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THE SYSTEM
OF
ADMINISTRATION IN INDIA



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FOR CONSULTATION ONLY

001227
INDIAN POLITY

A VIEW OF

THE SYSTEM OF ADMINISTRATION IN INDIA

BY

GENERAL SIR GEORGE CHESNEY, K.C.B., M.P.

COLONEL COMMANDANT ROYAL ENGINEERS

Οὐ μόνον ἄρα δυνατόν, ἀλλὰ καὶ ἄριστον πόλει νόμιμον ἐτίθεμεν

(Thus the system we have proposed is not only practicable, but is also best for the state)

PLATO, the *Polity*, Book V. 457

THIRD EDITION

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PREFACE

TO

THE THIRD EDITION

THE long period, nearly a quarter of a century, which has elapsed since the last edition of this book was published, has made that work out of date in every sense, especially because the numerous reforms, civil and military, which it advocated, have in the interval been in great measure carried out. The book has therefore been rewritten throughout—except the historical introduction in Chapter II.—and treats of the new and greatly altered conditions, political and administrative, which have now to be dealt with.

While this edition is thus a new book, the old title has been retained, as remaining appropriate to the subject. Reform of the Indian administration is still as much needed as ever, but reform addressed to new circumstances, and needing new methods. With the progress of time, the problems which present themselves for solution, while as ever many and various, become ever more delicate and complex.

The opportunity has been taken to bring under



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review the Home Government of India, as well as the administration in that country.

The acknowledgments of the author are due to the publishers for the completeness of the elaborate map attached to this edition, which is, he believes, the first to show in one view all the administrative divisions of British India.

LONDON :
November, 1894.



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PREFACE

TO

THE SECOND EDITION

THE reforms in Indian administration during the past two years, have included certain proposals put forward in the first edition of this work, and involve considerable alteration now, in order to bring the descriptive portion into accordance with existing facts. The rapid development of policy in regard to public works which has taken place during this time, and the new aspect presented by the financial condition of the country, have rendered it necessary to re-write in part the concluding chapters.

That reconstruction of the Indian army, which was before strongly advocated, has still to be entered upon, although the necessity for an entire change in its organisation becomes every day more apparent. The part of the work which refers to that subject is, therefore, reprinted almost without alteration.

LONDON:
June, 1870.



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PREFACE

TO

THE FIRST EDITION

THE FOLLOWING PAGES have for their twofold object to furnish an outline of the system under which British India is ruled, and to bring to notice some points in that system which appear to call for improvement. Ten years have already elapsed since the direct government of that country was assumed by the Crown, and its affairs made matters of Imperial interest. The time, then, has arrived when the whole course of Indian administration may fitly be reviewed, as a preparation towards modifying it where policy and wisdom recommend, instead of leaving its reform to the pressure of chance ; and on this head some considerations are offered which, it is believed, if simple, are also original. The attempt has also been made to show clearly that the defects now most prominently apparent are, so to speak, accidental ones, arising out of the fortuitous manner in which our Indian Empire has grown up, and which only require the exercise of some administrative vigour to remove. When this is clearly apprehended, the path of reform is made easy.

The writer on Indian subjects is at every point met by the difficulty of adapting his treatment to the very



slight acquaintance of them possessed by most readers, without making it tedious to the better informed. But as for the distaste which it is usual to assert is felt for Indian affairs, the author can only say that, so far as personal experience is a guide, the interest expressed about them appears often to exceed the knowledge possessed on the subject. Nor is it surprising, in view of the rapid transition through which India has lately passed, that even those personally connected with the Indian service should have only the most indistinct notions as to the functions its members perform. The want thus felt it is hoped the present volume may supply.

With respect to the Indian Army, for example, it may be surprising to hear, after all the discussion of late years, that its real reform has yet to be undertaken; that what has been done so far is at best only a provisional arrangement, suited for a temporary emergency. Yet such is the conclusion which is inevitable from a consideration of the facts. And this is but one of the problems before Indian administrators, and which for their solution demand a closer knowledge of the subject than is usually to be found. Some of these questions will certainly before long engage public attention; and as a contribution towards the discussion which will then arise, it is hoped that these pages may not be without their value, especially as regards the important subject of the share to be granted to the natives of India in the administration of that country.

HARROW-ON-THE-HILL:

May, 1868.



CONTENTS

CHAPTER I

GEOGRAPHICAL SUMMARY

	PAGE
Area ; mountains	1
The great plains	2
Rivers	3
Table-land of Dekhan ; climate	4
Periodic rains	5
Rainless tracts ; cold season	7

CHAPTER II

OUTLINE OF INDIAN HISTORY

Aboriginal races ; Aryan migration	9
Aryan languages ; Buddhism	10
Brahmanic revival	11
The Dravidians	12
Separation of the Indian peoples	13
Seythian immigrations	14
Mahomedan invasions of India ; the Arabians	15
Pathan empire of India	16
Influence of Persian literature	17
Mogul empire	18
Rise of the Sikhs ; Maratha empire ; state of India before appearance of English	20
Rajputana ; toleration of Indian Mahomedanism	21
Village communities	22
Summary	24

CHAPTER III

RISE AND DEVELOPMENT OF BRITISH RULE IN INDIA

First settlement of English in India ; political state of India at the time	26
The Emperor	27



