglect of Indian affairs by Parliament has always been the subject of protest by members interested in India. The debates show that almost every year during the last half a century complaints have been made about the way in which the Indian Financial Statement has been made in Parliament. I will only refer to three motions made in the House of Commons at three different periods which throw a great deal of light on the conditions under which the debate takes place in Parliament. The dates and facts mentioned in support of these motions contain a comprehensive view of the whole position.

MR. FOWLER'S MOTION IN 1873.

The first was a motion in 1873 by Mr R. N. Fowler in these terms: "That in the opinion of this House it is desirable that the statement of the financial affairs of India should be made at a period of the sessions when it can be fully discussed." After referring to the statements of the leaders of both parties in 1858 to the effect that if the Government of India were transferred to the Crown, India would receive a greater amount of attention at the hands of Parliament, Mr. Fowler said "How had that pledge given by the then leaders and endorsed by an enormous majority of the House, been redeemed? It had previously been the practice to put off the Indian Budget to the end of the session and after the power was transferred to the Crown it might well have been expected that a new system

would be adopted ; but judging from the dates on which the Indian Budget was introduced between 1856 and 1870, the practice still continued of bringing it forward at the close of the session. It was brought forward by Sir Charles Wood, on August 1, 1859, the prorogation occurring on August 13, a period of 12 days, again on August 12, 1860, the prorogation occurring on August 28 a period of 15 days ; again on July 25, 1861, the prorogation occurring on August 6, a period of 12 days ; again on July 17, 1862, the prorogation occurring on August 7, a period of 21 days, again on July 23, 1863, the prorogation occurring on July 28, a period of 5 days, again on July 21, 1864, the prorogation occurring on July 29, a period of 8 days ; again on July 29, 1865, the prorogation occurring on August 6, a period of 8 days, on July 19, 1866, the prorogation, occurring on July 31; a period of 12 days, on August 12, 1867, the prorogation occurring on August 21, a period of 9 days, again on July 27, 1869, the prorogation occurring on July 31, a period of 4 days, on August 3, 1869, the prorogation occurring on August 11, a period of 8 days ; and again on August 5, 1870, when Mr. Fawcett moved an amendment. "That this House regrets that the Indian Budget is introduced at so late a period of the session, and is of opinion, considering the present position of Indian Finance, that it is expedient to appoint a Select Committee early next session to inquire into the administration of the finance of India." This amendment was withdrawn and the House agreed to the resolutions, the prorogation occurring on August 10, a period of 5 days. After reviewing the introduction of the Budget in the past, Mr. Fowler stated that to postpone so important a debate until the "dog days" is not creditable to the conduct of business in the House of Commons and that the members on the House are trustees of the people of India, and it is on that account the duty of England to see that the interests of India are properly looked after. It seemed to him to be a discredit and a reproach to Parliament that the affairs of India should be discussed by a jaded and exhausted house in the last days of an expiring session. Mr. Fowler complained that the Indian Budget that year was taken at the fag end of the session at a time specially selected for its inconvenience and the Indian people were of opinion that more respect was shown to

the most trumpety question that was debated in Parliament than is vouchsafed to questions vitally affecting their welfare and that they will only come to the conclusion that the Government was bent on pursuing the suicidal course of treating the affairs of India with continuous neglect.

MR. FOWLER'S MOTION IN 1883.

For ten years afterwards there having been no improvement, Mr. Fowler again brought forward a motion in the House of Commons in identically the same terms, and his speech on the occasion is noteworthy as a review of the position from 1873 to 1883 :—He said that he wished to point out that it had been the habit of successive Governments, for a long course of years the occurrence of some particular urgent circumstances, to put off the introduction of the Indian Budget until the Appropriation Bill was brought forward just before the close of the session, when it was impossible to afford any adequate opportunity for its discussion. He had made the same motion in 1873, when he was supported by Sir Stafford Northcote and the Postmaster-General (Mr. Fawcett). At that time he stated to the House that the Budget had been constantly brought forward in the dog days. He then quoted from Hansard between 1858, when the company was abolished, and 1873, the date of his last motion. Since then, there had been no improvement. In 1873, the Budget was brought in July 31, the prorogation being on August 5; in 1874 August 3, the prorogation being August 7; in 1875, August 9, the prorogation being the 13th, in 1876, August 10, the prorogation being the 15th; in 1877 was an improvement, as it was brought in on June 21, but in 1878, it was on August 13, the prorogation being on the 16th; 1879 was again an improvement, as it came on May 22, and was twice adjourned; in 1880 there was the Dissolution, and it was brought in on August 17, three weeks before the end of the Session, but in 1881 it was August 21, the prorogation being on the 27th; and in 1882, August 14, the prorogation being on the 17th; and in 1882, August 14, the prorogation being on that 18th. Against the system, protests had been made over and again, without effect by Mr. Fawcett, and

by other eminent authorities who were deeply interested in the affairs of India; and he therefore 'appealed earnestly to Her Majesty's Government' to seriously consider whether something could not be done to remedy what appeared to him to be a scandal. The existing system not only prevented the House from taking that interest which it ought to take in the affairs of India, but it was a direct violation of the pledges given by many eminent men, when the Government of India was transferred from the East India Company to the Crown. Great as was the importance of the business pressed upon the House of Commons, he could not help feeling that it owed almost as great a duty to the people of India.

MR. CLADWELL'S MOTION IN 1899.

There was no improvement whatever and 15 years afterwards a similar motion was again brought forward, in 1899. Mr. Cladwell's motion was in these terms:—

"That under the existing procedure the superintending authority of Parliament over Indian affairs is not effectively exercised,

(b) that the salary of the Secretary of State for India should be placed on the estimates ;

(c) that the debate on the Indian Budget should be appointed for an earlier day in the session ; and

(d) that with a view to the more effectual discharge by this House of its existing duty to the unrepresented Indian tax-payers, the East India Accounts should each year be referred to a Select Committee with instructions to report on any special features deserving the attention of the House."

In the course of his speech he pointed out that there was no effective discussion of Indian affairs in the House and very little interest was taken in Indian affairs by the ordinary members of the House.

SIR WILLIAM WEDDERBURN.

The speech delivered on the occasion by Sir William Wedderburn is so full of interest and so well applicable

to the conditions of the present day that no apology is necessary to quote it at length :—“ The Right Honourable Member for East Wolverhampton (Sir Henry Fowler) when he was Secretary of State for India declared that all the members in this House were members for India. The sentiment was received with great enthusiasm and I rejoiced that this was so as showing that they recognised their responsibility to India. At the same time looking to-night at the empty benches it must be confessed that the attendance is not what it would have been if the vital interests of British constituents had been in question. The machinery of this House fails to secure the object of superintending Indian affairs and redressing Indian grievances. I speak from sad personal experience for, during the last six years, I have striven to get a hearing for the Indian view of Indian affairs, but in no case, have I been able to obtain independent enquiry into any complaint, nor the redress of any Indian grievance, whether that grievance is suffered by an individual, by a class, or by the whole Indian people. The theory, of course, is that the Secretary of State is responsible to Parliament. When dealing with Indian complaints he is supposed to occupy a position of judicial impartiality. But this is altogether a delusion. The Secretary of State for India, being backed by the Ministerial majority, is, in Indian matters, practically the master, not the servant of the House of Commons, and so far from being an impartial judge, ready to hear complaints and eager to afford redress, he is in reality the mouthpiece and champion of the official hierarchy against whom the complaints are made; deriving his views and information solely from the India Office, he becomes naturally the apologist of all official acts and resents every complaint as a reflection upon the administration of which he is the head. Accordingly the regular routine is to refuse all independent enquiry, to refer complaints for report to the officials complained against and when that official pleads not guilty to assure the House that no grievance exists. As a general rule, the press seems to find some curious satisfaction and amusement in recording how the House empties itself when Indian questions are discussed, and instead of rebuking this neglect of duty, it calls

the speakers on behalf of India, bores and faddists, as if the ancient tale of woe of the Indian cultivator was a topic suitable for light and humorous treatment."

MR. HARWOOD

Another member, Mr. Harwood, asked the House of Commons whether it is right and wise to hand over a quarter of the population of the globe to a Bureaucratic Government and referred to the lessons and political experience of contemporary history of other countries as to the dangers of the bureaucracy. However good or however capable that Government may be, it was not wise policy, he said, for an enlightened country like Great Britain to adopt that attitude of neglect in regard to a vast Empire such as the Indian Empire. He questioned the accuracy of the description of the newspapers that the Indian debate is a solemn farce. He thought it was not dignified enough to be solemn and certainly it was not humorous enough to be called a farce. It was not farce, it was a tragedy which made him ashamed of their pretensions about the Empire, when they cared so little for India and paid so little attention to it. Mr. Harwood concluded by saying that there was a deliberate attempt to do away with representative Government of India as far as Parliament was concerned and that there was also a deliberate attempt to do away with representative Government in India so far its local affairs were concerned.

Sir Henry Fowler who was then the Secretary of State for India made the orthodox defence and contended that India was not a self-governing Colony and that the Government in India is a Government unique in itself regulated by Acts of Parliament and that Parliament alone had the power to alter or modify that Government. These periodical reviews of events and dates give us a connected account of the way in which the Indian Financial Statement has been dealt with in Parliament ever since the assumption of direct sovereignty by the Crown.

THE SECRETARY OF STATE'S SALARY.

The motion for placing the salary of the Secretary of State in Council on the British Estimates has also been brought forward many times in the House of Commons. The Secretary of State's pay and the annual cost of the maintenance of the India Office are debited to the Indian revenues and are placed on the Indian Budget. The proposal to place the Secretary of State's salary on the British Estimates is one of the oldest political reforms advocated in India. It was suggested by the Indian National Congress several times. The Minority Report of the Royal Commission on Indian Expenditure in 1895 suggested this change. The object is to maintain the controlling authority of the House of Commons over Indian expenditure and to secure opportunities to members for a criticism of the whole field of Indian administration. The last time the motion was brought forward in Parliament was in 1906 when Mr. Keir Hardie moved a resolution that "in view of the responsibility of Parliament in reference to the Government of India and in order to provide a more effective control over Indian administration it is expedient to place the salary of the Secretary of State for India on the estimates." Lord Morley, replied that all sections of the House were agreed that it is best and wisest to exclude India from the field of "ordinary party operations in Parliament." "The debate on the Secretary of State's salary must be subjected to a party vote and all supporters of the ministry or nearly all would go into the lobby to give the Secretary of State his salary and all those who

are in opposition might, in spite of their desire to keep India out of party politics, support a reduction of salary." Lord Morley was of opinion that the supervision and the criticism of the details of Indian administration in the House of Commons would do no good but considerable harm to the Indian Government. The motion was eventually defeated by 153 against 89 votes. The salary of the Secretary of State for India is paid by India because at present India has no power to resist such a demand. If the Secretary of State has to be paid by the Indian Government and is a public servant of that Government, what is his position in the House of Commons? If he is a servant of the Government of the United Kingdom why does not that Government pay his salary? These questions have always been evaded and no satisfactory answer has ever been given.

DIRECT REPRESENTATION.

Indian public opinion has always deplored that the British democracy has failed to discharge its trust to India. The subject of direct representation of India in the British Parliament was discussed many times by the Indian National Congress. The analogy of the Portuguese Legislature which made provision for representatives from Goa and that of the Chamber of Deputies in France on which there are representatives from India have been often pressed. Indian representation in a Parliament six thousand miles away for the discussion of its internal affairs which ought to be discussed in the country itself is an incongruity. The proceedings of the East India Association, London, show that Indian political reformers

have, almost since the transfer of India under the direct sovereignty of the Crown have urged the establishment of representative institutions in this country. The scheme of Imperial reconstruction so much discussed now, namely, the separation of the Imperial functions of Parliament from its domestic responsibilities to the people of Great Britain was actually put forward in 1868 in the discussion of a proposal for the representation of India in the Imperial assembly. A more effective control of the British democracy over British Indian administration is impossible of attainment but what is now desired is not effective control of the British people over the internal affairs of India but the control of the people of the country. Under the existing system Parliamentary responsibility for the Indian affairs is a potential power which can be invoked only very rarely but with the establishment of self-governing institutions in India, a much more effective control on the spot will be established. The ideal party in the United Kingdom for India is, therefore, neither the Liberal nor the Conservative, Labour nor Radical, but the party that recognises the value of India as an organic self-governing unit in the Imperial system.

CHAPTER V

HOME GOVERNMENT.

"I tell this House that the statutory organisation of the India Office produces an apotheosis of circumlocution and red tape beyond the dreams of any ordinary citizen."—THE RIGHT HON'BLE MR. MONTAGU (*in the House of Commons, 1917*)

The group of authorities known as the Home Government which, under the Indian Constitution, control the affairs of this country in England consist of the Crown, the Secretary of State and the Council of India. The functions and powers of each of these authorities and their relation to the Government of India and the Local Governments were laid down by the Government of India Act in 1858 and are substantially the same to-day as they were then settled.

The Act of 1858 provided the Secretary of State with a Council whose composition and functions were mainly founded on the analogy of what the Government of India under the East India Company had been. At that time there was a marked dread of the Government under a single minister having uncontrolled power spending the revenues of India and there was also a deep mistrust of the patronage of India being handed over to a single individual. The responsibility of the Secretary of State was maintained and safeguarded and the functions of the Council were in the main advisory, except in the matter of Indian expenditure. The responsibility for the administration of Indian Revenues is vested in the

Act of Parliament in the Secretary of State in Council and the Secretary of State is answerable to Parliament for the exercise of that responsibility. A limited discretion has been delegated to the Government of India, but apart from that discretion no new expenditure can be incurred without his sanction. The annual estimates are reviewed by the Secretary of State and such directions as he may consider necessary are also given by him to the Government of India. A committee of the Council and the department of the India Office under the Financial Secretary are charged with the examination and consideration of all proposals involving expenditure whether initiated in England or in India. Large questions affecting the revenues such as revision of settlements and rates of taxation are considered by another committee of the Council and by the revenue department of the India Office. The expenditure on stores is under the control of another committee of the Council and of the stores department. The powers of the Secretary of State in respect of the Government of India and his relations to that Government are also determined by that Act, and form the legal foundation for the control exercised by him and the Council over the whole field of Indian finance and consequently of Indian administration. The extent and character of this control extends to all acts of the Government in India. Sir Thomas Holderness, K. C. S. I., Under-Secretary of State for India, summarised the present position in 1913 before the Royal Commission on Indian Finance and Currency in the following words:

"The extent of this control is unlimited, except in so far as by general or special orders he has delegated powers of sanction to Indian authorities. Large powers have been so delegated. They are collected together in various codes, such as the Civil Service Regulations, the India Army Regulations, the State Railway Code, and in what is called the audit resolution of the Government of India. Expenditure proposals that are not covered by these delegated powers have to be submitted by the Government of India to the Secretary of State in Council for his sanction and questions inevitably arise from time to time as to the exact extent and limits of the delegated powers. Every important administrative project, it may be said, involves expenditure beyond the sanctioning authority of the Government of India, and has to be considered by the Secretary of State in Council in its financial as well as in its administrative bearings. The proposals of the Military, Public Works and Railway Departments in particular affect large sums of money. The budget estimates of the Government of India and the 'ways and means' provision of the year also raise large questions of financial policy. Thus in one way or another a large amount of intricate and important financial work necessarily comes from the Indian Government to the Secretary of State in Council."

The Council is, in the main, a consultative body, without any power of initiation and with a limited power of veto. Even on question of expenditure, where they arise out of previous discussions of the Cabinet, as would usually be the case in matters relating to peace or war, or foreign relations, it would be very difficult for the Council to withhold their concurrence from the Secretary of State when he acts as representative and mouthpiece of the Cabinet. Now in virtue of these powers the whole fiscal, financial and currency policy of the Government of India is in the hands of the Secretary of State in

Council who either initiates all measures or sanctions them at the instance of the authorities in India. These statutory responsibilities of the Secretary of State for India in Council now cover the whole range of financial transactions of every description, including the control of legislation relating to Indian taxations arising out of the annual budget in India. The public never know whether any particular policy emanates from the Secretary of State in Council or the Government of India. The Council of India is neither responsible to Parliament nor to the Minister in charge nor to the public opinion of India and its proceedings are not made available to the public or even to Parliament.

If, therefore, India is to attain self-government within the Empire in a measurable distance of time, the first, and, I believe, the most important step, is to cut down the dominant position assigned to the Secretary of State and his Council in the scheme of the Government of India Act and to vest, as far as possible, the administration of the country in the Government of India and the Local Governments. This financial and administrative dominance of the Secretary of State in Council over the affairs of India can be removed only by an amendment of the law which now vests in him the control of the expenditure of the Indian Revenues. So long as these powers are vested in the Secretary of State in Council the development of self-government in India cannot become a reality. The establishment of self-government necessarily involves financial and administrative independence in the Government of India and the Local

Governments which they do not now possess except as a delegated authority. The abolition of the Secretary of State's Council as a step of political reform as preliminary to all other reforms was suggested at the first Session of the Indian National Congress in 1885. It finds a place in the scheme of political reform adopted by the Indian National Congress and the Muslim League in December 1916. The proposal of the Congress and the Muslim League has been denounced by Lord Sydenham on the ground that the abolition of the Council would deprive the India Office of all personal knowledge of Indian affairs and that this would be disastrous to the interests of the Indian peoples. The criticism would be well founded if the functions of the Home Government in regard to Indian administration are to remain as they are. His Lordship has ignored the essential feature of the scheme which seeks to substitute local public opinion in India as a check over the executive administration of the country. It may be pointed out that under the proposal of the Congress the controlling functions of Home Government in this respect are to be discharged, as far as possible, by local representative bodies.

CONSTITUTIONAL FUNCTIONS.

The exact constitutional position of the Secretary of State in Council in relation to the Government of India is not also free from dispute. The principal function of the Home Government is "not to direct the details of administration but to scrutinise and revise the past acts of the Indian Government, to lay down principles and to issue general directions for

their guidance and to give or refuse sanction to great political events which are referred home for approval." These were the terms in which John Stuart Mill explained the constitutional position of the group of authorities known as the Home Government. In effect it was intended that the Government of India was to have the initiative, the Secretary of State and the Council of India should, subject to the ultimate judgment of the House of Commons, have the right of review. But in actual practice a different construction has been placed, now and then, upon the statutes in regard to the position of the Home Government in relation to the Government of India. In 1870, the Duke of Argyll, as Secretary of State for India, laid down in the course of a controversy with Lord Mayo, the Viceroy at the time, the doctrine that the Government of India have no independent power and are completely subordinate to the Secretary of State. In a despatch dated 24th November 1870, he stated, "the Government of India are merely executive officers of the Home Government who hold the ultimate power of requiring the Governor-General to introduce a measure and of requiring also all the official members of the Legislative Council to vote for it." Mr. Montagu, as Under-Secretary of State for India, again asserted in 1910 the doctrine of agency in the House of Commons in the course of a discussion on the subject of Minto-Morley reforms. The ultimate responsibility for Indian Government now rests unquestionably with the Imperial Government represented by the Secretary of State of India and therefore in the last

resort on the people of Great Britain. But if the aim and endeavour of British policy in India is to develop a strong and self-reliant Government of India in close association with the representatives of the people the Home Government must gradually disappear and its functions of control in regard to internal administration of India must be transferred to other agencies in India. The solution of the problem of self-government in India depends therefore on strengthening the position, functions and powers of the governing authorities in India and reducing *pro tanto* the dominant position of the organ of Indian Government in England. In presenting the Indian Budget in the House of Commons in 1913 Mr. Montagu referred to this aspect of the matter and to the whole chain of interdependent Indian authorities to whom a further devolution of functions and powers was necessary. He said: "How can a district officer entrust details of his work to voluntary assistance if the Local Government is always asking him detailed questions on matters for which he ought to be responsible? How can the Local Government forbear worrying each district officer if the Imperial Government at Delhi is for ever interfering and worrying the Local Governments for reports? How can the Imperial Government at Delhi refuse to interfere with the local Governments if it is always being worried for reports or details by the Secretary of State, and how can the Secretary of State forbear to worry the Imperial Government at Delhi if the House of Commons and the House of Lords are always asking for information? The

tightness of control of each step in the machine is an excuse for the step below." Mr. Montagu concluded by stating that every step taken in India to bring the Government more and more face to face with the people ought to lessen the control of the Home Government. The most recent views of Mr. Montagu on the Home Government, the India Office and the executive Government of India have been expressed in the debate on the Mesopotamia Commission and are too fresh in the public mind to need recapitulation.