INDIAN POLITY

CSL

	PAGE
Rohileund; Oudh; Bengal; the Marathas; the Dekhan	28
Carnatic; Southern India; Rajputana; form of government of early British settlements	29
Hostilities between English and French settlers on Coromandel Coast; they engage in politics of Dekhan	30
Overthrow of the French; conquest of Bengal; comparative results of operations in Bengal and Carnatic	31
Political status of English; first acquisition of territory: the 24-Pergunnahs, followed by Burdwan, Midnapur, and Chittagong	32
The Government of the Nawab-Nazim of Bengal overthrown; the emperor confers the government of Bengal on the English	33
Importance of the acquisition; territorial acquisitions in Carnatic	34
Masulipatam, district of Madras; Northern Circars	35
Change in the form of Indian government; defects of the then existing form	36
Act of 1773; Governor General and Council appointed for Bengal	37
And vested with control over other Presidencies	38
Events of Hastings's administration; annexation of Benares	39
Advance of British garrisons; Bengal Army co-operates in Maratha war; defects in Act of 1773	40
Act of 1784	41
Changes in form of Home Government	42
And of Indian Governments	43
Insufficiency of change; appointment of Lord Cornwallis; Act of 1786	44
War with Mysore	45
Administrative reforms of Lord Cornwallis	46
Renewal of Company's Charter; Act of 1793; administration of Lord Wellesley	49
Conquest and partition of Mysore	50
Annexation of Tanjore; cession of Carnatic; and extension of Madras Presidency	51
Cession of part of Nawab of Oudh's dominions; conquests from Marathas	52
Formation of N.W. Provinces	53
Conquest of Cuttack; acquisitions in Western India	54
Result of Lord Wellesley's administration	55
His policy reversed by successors	56
Maratha war of 1817-18; extension of Bombay Presidency; territory acquired in Central India	57
And in Himalaya; Company's Charter renewed; Act of 1823; Burmese war of 1824; conquest of Assam, Arracan, and Tenasserim	58
Further renewal of Charter; Act of 1833; subdivision of Bengal Presidency; Governor General of Bengal becomes Governor General of India	59
Increased control vested in Supreme Government; Governor General empowered to act without Council; special arrangement for Bengal Army and Civil Service	60



CONTENTS

xiii

	PAGE
Modifications proposed in Bill	61
Modifications carried out afterwards	62
Further additions to British possessions; Coorg; territory on the Sutlej	63
Karnul; Sind; Sikh war; annexation of Trans-Sutlej territory; annexation of Punjab; second Burmese war; cession of Pegu	64
Further renewal of Charter; Act of 1853; Lieutenant Governor appointed for Bengal	65
Annexation of Nagpur	66
Annexation of Oudh; recent changes; transfer of Delhi territory to Punjab; formation of Central Provinces; of British Burma; administration formed for Berar	67
Straits Settlements transferred to Colonial Office; Assam constituted a separate Province; Mysore restored to native rule; annexa- tion of Upper Burma	68
Baluchistan; transfer of government from Company to Crown; Act of 1858; Provinces of British India recapitulated; Bengal	69
N.W. Provinces and Oudh; Madras; Bombay; Punjab	71
Central Provinces; Assam; Berar; Burma	72
Baluchistan; Coorg, Ajmir, Andamans; native States	73
Hyderabad; Rajputana	74
States of Central India	75
Kashmir; administrative divisions	76
States under governments of Madras; Bombay; Bengal; Punjab; and Central Provinces; area and population of India	77

CHAPTER IV

THE PRESIDENCIES

Popular view that India consists of three Presidencies erroneous; ambiguity of the term 'Presidency'	79
And of name 'Bengal'.	80
Origin of the mistaken ideas on the subject	82
Connection between Bengal Presidency and Bengal army; Bengal Civil Service practically divided into two services	83
For east and north of India, each larger than Madras or Bombay Civil Service; separation of civil services maintained after it ceased to be necessary or suitable	84
Fusion of the three civil services into one; misconception caused by system of presidential armies	86
Misconception underlying parliamentary legislation on subject	88

CHAPTER V

THE PROVINCIAL GOVERNMENTS

Anomalous organisation of the provincial governments	90
Bengal government the most important of all	92
And should be made a Governorship	98



INDIAN POLITY

	PAGE
With a Council	96
Calcutta High Court should be placed under Bengal Government . .	97
Bengal Council should be executive and not consultative only . .	99
Direct correspondence between India Office and Madras and Bombay Governments should cease ; North West Provinces ; their magnitude and importance	100
Should have a Governor and Council	102
Designation of these provinces should be changed	103
Punjab should also be made a Governorship ; Central Provinces . .	104
Assam	105
Smaller provinces ; Burma	106
Head of the administration should be a Governor ; as well as head of Central Provinces, and of Assam	109
Economical scale of Indian government establishments	112
Some territorial redistribution desirable	113

CHAPTER VI

THE SUPREME GOVERNMENT

Development of Government of India out of Government of Bengal . .	116
Composition of Government of India ; its legislative powers	118
Government of India relieved of administration of N.W. Provinces, and of Bengal ; change of title ; expansion of Council	119
Provision for filling temporarily office of Governor General ; mode of appointing Councillors	120
Appointment created of Public Works Member of Council ; Council formerly a consultative body	121
Has now become a body of ministerial heads of departments	124
Effect of the change	127
Position of Governor General in the Council	128
Relative position of councillors and governors of provinces	133
Commander-in-Chief also a member of Council	134
Economical footing on which Council is organised	138
Seat of Government of India	139
Simla	140
Calcutta	142

CHAPTER VII

THE LEGISLATIVE COUNCILS

Legislative powers of Indian Governments ; first Legislative Council .	144
Change made in 1861 ;	145
And creation of provincial Councils ; procedure	146
Expansion of Legislative Councils ; Act of 1892	149
Municipal and rural District Boards	153
Municipalities	154
District Boards	155



CHAPTER VIII

THE CENTRALISED DEPARTMENTS

	PAGE
Finance Department	156
Mints ; Post Office ; Revenue and Agriculture Department ; Survey Department	158
Geological Survey	159
Forest Department ; Civil Veterinary Department	160
Home Department ; Medical Department	161
Telegraph Department	162
Provincial Administrative Organisation ; police	163
Jails ; education	164

CHAPTER IX

DISTRICT ORGANISATION

Efficient government based on decentralisation ; the district the administrative unit ; extent of an Indian district	168
Head district official the collector and magistrate ; duties of col- lector—in regard to land revenue	169
Other kinds of revenue ; as district treasurer ; duties of magistrate ; general—magisterial—judicial : reason for junction of the two offices	171
Joint Magistrate	172
Assistant Magistrate ; native district officials	173
District court-house ; district Police ; district jail	174
Superintendence of excise, and of stamps ; the Commissioners of Divisions	175
District judge	176
Native judicial officers ; proceedings of district judicial courts ; the High Courts	177
Their jurisdiction and functions ; bar of district and High Courts ; free use of appeal permitted	178
Its good and bad effects	179
Small cause courts ; higher grades of civil service distributed in two branches, executive and judicial	180
The civil service employed mainly on district administration	181
The most important of all duties	182

CHAPTER X

THE NON-REGULATION PROVINCES

Nature of the Indian Regulations	184
Certain districts exempted from their operation	186
Regulation and non-regulation provinces	187

Ambiguity of the law regarding the non-regulation provinces; effect of Act of 1854	188
First statutory recognition of non-regulation provinces	190
Distinction between two classes no longer in force, except as regards the administrative agency employed; variations of administrative system in different provinces	191
Amount of judicial business; moderation of scale of civil salaries	192
And recent depreciation of them	193

CHAPTER XI

EXTENSION OF NATIVE AGENCY IN CIVIL ADMINISTRATION

Civil administration carried on mainly by native agency; recent development of this	195
Introduction of competitive system	196
Its unsuitability to the case	197
Creation of Statutory Civil Service; partial trial of it	199
Defects of the system; new departure made; Indian civil service to be partially recruited from provincial services	200
Abolition of title 'covenanted' for civil service	202
Competitive system should be limited to English candidates	203

CHAPTER XII

RISE AND DEVELOPMENT OF THE INDIAN ARMY

Company's forces raised in Madras; rise of Bengal Army	205
Increase of Madras Army; Bombay Army	208
Royal troops in India	209
Gradual augmentation of native armies	210
Reorganisation of 1796	211
Subsequent increase of forces	212
Indian Army in 1808	213
Further development; establishment in 1856	214
Additional native infantry regiments; irregular cavalry	215
Local troops; contingents	216
Officering of irregular troops	217
Withdrawal of officers for civil duties; its ill effects	218
Other defects of system	219
Seniority system	220
Ill discipline	221
Bengal Army overgrown; Mutiny of 1857	222
Subsequent increase of British troops; reorganisation after the Mutiny; reductions made	223
Subsequent changes	225
Augmentation of 1855	226
Present strength of army	227



CHAPTER XIII

BRITISH OFFICERS OF THE INDIAN ARMY

	PAGE
Pre-mutiny system of officering regiments; degradation of the regimental system; reorganisation of 1861; reform of regimental system	228
Creation of the Staff Corps; merits of the system; blunders made in introducing it	229
Costly remedies applied; bad effects of mistakes made, especially on Madras army	233
And further evils to come	234
Amalgamation of the three Staff Corps; title should be changed . .	235

CHAPTER XIV

ARMY ORGANISATION

Causes which brought about the presidential system of organisation	236
This gradually became unworkable	237
Evils of maintaining system brought to notice in previous editions; and reforms proposed	239
Which after protracted opposition and controversy	241
Are at last in course of being carried out	245
Reforms proposed in 1870 no longer suitable to circumstances of case	246
Modifications desirable; patronage how to be regulated	251
Of first appointments	252
Of regimental posts	253
To the staff	254

CHAPTER XV

INDIAN ARMY PROMOTION

Promotion to colonel	256
Promotion to general officer	258
A defect of present system	259
Comparative emoluments in India and elsewhere	261

CHAPTER XVI

NATIVE OFFICERS

The old regimental system	263
The new system	267
Its defect in not offering a career for the Indian higher classes . .	268

CHAPTER XVII

PUBLIC WORKS : ORGANISATION AND DEVELOPMENT

	PAGE
Technical meaning of term Public Works in India	273
Want of roads in India formerly ; traffic how far affected by it ; its effect on Indian military system	274
First progress in road-making	275
Lord Dalhousie's reform in organisation of Public Works Department	276
Executive agency	277
Department divided into four branches	278
Composition of staff	279
Expenditure how provided	280
Comparative advantages of roads and railroads	282
Canal navigation in Northern India ; road-making transferred to provincial governments	284

CHAPTER XVIII

IRRIGATION WORK

Importance of Indian irrigation works ; different systems of irrigation ; tanks	285
Irrigation from rivers ; Madras system	286
Canal system of Northern India	287
Canals in Madras	290
In Bengal	291
In North-West Provinces	294
In Punjab	296
Inundation Canals	298
In Sind ; in Bombay	299

CHAPTER XIX

RAILWAYS

Early history of Indian railways	300
The Guarantee system	301
Further progress ; merits and defects of guarantee system	303
Construction of railways by State ; introduction of narrow guage	304
Recent additions ; railways in Burma	305
Evils of break of guage	306
Vacillation of railway policy of Indian Government ; extension of contracts granted in some cases ; railways purchased in other cases	308
Amalgamations of different systems	309