THE CONGRESS SCHEME.

The proposal for the abolition of the Council of the Secretary of State for India is a constitutional reform which is not intended, however, to be pressed for adoption by itself independently of the other important changes advocated in the Congress and Muslim League Scheme. Under this scheme, the Government of India, it is proposed, should, in all legislative, administrative and financial matters, be as far as possible, be independent of the Secretary of State and that the Secretary of State should, as far as possible, occupy the same position in relation to the Government of India as the Secretary of State for the Colonies, in relation to the affairs of the self-governing Dominions. Under the Indian constitution the Council of India is intended to discharge certain controlling functions in relation to the Government of India and is an important organ in the machinery of the Home Government constituted by the Government of India Act, 1858.

The modification of its functions or the total abolition of this body can only be effected by a re-arrangement of the functions and powers of the whole Governmental mechanism both in India and in England. The Council of India along with the authorities constituting the Home Government is the check provided by the Government of India Act over the administration of India and its existence in its present form depends very much upon the question whether its controlling functions and powers should continue to vest in it or be transferred to other agencies in India. Mr. Mill pointed out in 1853 that the constitution of the organ of Government in England must become less and less important with the establishment and development in India of any form of local representative government. The Home Government is responsible to the people of the British Isles for the government of this country and owes no responsibility to the Indian people. Local representative bodies competent to exercise that antagonistic discussion and criticism which are essential to all good Government were not in existence in India in 1858 and the means for this discussion had therefore to be provided in the governing body itself by means of a Council in England. The Congress and the Muslim League Scheme, therefore, contemplates the substitution of the control of the Legislative Councils over the Executive Government of India for that of the Home Government, to the extent to which it is possible and expedient in the existing circumstances to do so at once. The whole scheme of reforms has to be taken together and

critics like Lord Sydenham and others of his way of thinking lose sight of the important fact that the aim of the reforms is to readjust the functions of all the authorities and agencies engaged in the administration of India from top to bottom. It is not intended that after the abolition of the Council the Secretary of State should continue by himself—the detailed and the excessive control now exercised by him over the Indian administration, Lord Sydenham says that “the tendencies of recent years has been in the direction of reducing the powers of the India Council and of conferring too much influence upon officials who know India only on paper.” It is not understood who officials referred to by Lord Sydenham are. Is it the officials at the India office, or the officials in India? In popular estimation both are really in the same position. Indian public opinion has asked for a transference of powers to popular bodies in the country and not to the official classes either in England or in India. He admits, however, that the India Office is not sufficiently in close touch with the needs and conditions of the country, and in his opinion the reorganisation of this department of state is one of the principal reforms now urgently required. A constitutional change in this direction is, therefore, admittedly required and the modification of its present functions and the ultimate abolition of the Council, therefore, depends upon the development of fully representative institutions in the Indian constitution.

PRACTICAL POLITICS

The proposal for the abolition of the Council of India is by no means new. The Constitution of a Council was strongly objected to when the Government of India Bill became law in 1858 and ever since the question has been raised several times. The Marquis of Crewe admitted these facts in 1914 in the course of the discussions on the India Council Bill, dealing with the reorganisation of the India Office. There is no ground, therefore, to treat the proposal as revolutionary. It has been discussed now for half a century and yet the Marquis of Crewe informed the House of Lords that it was still not within "the range of practical politics." It is our experience that even after half a century of discussion Indian questions do not advance a step further, but the recent declaration of His Majesty's Government that the establishment of self-governing institutions leading to responsible Government is the aim of their policy, makes it imperative that this question should be considered in all its bearings. Bureaucratic control at the India Office with its enormous financial and administrative powers is inconsistent with the existence of self-governing institutions in India. It is unthinkable that the Government in India can have the Council of India at one end and the Legislative Councils at the other. Even with the present Councils which are purely advisory the position is becoming untenable, and I shall revert to this subject more fully in a later chapter.

The main reasons for the existence of the Council of India have already been referred. Mr. Mill

explained them at length in 1853, and it is perhaps better to recall to our minds the circumstances of India then and at the present day.

Mr. Mill stated that the absence of effective public opinion in India at the time and also of representative bodies which could focus that opinion were important factors which contributed at the time for giving the final shape to the proposals for the constitution, functions, and powers of the Home Government in England. The desire to provide a means for insuring the necessary discussion and collision of opinion on Indian questions within the governing body itself in the absence of constitutional safeguards for the public discussion in India was responsible for the constitution of a Council to assist and advise the Secretary of State. This was the fundamental reason for the creation and existence of the Council of India. Without such a council, Mr. Mill explained, the Government of India by means of a Secretary of State would be the most complete despotism that could possibly exist, because there could be no provision for any discussion except that which might take place between the Secretary of State and his own subordinates in office whose advice and opinion he would not be bound to listen to and who even, if he were, would not be responsible for the advice or opinion that they might give. The local representative bodies that then existed in the Colonies afforded all opportunities for the exercise of that antagonistic discussion which formed an essential element of good government everywhere. In the case of India it was not then possible to have any

local body which could produce that result. The discussions between the Government of India and the authorities in England were, according to Mr. Mill, not a sufficient security for good government where there is nothing else to trust to, where there is no body representing the people of this country and no body except persons *ex-officio* conversant with their interests. The constitution of a Council to assist the Secretary of State for India was, therefore, intended to provide him with a body of persons conversant with Indian affairs. The position to-day in this respect is entirely different. The growth of public opinion in this country during the last 60 years, the influence of the press, the progress of education, the establishment of representative institutions, such as legislative councils and their successful working, are all factors which have materially altered the condition of things since 1858. The political spirit and the common feeling of nationality and the readiness and anxiety of Indians throughout the country to share the responsibility of the government of their country are all new features which did not then exist.

PARLIAMENTARY OPINION IN 1858.

The discussions in Parliament in 1858 on the subject of the constitution of the Council also revealed very serious differences of opinion and the soundness of some of the views then expressed has been tested by the experience of half a century. Many eminent men took part in the debates in both Houses of Parliament which were centred on the question

as to the need for a Council, its functions and composition.

A good many members dreaded the creation of a bureauocracy at the India Office and their fears were fully justified by the experience of bureauocratic methods at the Colonial office. The mismanagement of colonial affairs was then fresh in the public mind. In his famous report on the affairs of British North America, Lord Durham complained that owing to the repeated changes in the political chiefs in the Colonial Office, the real management of the colonies fell into the hands of the permanent officials and that this was felt by the Colonists themselves as a great grievance. The group of English political reformers, with whom Lord Durham was associated, held the same opinion. Gibbon Wakefield, another contemporary writer on the Colonial problems of the day, who pleaded for self-government, expressed the opinion that "the great bulk of the Legislative and Executive functions of the office of Colonial Secretary was performed by the permanent Under-Secretary and the superior clerks" and the Colonial system of government of that day was the bureauocracy spoiled by being grafted on to free institutions." In his monumental work on the government of England, Mr. A. Lawrence Lowell refers at length to the critics of Colonial administration of the day and to the autobiography of Colonial Office officials and arrives at a similar conclusion. He refers to a statement of the Chief Justice of Victoria, who once remarked in the assembly of the Colony as follows — "It might be said with perfect truth that the million and a half Englishmen who inhabit these Colonies and who, during the last 15 years, believed that they possessed Self-Government, have been really governed during the whole of that time by a person named Rogers." The person referred to here was Sir Frederick Rogers (afterwards Lord Blanchford) the permanent Under Secretary at the Colonial Office from 1850 to 1871.

MR WILLOUGHBY.

In the House of Commons, it was only natural that Mr. Willoughby should refer to the mismanagement of the Colonies

and he called attention to Canada, the Cape of Good Hope and Australia, where improvement in Colonial administration was only effected by the discovery of the Colonial Secretary that the best method of governing the colonies was to cease to govern them, to leave them alone and to permit them to govern themselves. He pointed out that unfortunately the materials for self-government in India did not then exist and could not suddenly be created.

The strongest opponent to the creation of a Council was Mr. John Bright. He was of opinion that the 15 gentlemen who composed the Council were provided with handsome salaries, fair retiring allowances and a good deal of patronage. Their work would be so easy that nobody would be able to say why they were appointed. They would be the last persons to complain of the Act, under which they were appointed, and they would find that their friends in Parliament and out of it and in the Press would say that nothing was so admirable as the Act passed in 1858. Mr. Bright said that the result would be that little or no concern would be felt in the affairs of India, and its interests would be, to a great extent, neglected and that though complaints would be made of such neglect, these fifteen gentlemen would still assert, with unblushing countenances, that nothing could be better than their administration of India.

The opinion of another prominent member of the House of Commons, Mr. Monckton Milnes, was equally opposed to the creation of a Council. He said that, if the Council was to be a mere shield for the ignorance of the ministers, he would prefer to have no Council at all, it would be far less dangerous that the Secretary of State should act on his own responsibility simply because there would be less probability in that case of his acting and more probability of his allowing the affairs of the Indian Government to be managed by the Governor-General and his Council.

Mr. Roebuck was also of opinion that a single Secretary of State responsible for all his acts, relying upon himself alone and bringing his own mind to be his guide or Counsellor is the best method of securing good government in India. He also

joined in the condemnation of "old Indians" who, under the scheme, would assist and advise the minister of the Crown. He relied upon a number of Anglo Indian authorities and stated that the mere fact of having gone to India gives a man no greater power of governing that country than he could have acquired by study and reflection at Home and in fact, not so much so as regards knowledge of the feelings and habits of the people. To connect the minister to whom the Government of India may be entrusted with such a Council would be like putting wine into water, an operation by which both the wine and the water are spoilt.

Sir James Graham was of opinion that the actual Government of India has hitherto been mainly conducted in all its great features, of course subject to the occasional control of the minister of the day, by gentlemen who were never in India. He mentioned the names of Sir James Melvil, Mr. Phillip Melvil, Mr. James Mill and Mr. John Stuart Mill, Mr. K. Dickinson who have been most successful in conducting the Government of India. He was by no means certain that it would not be better to have a single responsible minister receiving the assistance of able Secretaries and clerks than to establish a Council which will exercise no moral control, and he did not want to see a sham or an inefficient Council.

HOUSE OF LORDS.