CONTENTS

xix

	PAGE
Diversity of system now obtaining	310
Stoppage in railway progress	311
Effect of fall of silver on guarantee system; satisfactory position of railway finance	312
State construction	313
Compared with joint stock agency: terms to be given	314
Railways should be constructed by companies; Government ac- quiring ownership	317
But not working the lines directly	318
Reform necessary in railway administration. At India Office	319
And in India	321
A public works minister required	323
And a public works board	324
Railway accounts to be separated from general financial accounts	325

CHAPTER XX

FINANCE

Finance accounts inflated by entry of gross receipts and charges	326
Net revenues and receipts compared; increase of revenue	328
Increase of expenditure	333
Loss by exchange; civil charges	334
Military charges	335
Liability impending for exchange compensation	336
Effect of fall in silver; stability of Indian finance	339
Famine relief fund	340
Net surplus in recent years	344
Financial bearing of the railways	345
Loss by exchange	346
Fiscal resources available; provincial finance, how far practicable	347
Misleading form of provincial accounts published by India Office	348
Decentralisation of Indian finances impracticable	350
But provincial governments should have financial powers and re- sponsibilities	351
System adopted for securing this	354
Provincial contracts	355
Adjusting entries in finance accounts	357
Further powers should be given to provincial governments, and supreme government	358

CHAPTER XXI

THE HOME GOVERNMENT OF INDIA

Earliest jurisdiction by Court of Directors; Board of Control	359
Procedure for exercising control over Company; Secret Committee	361
Patronage reserved to Court of Directors	362
Addiscombe and Haileybury	363



INDIAN POLITY

	PAGE
Abolition of Court of Directors and Board of Control, and appointment of Secretary of State and Council of India	365
Changes made in Council	366
Reduction in numbers ; effect of the change	367
Necessity for a Council	368
Existing procedure should be reformed	373
Anomalous position of Councillors and Secretaries	374
Councillors should be placed in responsible charge of departments	375
A change facilitated by recent reduction of Council	376
Caution against undue interference with government in India	378

CHAPTER XXII

GENERAL CONSIDERATIONS

Political aspect of India	380
Full personal liberty without free institutions	380
Difficulties resulting	380
Agitation set on foot	381
Encouragement received from certain classes of English politicians	382
The vernacular press	382
The National Congress	385
Intervention of parliament in Indian affairs ; resolutions of House of Commons	388
And their ill effects through timidity of ministers ; when authoritative	389
And when not	390
Danger of undue interference with Government of India	391
False position occupied by that government in consequence	392
Interference especially inopportune at present time	393
Summary of case ; material prosperity of India	394
Qualifications to be made ; excessive growth of population ; cultivators in course of being displaced from the lands	395
Remedial action required	396
Assumed drain of wealth from India	397
Political instability of India if left to itself	398
English rule not necessarily popular ; attractive character of Indian people	399

MAP OF INDIA IN 1894 at end



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INDIAN POLITY

CHAPTER I

GEOGRAPHICAL SUMMARY

THE peninsula of India is about 1,900 miles in length from north to south, and of about the same breadth in its widest part, nearly due east and west. British India comprises also the extensive region east of the peninsula which bears the general name of Burma. The whole area of India, including the territory beyond the north-west boundary of geographical India which is now under British rule, contains about 1,800,000 square miles, which is somewhat larger than that of Europe without Russia. Its population is 289 millions, nearly one-fifth of the estimated population of the globe, that of Europe without Russia being about 240 millions.

CHAP.
I.

Area.

The Himalaya Mountains, with the various chains extending from them east and west, cut off India from the rest of Asia. The central portion of the range to which this name is given extends for about 2,000 miles, with a breadth of several hundred miles, from the plains of India on the south to the table-lands of Central Asia on the north. The main chain of this, the greatest mountain range on the surface of the earth, extends for a long distance farther, both east and west.

Moun-
tains.



CHAP.

I.

The great
plains.

Another mountain chain connected with the Himalaya extends from it southward and westward along the basin of the Indus to the Arabian Sea, while from the eastern extremity a tangled mass of mountain country spreads into Burma and along the east coast of the Bay of Bengal. It is this geographical isolation from the rest of Asia and its projection into the sea, which determine the climate of India and explain also why its people and their past history should be distinguished by special and unique characteristics.

The north of India is for the most part a vast unbroken alluvial plain, extending southwards at each extremity; at the western along the basin of the river Indus and its tributaries to the Arabian Sea; to the eastward along the basin of the Ganges and its tributaries. The plain of the Upper Indus, before its junction with the other rivers of Punjab, although generally flat, is well raised above the level of the rivers which flow through it, and is generally a great arable district. Lower down, with a reduced rainfall, the margin of cultivation on each bank of the river is small. On approaching the sea the slope of the country diminishes, and the Indus finds its way to the sea through a network of channels. Sind, the delta of the Indus, like Egypt, is almost rainless, but artificial irrigation renders it very productive. Sind is cut off from the rest of India on the east by the rainless and waterless tract known as the Indian Desert, a continuation of the plain of Upper India. The basin of the river Ganges, which, after issuing from the Himalaya and its tributaries, runs in its upper course from west to east, forms the great plain of the North West Provinces and Oudh, which constitutes the greater part of the country known as Hindustan. This country also being well raised above the level of the rivers is generally free from inundations, it has a moderate rainfall and is for the most part arable land. The basin of the Lower Ganges



GEOGRAPHICAL SUMMARY

CHAP.
I.

is more tropical in character, and rice cultivation gradually supersedes that of corn. About two hundred miles from the sea the Ganges forms its delta, due to the diminished slope of the country. The waters in the various branches, as of the other rivers which flow into the head of the Bay of Bengal, are now above the surface of the country and are retained in their course by artificial embankments. The Brahmaputra, which issues from the Himalaya to the north of Assam, joins the Ganges below the apex of the delta, forming with it the great river Meghna, which flows into the north-east of the Bay of Bengal. The lower portion of the basin of the Ganges is a vast mudbank, the deposit of that river. The process of recovery from the sea is still visibly going on, soundings at the mouth of the Hugli—one of the branches of the Ganges—changing in a few yards from a depth in which ships may anchor to two thousand fathoms, a difference which affords some indication of the time which the deposit must have taken to reach its present level.

Of the great rivers of Northern India, the Indus and the Brahmaputra take their rise to the north of the Himalaya mountains, and after a course of many hundred miles enter the plains of India on the north-west and north-east respectively. The Ganges, and its great tributary the Jumna, have their sources in glaciers on the southern slopes of these mountains. The Indus is navigable for large boats as far as Attock, in the north of Punjab, and the Brahmaputra is traversed by large steamers throughout the whole length of the valley of Assam. The Jumna and Ganges are also navigable for boats to Delhi and Hardwar, and were for long the great highways of local commerce, but are now in course of being superseded in this respect by railways.

The plains of Northern India (Hindustan) are bounded on the south by the Vindhya range—hills in



CHAP.

I.

Table-land
of Dek-
han.

comparison with the Himalaya, but mountains according to the British standard—extending almost across India from Gujarat on the west to the edge of the plains of Orissa and Behar on the east. This is the watershed of Central India, the river Narbada which flows into the Arabian Sea near Broach; the Sone, a large tributary of the Ganges on the north; and the Mahanadi which flows into the Bay of Bengal, all rising on a plateau about 3,300 feet above the sea within a few miles of each other. The Vindhya chain is the northern boundary of an irregular and elevated plateau with an average elevation of about 1,500 feet, but rising in parts to as much as 5,000 feet. This table-land, called the Dekhan (or south country), is roughly triangular in form, the Vindhyas forming the base, while the sides run parallel to the two coasts of the peninsula, but approaching much nearer to the western than to the eastern coast. This table-land is tilted towards the east, the western boundary being much more elevated. On the latter side the Ghats (boundary walls of the table-lands) rise precipitously within a few miles of the coast below to an average height of 3,000 feet; on the east side the Ghats, which are here less precipitous and seldom higher than 1,500 feet, fall into the plains at a distance of from 50 to 150 miles from the Bay of Bengal. Towards the south of the peninsula the table-land develops into the still more elevated plateau of Coorg and the Nilgiri Mountains, attaining a height of about 8,000 feet. If the level of the ocean were to rise 1,000 feet, the whole of India would be submerged except the triangular table-land of the Dekhan.

Climate.

A country so extensive and of such diversified surface necessarily presents great varieties of climate. Calcutta at the mouth of the Hugli is just within the north-west tropic, but all Hindustan lies beyond it. Sheltered from the icy north winds by the Himalaya, and with a comparatively low elevation, Northern



GEOGRAPHICAL SUMMARY

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CHAP.
I.

India experiences a much less degree of cold than other parts of Central Asia in the same latitude, and enjoys a temperate climate in the winter months. In Southern India the temperature is more uniform throughout the year, although neither the climate nor the general aspect of the country are in accord with the popular notions generally held about them, which have been derived from the accounts of earlier visitors whose experience was limited to the seaboard, and who describe India as a region of luxuriant vegetation and equable moist heat. The greater part of India, especially the great plain of Hindustan, is deficient in timber; the climate is dry rather than damp, and there are great varieties of temperature in the course of the year. In tropical India, on the other hand, the climate on the east coast varies but little. It is never cold, but the sea breeze and proximity to the ocean—the great absorber of caloric—prevent excessive heat. But throughout India the characteristic of the summer months is a high temperature which in the low-lying plains is greater as the distance increases from the ocean, till the highest point is reached in Punjab and the desert-bound plains of Sind, where there is no moisture to absorb the solar radiation. Here the bare baked soil throws back the solar rays into the air and the temperature reaches a height unknown to the dwellers on the coast. Vegetation disappears; furious hot dry winds blow all day; the short night brings little relief or fall of temperature; while at frequent intervals fierce dust storms sweep across the plains, making the day dark as night. After a time, as these dry winds are succeeded by calms betokening the great climatic change, life becomes almost insupportable to the European, and is one of suffering even for the indigenous inhabitants.

The heated surface of the land has now set up a great indraught of air from the ocean to the southward, deflected by the motion of the earth from a south into

Periodic
rains.