Similar opinions were also expressed in the House of Lords. The Duke of Somerset stated that, if the Council were given up, the Bill would be worked much more efficiently. The Secretary of State would be fit to originate measures and to carry them out on his own initiative. The Earl of Abercorn objected to the Council on the ground that the members of the Council would consist of those very "old Indians" (Anglo-Indians) that had always declared the Indian system of Government to be the embodiment of perfection, though it had recently ended in a great rebellion in India. He asked whether this class of men would be best suited to carry out a new system of Government in India. The Board of Directors did not select "old Indians" as their servants, but employed

men like Mr. John Stuart Mill, Mr. John Mill and Mr. Macaulagh who carried on the Government of India, but who never set foot in India. "An old Indian" possessed a great knowledge of a small locality, but did not know anything of India itself and was in utter ignorance of English statesmanship. What was wanted in the Bill, the Earl of Abercorn affirmed, was more of the European element. Lord Monteagle stated he did not think that even the combination of the highest endowments in persons whose experience had been exclusively occupied in the Civil Service would be all that is necessary for the future Government of India. They must have a direction of a different kind to bring that Government into complete harmony with English institutions. He was for a Council, effective and consultative, exercising moral control and did not deny that the Secretary of State for India should be supreme and empowered to act alone when circumstances demanded and justified such an exercise of authority.

Lord Woodhouse was of opinion that the Bill was neither more nor less than a compromise—a compromise between the principle of having a responsible minister and the principle of establishing a controlling Council. There seemed to be in the Bill a desire to create a balance of power. There were, in the Bill, one set of clauses which gave the Council great power and another set which took this power away altogether. An Indian minister would be, of course, responsible to public opinion, but the Council they proposed would be responsible neither to the Minister nor to public opinion. These and other opinions were freely expressed.

LORD BROUGHTON

The whole position was hit off in a most telling speech by Lord Broughton in the House of Lords. He said, "He should rejoice at the abolition of the East India Company if a better scheme for the Government of India were substituted for it, but he did not think that this bill would effect such a substitution. He thought that the substitution for the present system of governing India, of the Secretary of State, or a single Minister, to whom should be entrusted the administration of

the whole Government of India would have been a better scheme than that proposed by that Bill. He had arrived at that opinion after much deliberation and conversation with men of the highest authority on Indian affairs. This Council was part of the very essence and principle of the Bill. Since the introduction of the Bill, a great change had taken place in the minds of the members of both Houses of Parliament as to the expediency of allowing a Council to interfere in the administration of Indian affairs. He collected from the speech last night of the leader of that House under the Palmerston Administration, that his views as to the expediency of appointing any such Council had considerably changed since the introduction of Lord Palmerston's Bill. The present form of Home government for India was no doubt liable to objections of which every man must be aware, on the ground of delay and difference of opinion between authorities of Cannon Row and Leadenhall Street. The shots they fired at each other, however, were fired from a distance, and were cooled by time. But when this new Council was formed, what would be the degree of antagonism—and antagonism there must be, if the Council was to be of any good, when they met under the same roof and at the same board, and had to fire across the table? Unless some means could be devised for making this Council, he would not say a little more peaceable, but at all events a little more practical, their Lordships should not pass this clause. He was opposed to any Council at all; but if he were for a Council, it would not be for this Council, which was constructed in a manner that was calculated to ensure the greatest quantity of strife and difference of opinion. Some of the members were to be East Indian servants, some were to be chosen by the Crown, and some not. He did not see how the objection of the noble Earl opposite (the Earl of Ellenborough) was to be got rid of, when it pleased God to remove any of the members, and the Council had to be refreshed. The Secretary of State would probably be a person who entertained some general principles of government, such principles as were likely to be entertained by a person reared among the free institutions of this country. But when he proposed some scheme to the Council for the

Government of India, the member of the Council acquainted with Bengal would say: "This wont do at all for Bengal; I know more about Bengal than you." The members who were acquainted with Madras and Bombay would say the same; and there would be the Secretary of State alone in the midst of these gentlemen, every one of whom would be better acquainted with India than himself. Then the Bombay gentlemen would help the Bengal gentlemen one day, and the Bengal gentlemen would help the Bombay man the next; and the consequence would be that the responsible Secretary would be liable to be thwarted at every turn. Nor was this the only annoyance or difficulty that would set in. Those who were acquainted with the system of Indian Government must be aware that the great vice of Indian servants was that of making what were called minutes—minutes sometimes on subjects of no more importance than the water bottle before him—which it took hours to read and days to write. Suppose a Member of the Council to be in a minority, he would record his objection in a minute. He would not be satisfied, and would proceed thus. He would seek out some member of Parliament and say: "I am in a minority in the Council on such a question, most good men are; the case is a good one, I can help" "you if you like to make a speech. I wrote a minute of my objection; Mr. So and So says it is one of the cleverest he ever read." The member was ambitious—most members used to be; he did not know if they were now and he would reply, "will you let me have it." The Member of Council would say, "No, I cannot; but it is a clever document, take my word for it, ask in your place for a copy." The Government of the day would be obliged to say, "We cannot refuse this minute. Under a Parliamentary Government, the opinions of the minority should be known at least, if not acted upon." The document was produced; it was read, it was clever; it was submitted to Sir James Graham, or some of those clever fellows in the House, and he was asked what was to be done, for the case was a hard one. He said, "make a motion, and we will see what we can do." A meeting of some twenty members took place in some house or other—it might be the Crown and Anchor; the posts were

assigned to each—he to bring forward this point, you this, and so on. "Do not abuse the Governor-General for he is my friend, but abuse the Secretary of State, he is an unfair man, and he is not of our party; abuse him." Lord Broughton could assure their Lordships he was not exaggerating what was a very possible case. He agreed with the noble Lord opposite that this might not occur in the first Council. The first members would probably meet with general approbation, and things would go on smoothly for a time, but that would not continue—it could not continue. Did anyone ever find fifteen men in a room, even at a party of pleasure, who agreed altogether? If out of the fifteen there was one disagreeable man he would spoil the whole party. That happened in matters of amusement. But what might be the consequence if, when matters of Government, when the best interests of the country were depending on the result, what was vulgarly but well called an "ill-conditioned fellow" got amongst the party? The consequence would probably be this. One member of the Council would say, "you cannot agree with me, I cannot agree with you, no one can agree with that fellow, let us hand over the decision to the Secretary of State." That must be the only mode of settlement, or nothing would be done. These inconveniences were so entirely felt by the framers of the Bill that they had most judiciously deprived the Council of a great part of its powers, for they gave the Secretary of State power to act without the Council in some cases, and by the twenty-fifth clause they empowered him to act against the Council. That was wise and proper if there was to be a Council at all. The effects of a bad plan and a bad project might be got rid of by having no project or plan at all. The great objection made to the existing system was what was called the double Government. Now, there was no double Government in the present system, unless a man riding on horseback, with an old woman behind him, might be called a double Government.

Earl of Derby : Which is the old woman ?

Lord Broughton . Not the noble Earl, certainly. This so-called double Government was no double Government. But the

double Government was brought back by this Bill. One of the great inconveniences of the present system was said to be this, that Parliament could not interfere as much in the Government of India as it could, if there was a single responsible Minister. Now, he thought that one of the great advantages of the present system was, that it prevented the perpetual introduction of Indian questions into Parliament. That was his decided opinion. They could not govern India on these terms, especially with the increased facilities of communication which now existed between this country and India. He would, therefore, keep the Government of India out of Parliament as far as possible. But this measure would really diminish the responsibility of the Indian Minister, because he would be fettered by the existence and by the control of his Council. If the Secretary of State was outvoted in the Council on some question or plan of Indian Government, he would, in stating the plan in the House of Commons, indicate to his friends that though he was moving the plan, it was not his—that he was over-ruled in the Council. The Council might object to the Secretary of State taking matters out of their cognizance. That had been said to him when at the Board of Control very frequently, and what was his answer. "I don't think so; you are quite wrong." There was civility on both sides. And there was an end of it. But that would not be the case now with the gentlemen, who had their friends in Parliament, in the City, and everywhere. If this Bill passed, it would create that form of government which had been condemned by all authorities on Government—"an Imperium in Imperio."

EARL OF DERBY

The Earl of Derby defended the position taken up by the Government in regard to the constitution of a Council to the Secretary of State for India. He pointed out that there had been a universal agreement in both Houses that it was expedient that the Minister for India should be assisted by such a Council to a certain degree. The Bill of the late Government proposed a Council of eight members, to serve for ten years. By the Bill introduced when Lord

Ellenborough was at the Board of Control, the Council was to consist of eighteen members; they would, of course, have divided their duties. But that the Secretary of State for India should have the means of resorting, not unofficially but officially, to persons of great experience and knowledge on all subjects connected with India was a principle that he had been called upon to discuss. He wholly denied that this Council was a recurrence, or anything like a recurrence, to the double Government which had existed under the former system. The evil of that double Government was this: that there were two separate and entirely distinct authorities, each of which expressed an independent opinion, that these authorities were frequently brought into conflict or collision and that it required voluminous correspondence and a great deal of time to settle their differences and obtain their entire concurrence and consent.

Here there was no such double government, no such conflict of authorities; the Council was not an authority adverse to or competing with the Secretary of State; its duties were precise and limited; they were limited except in particular cases; giving advice and opinion to the Secretary of State; and that advice and opinion he was at liberty to adopt or reject as he thought fit. There was nothing to fetter or diminish in the slightest degree the responsibility which he owed to Parliament. He agreed with Lord Broughton that it was desirable in practice that the affairs of India should, as far as possible, be withdrawn from weekly and daily discussion in Parliament, and the most probable way of doing that was to surround the Secretary of State with a body of persons of eminence and distinction, of knowledge and experience, to whom with regard to every question he had it in his power to apply, not for authority, but for advice and opinion.

THE COMPOSITION OF THE COUNCIL.