INDIAN POLITY

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a south-west wind—the south-west monsoon, which sets in on the coast towards the latter end of May and reaches the plains of Upper India by the middle of June. This blows with little intermission until the month of September. A strong wind on the seaboard, attaining often to the force of a gale, it discharges its volume of vapour on the Western Ghats, the mountains of Assam, and the east coast of the Bay of Bengal in a deluge of rain, several hundred inches falling in a few weeks. Parting thus with the greater part of its moisture, the monsoon carries a moderate rainfall to the tracts beyond. Over Bengal, where no high land intercepts its course, the monsoon gives a very copious rainfall, and deflected into a south-east wind by the comparatively low air pressure over the basin of the Upper Ganges, it supplies the annual rainfall to the plains of Hindustan, lessening as the wind parts with its moisture, until at Delhi the average rainfall is reduced to about twenty inches. Further to the north-west the influence of the monsoon becomes still slighter, and the Upper Punjab depends more on the winter than on the summer rains for its annual supply. The cooler surface of the Himalaya intercepts the moisture still borne by the wind which passes over Hindustan, giving here also a great rainfall; the southern slopes of the Himalaya during the monsoon are for the most part wrapped in clouds of mist. On the east coast of the peninsula, where the south-west monsoon comes from the landward, it brings little or no rain, the moisture having been intercepted by and deposited on the higher inland country. The wet season elsewhere is therefore a dry season on the Coromandel coast. The rainfall over this part of India comes from the regular north-east trade wind of the northern hemisphere, which is re-established during the months of European winter, and blowing across the Bay of Bengal arrives on the west coast of the bay laden with moisture.



GEOGRAPHICAL SUMMARY

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The south-west monsoon which to the southward of Sind arrives charged with vapour, blows on that country from the direction of the dry land of Arabia, and brings little moisture. Sind, therefore, is almost rainless, and the country beyond it a desert.

CHAP.
I.

Rainless
tracts.

With the coming of the rain, nature as well as man revives; vegetation springs into life over the land, and husbandry everywhere begins; navigation is re-established on the swollen rivers; village life is gay with marriage festivals. On the table land of the Dekhan, the rain falling upon a light soil is followed by rapid evaporation; the air continues to be comparatively dry, and with the low temperature due to the elevation makes this the coolest and most agreeable season of the year, for the Dekhan does not share in the winter cold with the parts of India lying beyond the tropic. In Northern India and in Bengal the alluvial soil becoming saturated with moisture, the relief from evaporation is wanting, and except when it is actually raining, this season is usually extremely hot and oppressive; it is also the most unhealthy season from the liability to chills due to the moisture and frequent change of temperature, as sunshine is succeeded by storms.

Towards the end of September the south-west monsoon has expended its force, and is succeeded on the ocean by the regular north-east trade wind; a dry westerly wind sets in over the north of India, growing daily cooler, and giving a season of delightful weather, short in Bengal but longer as you go north, the climate in Upper Punjab being not unlike the winter of Southern Europe. Here, although a fall of snow is almost unknown, the temperature often falls at night to freezing point for many nights together. Everywhere the smiling country is now covered with a sheet of cultivation. The rice crop in Bengal is gathered about the beginning of the year; the wheat crops in Upper India are har-

Cold sea-
son.



CSL

INDIAN POLITY

CHAP.

I.

vested in March or April, the season being later as the country tends to Punjab, where the corn is not reaped till May. Then, as the crops no longer absorb the solar rays, and the sun, rising daily higher in the heavens, beats down upon the naked soil, which reflects its rays back into the air, a sudden access of heat takes place; the Indian hot weather sets in again with its parching hot winds and dust, and another season of discomfort must be endured until the welcome rain returns.



CHAPTER II

OUTLINE OF INDIAN HISTORY

THE existing races of India are descended for the most part from peoples beyond its borders. Little is known of the history of the original inhabitants who at some remote period occupied India, who have left no written records, and who were either absorbed into the ranks of their conquerors, or, driven by them from the plain country, are now represented for the most part by the various tribes in occupation of the wooded uplands of Central India, the Khonds, Gonds, Santals, Bhils, and others, still speaking in great measure their own dialects, and possessing various inferior degrees of civilisation.

CHAP.
II.
Aboriginal
races.

The first extended foreign occupation of Northern India was made by the Aryan migration of a branch of the Indo-Germanic family originally cradled in Central Asia, which first settling in Punjab, gradually spread over the greater part of India; their language Sanskrit, which, however, in its classical form was possibly confined in use to the sacred books and learned class, a language closely allied to the Greek and Latin, and even more perfect than the former to express subtle shades of thought and feeling; their religion like that of the early Greeks and Latins, embodying the deification of the elements and heavenly bodies. Their dead as with those races were committed to the funeral pile. To the primitive social conditions in force among them at

Aryan
migration.



CHAP.

II.

Aryan
languages.

the time of the first immigration, when the head of the household was husbandman, warrior, and family priest, succeeded the institution of the four castes described in the Institutes of Manu, compiled perhaps about two thousand years ago; the priests or Brahmans; the warrior class (including the ruling princes), Rajputs or Kshattriyas; the agricultural classes, and the Sudras, presumably the aboriginal conquered races. The early legendary epics, composed perhaps at a later date, but relating to an earlier period, describe a state of general war, the conquests over the aboriginal races and war amongst the Aryans themselves. The division of tongues which exists to this day is evidence of the formation of separate kingdoms, which for long periods must have been independent of and usually hostile to each other, and holding little inter-communication. Seven principal Aryan tongues now obtain in as many different parts of the country, derived, it is believed, either directly or in sequence from one primitive language, Prakrit—based upon and closely allied to Sanskrit—the spoken language in common use among the first Aryan settlers. These languages are Bengali, in Bengal; Oriya, the language of Orissa; Hindi, in force over the Upper Gangetic plain; Punjabi; Sindhi, the language of Sind; Gujarati, that of Gujarat; and Marathi, spoken over that part of the Dekhan which was conquered by the Aryans—a country now known as the Central Provinces and part of the Bombay Presidency. The differences of language which have thus arisen, and in the written characters of these, are indicative of the isolation from each other of the different nations of India which must have long prevailed.

Buddh-
ism.

Buddhism took its rise in India probably about 500 B.C. Buddha, its founder, was prince of a country north of Benares, and passed his early period of asceticism in Behar, the western portion of the present



OUTLINE OF INDIAN HISTORY

CSL 11

CHAP.
II.

province of Bengal. A reaction from the excesses of Brahmanism, a protest against the supremacy of the Brahmins, a gospel universal to men as opposed to the distinctive privileges claimed by caste and race, Buddhism became the official religion of Northern and Western India and spread over the greater part of civilised Asia. It is still the faith of China, Ceylon, Siam, Burma, and Thibet, having a greater number of votaries than any other religion. But in India its vestiges remain only in ruins and inscriptions, and in the small sect of Jains. Even when Buddhism was dominant in India, Brahmanism was never crushed out; in Bengal and Southern India it appears to have remained always powerful, and about the ninth century a general Brahmanical revival took place, under which Buddhism was driven out or suppressed, and which has brought down Hinduism to the state in which we now find it.

Brah-
manic
revival.

The Hindu religion, as interpreted by a learned Brahman, is a refined theism; as practised by the uneducated classes, it is a polytheism of indefinite extension, with innumerable deities, and embracing the devil worship practised by the lowest classes, and often by others. The organisation of four castes formulated in the Institutes of Manu has long been succeeded by a state of things under which every vocation forms a caste by itself, and embraces divisions and sub-divisions almost innumerable. In one sense Hinduism is absolutely rigid. As a man is born, so must he be, and his children, and children's children after him. Inter-marriage between castes being impossible, a Brahman or Rajput can be descended only from one of that caste respectively. But it is in some respects the most flexible of systems; caste upon caste has been added from among the races which have come under Aryan rule, and deity upon deity introduced into the Hindu pantheon, and the process is still going on to this day. Caste, as now understood, is as much a matter of social

CHAP.
II.

usage as a religion, and serves to mark off trades and occupations of all kinds into separate classes. There is a further separation arising from geographical distribution; there are different castes of Brahmans and Rajputs in different parts of the country which do not intermarry, and so with all classes and professions. The most prominent caste observance is in regard to food. Hindus can eat only with people of their own caste, and their food is defiled if touched by any but themselves, or persons of a higher caste, and the lower the caste the greater the punctilio often shown on this head. The foreigner or follower of any other faith—including of course the Christian and the Parsi—is an outcast to all, and for all but the very lowest class it is pollution to touch his food.¹

The Dravidians.

The Aryan occupation of India did not extend in any large degree to the south of the peninsula. That part of the country was first occupied in strength, and the aboriginal population subdued or driven for refuge to the forests and mountains, by a race probably from beyond the sea, whose origin is lost in obscurity, but which from the test of linguistic affinity may be thought to be allied to the Scythian family of peoples. To this race the name of Dravidian has been given, and five distinct languages of the Dravidian family are spoken in the south of India, over the whole of what is now called the Madras Presidency, Mysore, and parts of the Bombay Presidency and the State of Hyderabad—Tamil, Malayalam, Telugu, Canarese, and Tulu. This distinction of languages indicates that here, as elsewhere, the country must have been divided for a long period into as many separate states, independent

¹ It needs hardly be said that caste observance, based on considerations of personal pollution, necessarily abounds in inconsistencies, without which, indeed, the business of life would be impossible. It would be an insult for an Englishman to send, say, a present of fruit to a native gentleman on a plate from his own dinner service, but fruit and sweetmeats pass freely in baskets between all classes, although these baskets are the handiwork of a class which is practically outcast, the lowest of the low.



of and generally hostile to each other. The Dravidian race, however, became closely connected with the Aryan people of the north in the very important respect that they all embraced the Hindu religion. How this came about is shrouded in mystery. Had the Aryans overrun the south of India, the Dravidian race would naturally have been brought within the expansive fold of Hinduism in separate and appropriate, but inferior, castes; but Brahmanism being from the nature of the case a matter of birth, the fact that the Brahmans of the Dravidian race are among the most powerful and influential in India, and that nowhere is orthodox Hinduism in higher repute than in Southern India, is difficult to account for. A reasonable solution of the problem is found if we assume that during the Buddhist ascendancy Aryan Brahmans migrated to Southern India, and, intermarrying with the Dravidian race, raised their offspring to their own dignity of Brahmans. Flexibility is the note of Hinduism, and explains at once the spread of that religion throughout India and its imperturbable vitality against the efforts of the champions of other faiths. If this fusion took place between the high-caste immigrants and the people of the country, their descendants would soon become merged in the population of the Dravidian countries, adopting their language while transmitting the knowledge of the sacred books in their own classical language—a state of things we find existing to-day. The Brahman in the south has the dark complexion of the Dravidian race; their learned men, like the Brahmans of Benares and elsewhere in Northern India, are Sanskrit scholars, but they have inherited the Dravidian tongue of the people to whom they belong.

Another illustration of what was probably the effect of the Buddhist domination is afforded by the rupture of languages on the dividing lines between Bengal and Behar. Ordinarily, when two contiguous countries

Separation of the Indian peoples.



CHAP.
II.

speak different languages, it will be found that some physical barrier divides them, or that the two peoples have sprung from different races, and that either the conquering race has stopped short at what has become the dividing line, or that the contiguous countries have been occupied by separate races advancing from different directions. But here the same race of colonists overspread both tracts, yet the line of language division is a purely artificial one drawn across a level, open plain, through which flows a river, the common highway of both countries. Yet, in passing only a few miles across this invisible line of demarcation, a different language is met with. A reasonable inference seems to be that whereas Behar was the birthplace of Buddhism, and for long its stronghold, the ejected Brahmans may have migrated to Bengal, with the result of a complete stoppage of intercourse between the two tracts, maintained long enough to admit of the difference of language arising, a change which might come about comparatively soon at a time when the knowledge of letters was confined to a special learned class.