These were the views that were expressed in 1858. Till the introduction of the Indian element by Lord Morley in 1909, the Council of India was mainly composed of distinguished Anglo-Indian officials, and

the important permanent officials at the India Office are also drawn from the same ranks. Most of them came from the Indian Civil Service and had been, before their retirement, either Lieutenant-Governors of Provinces or Members of the Viceroy's Council and, under the provisions of the Government of India Act, the majority of the Council must be persons who have served or resided in India for at least ten years and who have not left India more than 10 years before their appointment. This period was subsequently reduced to five in order to compel the Secretary of State to select men who were not hopelessly out of touch with the conditions in India at the time of their appointment. It was, therefore, inevitable that the very men who, during the whole of their life-time, were brought up in the traditions of the Indian bureaucratic system came to sit on the Council of India as responsible advisers of the Secretary of State. They vigorously defend the acts of the members of their own service and have been effective instruments for the continuance and perpetuation of their policy as advisers of the Secretary of State. The Indian progressive party have always had a legitimate dread of the great bureaucratic machine. One of the members of the Indian Civil Service has recently said that the Government of a country by a bureaucracy amounts "to the setting of a course and the direction of a policy by men who, though admirably versed in the details of Government, find it difficult for that very reason to take generous and far sighted views of a nation's destiny. Their traditions distort their vision of a

more distant horizon. They suffer, in short, from an incurable political myopia. Nations advance, people become great not through docility and submissiveness, but by the free play of aspirations and thought, the liberty to advance along all lines of legitimate progress in a self-respecting independence of spirit. That is a very antithesis of a bureaucratic ideal. Efficiency of the machine, not the organic growth of a people; the progress, if such there be, on the initiative of the Government, not progress on the initiative of the people—such are its watchwords. It is true that the bureaucracy holds out, on some distant horizon, the vision of a more automatous nation with free institutions. But this vision is so nebulous, and distant—to borrow the metaphor of a typical bureaucrat, it is like some far-off peak of the Himalayas whilst we are yet traversing the plains—that really does not enter into practical politics. It is merely a pious aspiration which may or may not hereafter materialize. If the people of India are at school, it is a perpetual school, where greybeards will ever sit at the feet of youthful foreigners, where the syllabus never alters.”

SIR WILLIAM WEDDERBURN

Another distinguished member of the Civil Service, Sir William Wedderburn, expressed himself in the same emphatic way. In a recent article in the *Contemporary Review*, he said that the Indian claim for an advance towards self-government necessarily clashes with powerful class interests. The reforms now proposed in the Government of India by the Indian National Congress and the Muslim

League will not be welcomed by those who now enjoy a practical monopoly of official power and emoluments. The permanent Civil Service in India and England dominates the Councils of the Secretary of State in England and the Government of India in Simla. Sir William has characterised this service "as a privileged foreign body with professional interests adverse to Indian aspirations and dominating the administration. It intervenes as a non-conducting medium between the good-will of the British democracy and the reasonable claims of the Indian people." In asking for the abolition of the Secretary of State's Council the Indian people are therefore anxious to put an end to this bureaucratic dominance in the controlling organ of Government in England.

HOME CHARGES.

A subject of perennial discussion almost since the Indian National Congress came into existence remains to be noticed. The expenditure incurred out of Indian revenues in England is paid on the authority of the Secretary of State in Council. It includes (1) the management of debt and interest and annuities payable to Railway Companies. (2) Payments due on account of Civil Administration of India; (3) Postal subsidy and Telegraph charges; (4) Payments to the Admiralty for naval services in India; (5) Charges for the Persian mission and Diplomatic and Consular establishments in China and payments to the families of Maharajah Duleep Singh, and of the Nawab Nazim of Bengal, etc.; (6) Charges of the India Office; (7) Payments to the War Office

on account of the home charges of British troops serving or having served in India; (8) Payments for the transport of troops to and from India; (9) Payments for stores for India; (10) Furlough pay to officers on leave from India; (11) Pensions of retired officers and their families. The India Office makes in addition large payments on account (1) of capital expenditure for railways and irrigation works, (2) of stores for railway companies, provincial and local funds and Native States, (3) of remittances of various kinds. The home charges were very much smaller in 1860 but now they amount to about 20 million pounds per annum. Some of this no doubt represents interest on debt incurred in England for capital expenditure in this country. The apportionment of expenditure between the United Kingdom and India has been the subject of acrimonious controversy almost ever since the Mutiny. The late Dadabhai Naoroji spent a great deal of his time and trouble in ventilating the injustice done by the Government of Great Britain in saddling this country with many items of military and civil expenditure with which we have no connection at all or have only a very remote one and also for securing an equitable distribution of the expenditure involved in the maintenance of British troops in India. In regard to the claims of the British War Office against Indian revenues on account of Army services, the Government of India observed in 1890 that "millions of money have been spent on increasing the army of India, on armaments and fortifications, to provide for the security of India, not

against domestic enemies or to prevent the incursions of the warlike people of adjoining countries, but to maintain the supremacy of British power in the East. The scope of all these great and costly measures reaches far beyond Indian limits and the policy which dictates them is an Imperial policy. We claim, therefore, that in the maintenance of the British forces in this country a just and even liberal view should be taken of the charges which should legitimately be made against Indian revenues. The people of India, who have no voice in the matter, should not be able to complain that an excessive military tribute is demanded from the revenues of this country, while, on the other side, England, with whom rests the final decision, should be able to show that this settlement has been effected in a spirit of justice and consideration." The Royal Commission on Indian expenditure was the direct result of the activity of Mr. Dadabhai Naoroji and the friends of India in England, but the recommendations of Lord Welby's Commission have not materially improved the financial position of this country. The constitution of a tribunal of arbitration to determine questions of this sort was proposed in 1896; but taking things as they are, the Government of India have no voice in the determination of expenditure debited to India in which the Secretary of State and his Council are practically the sole judges at present.

INDIA OFFICE REFORMS.

The abolition of the India Council is a measure of reform which is bound to come. Its continued

existence is a menace to the development of responsibility of the Government to the people of this country. Lord Morley liberalised its present constitution by the introduction of the Indian element, and a meed of praise has been accorded by him and his successors in office to the usefulness of the Indian members. The point, however, is whether this organ of Government in the United Kingdom is necessary any longer. It is no longer be possible to delay this reform. Lord Crewe's Bill in 1914 aimed at a reform of the India Office procedure and also to accord statutory sanction to the election of the Indian members of the Council of India by the members of the Legislative Councils in India. The introduction of Indian members has been advocated with a view to give the Secretary of State a political outlook in regard to the affairs of India.

The procedure of the India Office has been described by many Secretaries of State as "intolerably cumbrous and dilatory." The Council is not really an administrative Board such as those at the Board of Admiralty and the Army Council. The work of the Council of India is done by the Committees, and the Marquis of Crewe gave a description of the long and intricate method by which a file of papers travels forwards and backwards within the walls of the India office—"a rolling stone which, on its way, gathers sometimes a vast amount of mass causing inordinate delays even in minor matters." He, therefore, proposed to readjust the machinery by having a council of eight answering, as far as possible, both in number and in the character of the work done, to the

different members of the Viceroy's Council in India, each member being attached to a particular department and the Indian members being probably regarded as "unattached members." The proposal for the abolition of the present system of transacting business at the India office and the introduction of the portfolio system may still further accentuate the departmentalism that now prevails and would practically deprive the Council of such collective responsibility that it has for governing India. Added to this, there is the further question relating to the powers of the Secretary of State acting in his individual capacity, and Lord Crewe's proposals would substantially increase these powers. The real question is, however, not whether the Secretary of State should have more power or the Council of India should have less, and *vice versa*, but whether the time has not come for a further devolution of functions from the Home Government to the Government of India. The India Council Bill is a glaring instance of the way in which an important Indian question is treated in Parliament. The main reason for the rejection of the measure is the statutory obligation, which the Bill sought to impose, for appointing two Indians to the Council and the recognition of elective principle, though in a qualified form, in the making of these appointments. These provisions were disagreeable to those members of the House of Lords, who, with Lord Sydenham, are staunch advocates of the bureaucratic system, Lord Morley defended the measure with warmth and stated that its rejection would be a "disaster and a great blunder." The defects and limitations of the

Bill were patent and it was a small measure of reform. A more thorough-going measure is certainly required. The whole question hinges round the point as to whether the Government of India should occupy the same position as in 1858 in relation to the Secretary of State and the Council which was created to control the Government of India or whether there should be a further devolution of power to the authorities in India.

CHAPTER VI.

THE GOVERNMENT OF INDIA.

"But I am positive of this, that your great claim to continue the illogical system of Government by which you have governed India in the past is that it was efficient. It has been proved to be not efficient. It has been proved to be not sufficiently elastic to express the will of the Indian people; to make them into a warring nation as they wanted to be. The history of this war shows that you can rely upon the loyalty of the Indian people to the British Empire, if you ever before doubted it. If you want to use that loyalty, you must take advantage of that love of country which is a religion in India, and you must give them that bigger opportunity of controlling their own destinies, not merely by councils which cannot act, but by control, by growing control, of the executive itself. Then in your next war—if we ever have war—in your next crisis, though times of peace, you will have a contented India, and India equipped to help. Believe me, Mr Speaker, it is not a question of expediency, it is not a question of desirability, unless you are prepared to re-model, in the light of modern experience, this century old and cumbrous machine, then I believe, I verily believe, that you will lose your right to control the destinies of the Indian Empire"—THE RIGHT HON'BLE MR MONTAGU (*in the House of Commons, 1917*)

The Empire is divided into the categories of the self-governing dominions and dependencies and India is the greatest dependency of Great Britain. In the self-governing Dominions, the ultimate power in domestic administration is in the Dominions themselves, but in the case of the dependencies the ultimate power is in Great Britain. The solution of the problem of self-government in India is, therefore, dependent on the ultimate surrender of this power of control by the House of Commons and the other component parts of the Home Government and the transfer of this power "as rapidly as possible" to the governing

authorities and the Legislatures in India. In the case of India, this power is exercised by the Crown, the British Parliament with the Secretary of State as the mouthpiece of the Cabinet of the day and also by the Council of India. I have attempted to show in the preceding chapter that the exercise of this power by the Home Government has been in some cases, detrimental to the true interests of this country and very indifferently discharged in others. The Government of India is essentially a bureaucratic system and the democratic control of Parliament over Indian administration has been a failure and, in the nature of things, can never be satisfactory. The remedy is, therefore, to provide for this control by the establishment of self-governing institutions in this country and to reorganise the functions of government between the different authorities on a sound basis.

The gradual growth and consolidation of British power led to the establishment of a Central Government in India in 1833. By the Charter Act of that year the independent power of legislation and administration enjoyed by the Governments of Madras and Bombay were withdrawn and the Governor-General in Council was made the supreme authority for the whole of India. There were many advocates among the administrators of the time for a strong central government in this country. At the Parliamentary enquiry held in 1853, Sir Charles Trevelyan was one of the important witnesses, and it is necessary to make a brief reference to his evidence.

A STRONG CENTRAL GOVERNMENT IN INDIA.

He advocated a supreme government for the whole of India entirely separated from local administrative responsibility and suggested that the functions of the Government so constituted should be the legislation of the whole of India, the diplomacy of the whole of India, the finance of the whole of India, the post office of the whole of India and the external customs of the whole of India. In all these, he advocated that the functions of the supreme government should be direct and immediate but carried on through subordinate governments.

Sir Charles Trevelyan was also of opinion that there was a great call at the then stage of Indian progress for increasing the centralization of the Government of India not in the sense of diminishing the discretion of the Local Governments but in the sense of bringing the influence of the supreme Government to bear upon the administration of Local Governments on those points which properly belong to the controlling functions of the supreme Government. He also pleaded for uniformity in administrative methods and contended that a strong central government would be able to bring the experience gained in the different provinces to bear upon the improvement of each. The advantage of a supreme Government for the purpose of collecting the experience of the whole of India and applying it to the different parts were so obvious to him that he was a strenuous advocate of a strong central government for India: There were probably some

grounds at the time for this view. The acquisition of new territories and their consolidation under the British power required no doubt the strong direction of a central authority. Coorg was acquired in 1834, the North-Western Provinces were constituted in 1836, Sindh was annexed in 1843, the Punjab became a British Province in 1849, Lower Burma was acquired in 1852, the Berars were taken under British management in 1853, Nagpur and Oudh were annexed in 1854 and 1856 respectively. The period between 1833 and 1857 was therefore one of large territorial expansion and internal development. The control of the Home Government over the affairs of India through the Board of Control became fuller and closer and the Government of India, which became the central authority in India, had to take possession of these territories and establish a well-ordered Government in the various Provinces and direct the internal administration. The plea for strengthening the control of the Central Government and of the Home Government was, therefore, natural in 1853. The mechanism of Government constituted in 1858 was in accord with these sentiments. Under the terms of the Government of India Act, the superintendence, direction and control of the Civil and Military Government of India is vested in the Governor-General in Council, who is requested to pay due obedience to all such orders as he may receive from the Secretary of State. Every Local Government is similarly required to obey the orders of the Governor-General in Council and is under his superintendence, direction and control, in all matters relating to the

Government of its province. The Central Government of India is, therefore, directed by the Governor-General and his executive council, which consist of himself and 6 ordinary members with the Commander-in-chief added as an extraordinary member.* The internal administration is carried on by Provincial Governments under the general supervision of the Governor-General in Council and these Provincial Governments are invested with various degrees of authority but in the control of financial administration they do not differ greatly. The Presidencies of Madras, Bombay and Bengal have certain privileges, which other provincial administrations do not enjoy and they come in the first rank. In the second rank come the United Provinces, Eastern Bengal and Orissa, the Punjab and Burma each governed by a Lieutenant-Governor with a Legislative Council. In the third rank come the Central Provinces and Assam each under a Chief Commissioner and also with a Legislative Council. There are also other minor administrations without any legislative functions. Under the present system of Indian administration, there is no statutory differentiation of functions or division of the revenues between the Central and Local Governments. The Central Government is the supreme authority under the Government of India Act and the Local Governments are its subordinate agents bound to carry out its behests. But, as a matter of convenience, the Central Government keeps in its hands the collection of certain revenues such as those of the salt in Northern India, Post, Telegraphs and Customs while it

leaves to the Povincial Governments the collection of the rest of the revenues. The income and expenditure of the Local Governments are incorporated into and form part of the income and expenditure of the Indian Empire and appear as such in the annual accounts of the Central Government. The Central Government keeps in its hands the expenditure of the Army, the Indian Marine, Railways and Telegraphs, Post Office and the Mint and expenditure relating to foreign affairs and the bulk of the expenditure on other branches of Civil Administration is incurred through the Provincial Governments. The Government of India is, therefore, a unitary system where the governing authority is a single unit which is supreme throughout the Indian continent, in all matters, local, provincial or imperial. The Local Governments are merely the agents of the Government of India. All administrative and governing functions are, therefore, centralized in the Government of India which in its turn is subject to the control of His Majesty's Government as exercised through the Secretary of State for India. Practically, no fresh legislation can be undertaken by the Governor-General in Council without the sanction of the Secretary of State and any new or important departure in policy, whether financial or administrative, can only be initiated with the consent of the Secretary of State. I have already referred to the close financial control exercised by the Secretary of State in Council. The centralization of functions in the Secretary of State and the Government of India has been condemned for years in the strongest terms and Lord Islington has very recently

declared that decentralization can no longer be delayed without serious danger. If control of the Legislative Councils is not conceded, further decentralization will constitute the Provincial Governments into number of petty despotisms.

THE POSITION OF LOCAL GOVERNMENTS.

The reasons for a strong centralized administration which existed in 1858 do not now exist. The foundations of sound administration have been already laid in most provinces and half a century of peace, contentment and progress has made the introduction of systematized and uniform methods of administration possible. Even in 1858 the older Provinces raised a protest against the subordinate position to which they were reduced by the Government of India Act of 1833. Some of the witnesses called before the Parliamentary Committee in 1853 connected with local administration in the capacity of Governors and Members of Councils affirmed that the relations that subsisted between the supreme and the subordinate governments in India previous to the Government of India Act of 1833 should be restored, and that in consequence of the legislation of 1833, the dignity of the subordinate governments was lowered and weakened and that the business of the subordinate governments had been in a great measure taken away from those who were preferably competent to discharge it and lodged very much in the hands of the Secretary to the Government of India who had never given his mind to the subject and who had no qualification to decide upon these questions.

Mr. J. Sullivan, a former member of the Madras Council, also quoted the opinions of Sir Thomas Munro, Mr. Elphinstone and Sir Richard Jenkins, three very high authorities, who were of opinion that each Presidency should pursue the course best calculated to promote improvement in its own territory and that, by such means, a spirit of emulation will be kept alive and each may borrow from the other every improvement which may be suited to the circumstances of its own province. Mr. Sullivan added that the interference of the Central Government has sometimes brought ridicule upon it in the Madras Presidency and quoted instances in support of his position. This was the position so early as 1858.

Writing a few months ago on the subject, Lord Sydenham stated that a centralized administration which was probably necessary in 1853 has now become an administrative evil of very great dimensions. "The control of the Central Government over the Provincial Governments has become more meticulous and embarrassing and the Government of India is now a huge machine encumbered with details of every kind and ill adapted to fulfil the present requirements of India." For a parallel to the existing position Lord Sydenham asks us to imagine the Government of Europe excluding Russia, directed from Righi Kulm with a winter change of habitation to Rome. A radical change in the present organisation of Government is, therefore, necessary. The Royal Commission gave their adherence to the

continuance of the present constitution of the Indian Government and the remedies suggested by them by way of further devolution to Local Governments of a larger administrative financial control were not of any great value and are not certainly a permanent remedy for centralization. Notwithstanding every effort at decentralization, the controlling authorities are slow to part with their power if they have an option in the matter. The tendency of strong Secretariats to absorb the functions of subordinate authorities is the most cogent reason against the efficiency of devolution by administrative order. No Indian publicist will, therefore, differ from the severe condemnation of Lord Sydenham of the work of the Royal Commission. It was pointed out by him "that the Commission ignored the many federal systems now in operation which might have served as guides to statesmanlike recommendations." The Commission was unable to arrive at any conclusion on the main question. "The idea of authority wobbling from side to side in accordance with temporary expediency or the caprices of individuals is fatal to all sound administration". Fifty years of peaceful and orderly development of administrative methods have placed local administrations on a stable foundation and there is no longer any necessity for the Government of India to intervene in provincial administration. The Commissioners entirely failed to recognize the great administrative and political progress which had been made in India since 1858 when the present constitution of the Indian Government was settled by statute. This method of decen-

tralization can no longer serve as a potent instrument for releasing Local Governments from the control of the Central Government in matters of purely provincial concern and a statutory re-arrangement of functions between the two governing authorities is the only remedy. A statutory distribution of functions will give a new life to the activities of Provincial Governments and will result in a healthy rivalry for progressive administrative methods in the Provinces suited to their educational, political and social development. Provincial Governments will also gain in dignity as well as efficiency and they will be released from the present centralized control to develop on their own lines and to devote themselves to those subjects which intimately concern the well being of the people of the provinces. It is only in this manner that the ultimate independence of the Provinces can be secured. Such a devolution, while avoiding matters of Imperial concern, would relieve the Government of India of a great portion of its present activities and enable it to give its time and energy steadily to the wider concerns of the great continent committed to its care.

A FEDERAL SYSTEM FOR INDIA.

Great and momentous changes of constitution and government are now under discussion in the British Empire, and India is not behind the other portions of the Empire in her hopes and aspirations for a united Indian Nationality. Autonomy is the keynote of England's relations with her great Colonies and India wishes for a national government to work out

its own destiny as an integral part of the British Empire. It is not small administrative changes that are now called for. It is the duty of British statesmen to formulate a large and comprehensive scheme of constitutional reform and evolve a good constitution for Indian Government containing the elements of stability and flexibility, so very essential to national life. A constitution creates the political machinery through which the community controls its life, and where it is out of date and not in harmony with public sentiment, it is certain to create unrest and bitterness. Lord Islington pointed out recently that India's political future should be in consonance with the ideals of the British Empire. The two dominant ideals which have profoundly affected the growth of political organisations in the British Empire are federalism and nationalism. Both these ideals have exercised a great influence over the administrative and legislative arrangements of the component parts of the British Empire and Lord Islington's recent speech shows the influence of these ideals on the Indian constitutional reforms now under consideration. He said that he looked forward to the reorganisation of the Government of India more on the lines of the federal constitution of Australia and to the creation of self-governing provinces in India and the elimination of the bureaucratic system of administration. The Government of India now holds the dominant position of a controlling authority over Local Governments. The separation of the true functions of the Central Government from those which legitimately

fall within the sphere of provincial administrations has been effected elsewhere by the adoption of the federal system. Such a statutory differentiation of functions has long been overdue in India. Lord Islington is not, however, the first authority who has suggested a federal constitution for India. The suggestion for a federal system from an administrative standpoint is not new to those familiar with the growth and development of British Indian administration since the assumption of direct sovereignty by the Crown.

It has had ample support from very experienced Anglo-Indian administrators of three or four generations.

ANGLO INDIAN OPINION.

Sir George Chesney was one of the earliest Indian administrators who recognized the value of the political development of India as a federation of States under the general controlling authority of the Government of India with local autonomous administrations possessing considerable financial and administrative powers. He was greatly responsible for the policy of decentralization inaugurated by Lord Mayo in 1870. He urged that India could be governed far better by a series of presidential governments than by one central authority and in support of his views used arguments of a more far-reaching character. "When the time came, when the power of England would be withdrawn from India, it was the duty of Englishman to this country," he pointed out, "to endeavour, if possible, to build up a series of nationalities so that when the all controlling and

dominant power of Great Britain should be withdrawn, there should remain in each Presidency a distinct organized nationality which should be able to sustain for itself a Government and to perpetuate order." Sir George Chesney discussed the possibilities of a federal system in India under the rule of Indian states and under British rule. In speaking of the former, he thought that it would involve the entire recasting of the existing political and administrative arrangements and he therefore thought that the existing provincial administrations should undergo a course of development from their present subordinate condition to a state of independence or to a state almost independent of any central authority. He also discussed in detail the limitations necessary to provincial independence and came to the conclusion that for the control of military and diplomatic operations, for the management of the customs and the maintenance of Imperial establishments of Posts and Telegraphs, and for the superintendence of Indian railways, a unity of administration or some central authority was necessary. He recognized that a system of federal military contingents was not practicable and was also of opinion that a purely federal system of revenue would not be fair to the provinces in India especially as some of them were not self-supporting, but he conceded the possibility of a federation of the Governments to settle the affairs common to all and to determine the share of the burdens to be borne by each province. But the objection he saw to this course was that a body so constituted would consist of delegates from a congeries of paid officials, there being in his time no

elements of representative Government in provincial administrations.

Twenty years later, Sir John Strachey expressed the opinion that a time must come when in regard to many ordinary matters of internal administration each province of India would be virtually almost a separate state. Such a step, he said, was necessary to secure a largely increased measure of political security without the sacrifice of any part of that supreme authority of a central government which it was essential to maintain.

Referring to the tendency towards decentralization in Indian administration which he thought was firmly established, another Anglo-Indian administrator of eminence, Sir Henry Cotton, expressed his views in 1904 on political reconstruction in India which are of great interest to us at the present day. He was of opinion that India was eventually bound to resolve itself into a federation such as that prevailing in the Commonwealth of Australia and in the Dominion of Canada. Provincial representative Government, he said, would gradually lead to the development and definition of the peculiar idiosyncrasy of each federated state and he appealed to his countrymen to guide and facilitate this transition. Sir Henry Cotton's ideal of political reconstruction of India is a federation of states under the supremacy of England.

These were the opinions of thoughtful Indian administrators in favour of a federal system of government in India. At a time when the divergent factors of Indian civilization appeared to make the

possibilities of corporate life and united action somewhat remote and before modern conceptions of nationalism were as yet recognized, John Bright had held the view that India must consist of independent and autonomous provinces each directly dealing with the authorities in England. In relation to modern conceptions such a view would merely amount to the recommendation of a federal system of government.

Sir Walter Lawrence put forward sometime ago a proposal that British India should be constituted into a number of autonomous Native States under hereditary monarchs and thus form a federated union within the Empire. This plan is not altogether without charms of its own but the scheme is conceived apart from practical politics. Even if it were not wholly visionary, a monotonous casting of all the states in a uniform mould would remove those elements of variety which make possible a spirit of healthy and mutual emulation. The democratic spirit engendered by western ideals will have to be counted with at the present day and no form of government which will not ultimately lead to the establishment of democratic rule will now be acceptable.

THE GOVERNMENT OF BOMBAY

The strongest indictment against the present system was really made by the Government of Bombay presided over by Lord Sydenham in a memorandum submitted a few years ago by that Government to the Royal Commission on Decentralization. The Government of Bombay made many

constructive and valuable suggestions on the functions of the Central and the Local Governments:—

They pointed out that a central Government of India was not competent to deal with the multifarious conditions of different provinces and that all the modern schemes of government contemplated the governing of large masses of people as far as possible in harmony with the ideas of their leaders and representatives. The executive control exercised by the central government has resulted in a uniformity of system in all branches of administration irrespective of the varying degrees of progress of the different provinces. The new forces which have arisen in India make elasticity essential to a sound system of administration. The Government of Bombay, therefore, were of opinion that the time had arrived for a better differentiation of the functions of administration between the central and the local Governments and for relieving the local Government, in all matters that related to Provincial administration, of a centralized control that frequently tended to run counter to local opinions and requirements. It was pointed out that continents such as America and Australia had solved the problem by a definite allocation to a central Government of all functions that could not be localised and that India more heterogeneous than either and containing a population many times more numerous, was in greater need of a similar organisation of Government in this country. The Government of Bombay stated that modern tendencies were evidently moving in the direction of forms of Government which placed the fullest powers as low down in the administrative scale as could safely be arranged, such powers alone being centralized as could not be efficiently exercised otherwise. Local Governments cannot efficiently arrange for defence, for negotiations with foreign powers, or for any branch of the administration in which uniformity is the chief essential, e.g., currency, postal arrangements, customs, tariffs, merchant shipping, laws and rules. On the other hand, where uniformity or central control is not clearly essential, or is impracticable, all centralization involves, and must necessarily

involve, a serious sacrifice of elasticity. Further by centralization all progress tends to be retarded, all initiative is liable to be checked, and the sense of responsibility of the local authorities is greatly impaired. Above all, centralization in a country so large and so populous as India, unless greatly circumscribed must lead to inefficiency and to the wielding of undus power by subordinates. The Government of India, at a great distance from the Provinces possessing no representative character and frequently not containing a single member with any real personal knowledge of great territories such as Bombay or Madras, must inevitably be out of touch with local public opinion in those areas. In so far as it lays down principles and adopts measures not already formulated by the Local Governments or refuses to sanction measures deliberately recommended, the Government of India incurs a grave risk of running counter to local feeling. The dependence of local Governments on such a distant central authority in matters of chiefly local concern tends to become an unmixed evil.

The Bombay Government, therefore, urged that the time has arrived for relieving the local Governments in all matters, that relate to provincial administration of a centralized control.

The Bombay Government, therefore, proposed the allocation of the functions between the Central and local Governments, respectively, as follows:—

THE CENTRAL GOVERNMENT

(1) Army and navy, armaments and equipments, (2) Banking and Bankruptcy, (3) Civil works (Imperial), (4), Coinage, (5) Currency, (6) Customs, (7) Defence, (8) Ecclesiastical, (9) Foreign relations, including relations with Native States outside the Province, (10) Immigration and Emigration, (11) Merchant shipping, (12) Meteorology, (13) Opium External, (14) Patents and Copyright, (15) Post and

telegraphs, (16) Penal laws of the country, (17) Rail ways, (18) Salt and other monopolies, (19) Stamps, (20) Statistics including census and bureaux for the collection and dissemination of information, (21) Imperial Services, Superannuation and other Home Charges, (22) Imperial taxation, (23) Trade marks.

FUNCTIONS OF THE LOCAL GOVERNMENTS.

All functions not centralized, including full control of the following :—

(1) Assessed Taxes, (2) Civil Works, (3) Courts of Law, (4) Education, (5) Excise, (6) Forests, (7) Irrigation, (8) Jails, (9) Land Revenue, (10) Marine (local), (11) Medical, (12) Municipalities and District Boards, (13) Police, (14) Political relations with States in the Presidency, (15) Registration, (16) Scientific and Minor departments excluding Meteorology (17) Stationery and Printing, (18) Superannuation Provincial Services and any other matters not assigned to the Central Government.

THE ROYAL COMMISSION

These views of the Bombay Government on one of the most vital problems of administrative reform received very little consideration from the Royal Commission on Decentralization. It is true, as pointed out by the Commissioners, that the powers of the two Presidency Governments of Bombay and Madras, were materially reduced since 1833, but those of the other major provinces are decidedly larger than they were fifty years ago. But they came to the conclusion that it was of paramount importance that the relations between the Government of India and the

Provincial Governments should be readily adaptable to new and changing conditions and should not be stereotyped by anything in the nature of a rigid constitution. They contended "that the mutual relations of Indian Governments were not those of States or Colonies voluntarily associated in a federal system where a written constitution was necessary to preserve original rights of the contracting parties" and that "in India, the Provincial Governments should remain subject to the general control of the Government of India in all respects and their functions and powers should be variable by the Central Government or by the Secretary of State as circumstances require." These recommendations of the Decentralization Commission were not justified even when they were made; much less so now. The development of a federal system has proceeded not only from communities which were previously independent, but also under the influence of a sentiment of nationality in States which were previously of the unitary type, but without any interference with local liberties. The Royal Commission appear to have taken the view that their proposals for decentralization should fit in with the existing Indian constitution and that it was not within their sphere to enquire into the system of control exercised by the Secretary of State over the Indian Governments and that their duties mainly related to an enquiry into the financial and administrative relations of the Government of India and the Provincial Governments. The disabilities of Provincial Governments relate equally to financial, administrative and legisla-

tive matters. They cannot levy taxes and they are not the masters of their revenues. They have no powers of borrowing or lending and have to expend the grants made to them under the strict supervision and guidance of their masters. In a word, they are merely the executive agents of the Government of India. In matters administrative also, their disabilities are equally characteristic. In the field of legislation, the Government of India possess concurrent powers to make laws for the provinces. Every measure of legislation, however local and limited in scope, has to be submitted beforehand to the Government of India for its administrative sanction before it is introduced into the local legislatures. The evils resulting from the existing conditions of centralized authority have been referred to at length already. The remedy, in short, is the establishment of a system of federal Government in which all these functions that could be localized should be assigned to the Provincial Governments and all those that could not should be assigned to the Central Government.

THE NATIONAL MOVEMENT.

The adoption of a federal system for India is very much more easy in the present political condition of this country than it was in the case of other federal unions in the British Empire. A federal form of polity has been rendered necessary elsewhere by the need of strength in external relations, where there are adjacent communities anxious to preserve a real independence, but afraid of proving too weak in isolation to hold their own with powerful States in

their neighbourhood. A well balanced and stable constitutional division of governmental functions between the common government of the whole and the separate government of the parts is much more easy of development under the present Indian constitution where the existing Provincial Governments have no independent position and cannot assert any pre-existing rights. The unity of India in external relations has already been established, and it is the development of independence of each part in its internal affairs that is now so much needed. It is unnecessary to go into the history of ancient polity. The ancient kingdoms were independent political organisations but nevertheless common historical traditions rather than a biological descent, a substantial unity of culture in life, a community of sympathies and ideals have always prevailed in India. The establishment of British power in India has led to the development of a homogeneous political organisation which has never existed before in this country. The whole thought and spirit of the Indian mind has been changed by the development of a single government throughout India and the great national movement which began with the establishment of the Indian National Congress in 1885 is the greatest achievement of British rule in India. Sir Henry Cotton, as President of the Indian National Congress in 1904, referred to the growth of political ideas in this country and has truly observed that "the ideal of an Indian patriot is the establishment of a federation of free and separate states of India on a paternal footing with the self-governing colonies

each with its own local autonomy connected together under the ægis of Great Britain. 'That is a forecast of the future, dim and distant though it be, the gradual realisation of which it is the privilege of Government to regulate and the aim and hope and aspiration of the Indian people to attain.' A federal system by which the independence of the Provincial Governments in their internal affairs is established will, therefore, be welcomed by political reformers of all shades of opinion in this country.

A SUB-NATIONAL MOVEMENT.

India is a vast sub-continent with a congeries of separate nationalities, having different religions, languages, sentiments and idiosyncracies. In area India is greater, by 12,000 square miles, than the whole of Europe excluding Russia. Of this area 61.5 per cent. is under British administration and 38.5 per cent. under the Native States. The moral, social, industrial and political development of the various Indian races is a task of the greatest magnitude. The establishment of autonomous administrations with a back-ground of national feeling and sentiment has also been advocated by Indian reformers. It has been proposed that the habitat of each race or each large linguistic area should be a separate self-governing unit in a federated India. The formation of linguistic and ethnological provinces has distinct advantages for the purpose of education and government and a political reconstruction of India on a linguistic and ethnological basis is necessary. A redistribution on these lines has been advocated for several years by Anglo-Indian administrators. So early in 1878, Sir George Chesney

recommended the constitution of Orissa as a separate province and Sir Francis Younghusband urged before the Royal Commission on Decentralization the formation of Sind as a distinct Administration. Sir Thomas Holderness, the permanent Under Secretary at the India Office, writing before the partition of Bengal observed, "that, with the exception of Burma no province represents a natural unit; that is to say that the provinces do not stand for differences of race or language or geographical distribution and entity. They are purely administrative divisions of territory. An Indian province is not what we mean by a nation though it tends to create a provincial spirit which is not far removed from the beginning of national life." These ideas were also put forward by non-official public men before the Royal Commission on Decentralization not only as a very desirable measure of administrative reform but as a stimulus to the growth of national sentiment. The present territorial limits of Provincial Governments in India are by no means satisfactory and are due to many historical accidents.

There is now a movement to secure a redistribution of Provincial areas on more natural lines by grouping the populations speaking the same language and having the same traditions, manners and customs under the same administration. The case for such a redistribution has been set out in a note presented to the Indian National Congress by the standing committee of the Andhra Conference which will be found in one of the appendices. The problem of a federation of the Indian people can only be fully achieved

by a rearrangement of administrative areas more in accord with racial and linguistic affinities.

THE CONGRESS SCHEME.

The scheme of reforms framed by the Indian National Congress and the Muslim League has asked for changes which must eventually lead to the establishment of the federal system. It is suggested in that scheme that the Government of India should, as constituted under this scheme, be, as far as possible, independent of the Secretary of State in legislative and administrative matters and it should not ordinarily interfere with the internal affairs of a province. Under the Congress Scheme the Government of India should be the repository of all residuary power as Provincial Governments are to exercise only such powers as are specially assigned to them under the proposed constitution. The functions exclusively assigned to the Government of India and the Imperial Legislative Council are. (a) matters in regard to which uniform legislature for the whole of India is desirable such as the penal and property laws of the country, the post, the telegraphs and railways; (b) legislation in so far as it may affect inter-provincial fiscal relations; (c) questions affecting purely imperial revenue and expenditure, (d) matters relating to Indian tariffs and customs duties, currency and banking, in fact, the whole group of questions relating to the fiscal, industrial and currency policy of the Government. The Congress Scheme makes provision, as far as possible, for the existing spheres of activity of the Government of India and seeks to obtain a clearer

delineation of the functions of the Government of India and the Provincial Governments.

THE IMPERIAL SERVICES.

The last point that remains to be noticed is the Constitution of the Imperial services.

The abolition of the Secretary of State's Council which has been proposed by Mr. Gokhale and which has been also advocated by the Congress and the Muslim League is bound to raise important questions relating to the recruitment of the public services. One of the objects which the framers of the Government of India Act had in creating the Secretary of State's Council in 1858 was the disposal of patronage relating to the various public services in India. The appointments to the various civil services had always been a matter of great trouble and anxiety to the Court of Directors and the Board of Control and under the provisions of the Government of India Act relating to the constitution of the Indian Civil Service the Secretary of State in Council is empowered, with the advice and assistance of the Civil Service Commissioners, to make rules for the Indian Civil Service examination and to make appointments to the Indian Civil Service. In regard to the other Imperial services also such as Education, Police, Agriculture, Forest, Civil Veterinary, Geological, Survey, the Military, Finance and the Indian Medical Service, the Secretary of State in Council makes appointments in London and hardly any appointments are made to these Imperial services in this country. Notwithstanding statutory and royal declarations and Parliamentary pledges from 1833 the wider employment of Indians in the

higher administrative posts has not been achieved to any great extent and the position will be fully set out in dealing with the question of public services. If the proposal for the abolition of the India Council is carried out the statutory power of making appointments must be vested in the authorities in India and the Governor-General in Council is naturally the authority to whom this power should be transferred. The Congress and Muslim League have, therefore, proposed that this power should be vested in the Governor-General in Council and the appointment to the Imperial Civil Services should be made subject to laws that may be passed by the Indian Legislative Council. The Indian view has been recently set out by Mr. Justice Abdur Rahim in his dissenting minute to the report on the Royal Commission on the Public Services. That view is "that the importation of officials from Europe should be limited to cases of clear necessity and that the question for consideration is in which services and to what extent should appointments be made from England." Mr. Justice Abdur Rahim says: "The suggestion involved in the majority's point of view is that special measures are necessary for finding employment for Indians in the administration, and that the practical question, therefore, is how many or how few posts are to be handed over to them. On the other hand, the view which, upon a review of situation, has forced itself on my conviction, is that, if Indians have not established a footing in the higher ranks of administration, it is not through their own fault; it is due to barriers of many sorts that have been raised in their way. It will be sufficient if

the disabilities be removed and the doctrine of equal opportunity and fair dealing be established as a practical measure. No special protection or favour will be necessary if the need for the protection is guarded against." This view can successfully prevail only where the appointing authority is located in India as proposed in the Congress scheme. This does not mean that European agency would not be employed in the various public services in this country by the Government of India to the extent that may be required in the interests of this country. If, however, the Governor-General in Council is the authority in this matter, he will be forced by insistent public opinion to examine year after year, the Indianising of the services as far as possible and to give effect to the recommendations of the Royal Commission and to the past declarations much more faithfully than has been done in the past. The Secretary of State in whom the power of appointment is now vested is practically beyond the pale of public criticism of this country and any number of Royal Commissions are not likely to do justice to Indian claims so long as this power is vested in him. On the other hand, the Government of India is continually in touch with the public sentiment in this country and is more likely to respond to Indian aspirations and to gradually lessen the employment of the European agency and to expand the necessary educational agencies for the recruitment locally of competent indigenous talent in these services. The Civil Service organisation is an integral part of the present Indian administrative agency and it must be

within the competence of the central government to take care of its efficiency. This arrangement would enable the Government of India to employ such European agency as may be necessary in the administration of this country and to afford the solution for a number of complicated problems.

CHAPTER VII.

THE CENTRAL LEGISLATURE.

"The Government of India is too wooden, too iron, too inelastic, too ante-diluvian, to be of any use for the modern purposes we have in view. I do not believe that any body could ever support the Government of India from the point of view of modern requirements."

You cannot reorganise the Executive Government of India, remodel the Viceroyalty, and give the Executive Government more freedom from the House of Commons and the Secretary of State unless you make it more responsible to the people of India."—THE RIGHT HON'BLE MR. MONTAGU in the *House of Commons*, 1907.

I now come to the group of questions relating to the central legislature. They are:—(1) The relations of the central legislature to the executive government, (2) the scope of its authority and (3) its composition. At the outset it is necessary to point out the nature and scope of the Congress scheme in regard to the maintenance of the supremacy of the British Government in India.

The Congress scheme has been very much criticised on the ground that it involves catastrophic changes in the administration of this country and that the similar proposals of the 19 members are iconoclastic in their nature and are inconsistent with the maintenance of British supremacy. If our critics had looked carefully into the scheme, they would have noticed that the changes proposed will not confer responsible government nor do they involve material changes in the position of the Governor-General in Council. The Government of India's direction of the military affairs and the foreign and

political relations of India including the declaration of war, the making of peace and entering into treaties are all excluded under the scheme from the purview of the Indian Legislative Council; these supreme functions of the central government are left entirely to the executive governments and are placed outside the sphere of popular control and the Indian Legislative Council cannot bring these matters under discussion now nor under the proposals of the Congress. In these matters, the Government of India would continue to act under the directions of the Secretary of State as the mouthpiece of His Majesty's Government. The supreme direction of affairs in regard to the external relations of the country and the military organisation which is necessary for the maintenance of peace and order are thus safeguarded. There is, therefore, no proposal to deviate from existing constitutional conditions for the maintenance of British supremacy. In regard to other matters of general legislation and administration falling within the scope of the functions of the central government such as immigration, emigration, railways, post and telegraphs and customs and excise, the Congress and Muslim League proposals aim at placing the central executive under the control of the central legislature. These are essentially matters which affect internal progress and administration, and there is no reason why, in these spheres of activity, the voice of the representatives of the people should not prevail. Even in 1907, the Government of India expressed the opinion that "they had every hope that the confidence they are willing to place in the intelligence