Scythian
immigra-
tions.

The first Aryan invaders of India remained in occupation of the country for many hundred years, the long period diversified by almost constant warfare with the original inhabitants and between the different Aryan peoples themselves, while dynasties rose and fell, and the various kingdoms which the conquerors built up expanded or contracted with the varying fortune of war. During this period Buddhism, which had become for a time the dominating religion, gave way in turn to the revived ascendancy of Brahmanism. The conquests of Alexander the Great extended only to Punjab, and the kingdom he established in the north of that country under one of his lieutenants was before long recovered by the Indians, but was eventually overrun by a conquering race of Scythians from the north, whose irruption



probably took place about the beginning of the Christian era. The Scythian occupation of India extended at least as far as the Jumna; the invaders established a permanent kingdom in Punjab, and a large part of the present inhabitants of that country are probably descended from these races. The Scythians embraced the Buddhist religion, and it is probably through them that this faith extended to the countries of Asia beyond, in which it has become permanently established.

While in possession of a refined instrument of thought in the Sanskrit language, in which have been handed down, besides the famous Institutes of Manu, beautiful hymns to the Aryan deities, and among later writings some interesting dramas, the Hindus were destitute of historical perception, or any appreciation of chronological accuracy. The so-called epics are extravagant fables; throughout the long period of Hindu rule the use of the critical faculty was wholly absent from its literature, and the succession of events can be inferred only from the myths in which they are suggested with the help of scanty vestiges of inscriptions still remaining. It is not until the Mahomedans appear on the scene that the history of India in any proper sense begins; and if the annals recorded by them are little more than a gloomy succession of wars and revolutions, during which the social condition of the people made little progress, still the historians of the Mahomedan period had a sense of the value of accuracy and of dates, and of the duty to the future of bequeathing the history of the past. From their advent the course of events has been faithfully represented, often in befitting detail.

On the rise of Islam, the Arabians when overrunning Western Asia in the victorious progress of their arms and faith, made incursions into Sind in the early part of the seventh century, but were in turn dispossessed by the Hindus, and a systematic invasion and conquest of India by the Mahomedans was not begun until the

Mahomedan
invasions
of India.
The
Arabians.

CHAP.
II.Pathan
empire
of India.

eleventh century. By that time the whole of Western Asia had become Mahomedan, and powerful kingdoms had been founded on the ruins of the old Greek and succeeding Tartar dynasties. The Arabian empire in Asia, however, soon broke up, and the first systematic Mahomedan invasion of India from the north-west was made by Mahmud of Ghazni, the capital of a kingdom inhabited mainly by Persians and Afghans (or Pathans), the ruler himself, and probably a large part of his officers and troops, being however Turki, a people of barbaric origin from Northern Asia, but which from intermarrying with the peoples of the countries conquered by them had lost the original facial characteristics of their race, and had acquired the aquiline and high-bred features of the Persian or Pathan nobles.

The Mahomedan conquest of India may be regarded as consisting of two well-marked periods. The first, the Afghan or Pathan conquest begun by Mahmud, was continued by his successors. The course of events comprises a series of preliminary invasions, the conquest of a portion of India and its annexation as an outlying province of the conqueror's kingdom beyond the mountains, and then the rupture of this province from the rest of the empire and the establishment of an independent Mahomedan kingdom under the usurper in India. Two hundred years passed before this last development was effected. The kingdom thus established gradually expanded into an empire embracing the greater part of India, with its capital at Delhi. This empire had hardly been established when it began to run the regular course of Oriental monarchies. Portions of it from time to time became detached from the centre as the governors of provinces took advantage of a weak monarch to rebel against him and carve out independent kingdoms. The Oriental system of government especially favours this mode of disintegration. The provincial governor holding both the full adminis-



OUTLINE OF INDIAN HISTORY

CSL

CHAP.
II.

trative and military authority, and the troops in his employ being practically raised and paid by himself, the means for carrying out a revolt are always ready at hand; while the system of polygamy is naturally provocative of family strife. The sons of a king by different wives are habitually opponents and rivals of each other; to each a party of turbulent nobles and intriguers about the court and camp attach themselves, aiming to increase the discord and foment the jealousies always existing between the rivals. Of the prince in charge of a distant province nothing good will be said at court in his absence; his army will be magnified, and every movement of it reported as an incipient rebellion, until, when his recall or supersession is ordained from headquarters, he is driven to rebellion as the only means of deliverance from danger. This is one illustration to explain the sequence of perpetual wars, conspiracies, rebellions, and massacres which make up the annals of the time, and the vicissitudes undergone by the emperor as well as by the other rulers who had created minor kingdoms in various parts of the country. Under a strong man the empire would be re-established and extended again to comprise a great part of the peninsula; under a weak or unsuccessful one it sometimes dwindled away until it contained only a few square miles of the country round Delhi. The Pathan period, counting from the first invasion of Mahmud, lasted for about five hundred years (1000 A.D. to 1500 A.D.). During this time India was the natural resort of soldiers of fortune and adventurers of all sorts from the various races beyond the mountains on the north-west, attracted by the chances of advancement afforded by the country, or driven there by the persecution and severities by the Moguls who were overrunning the rest of Asia.

Western Asia in the time of Mahmud was perhaps the most civilised part of the world, and the first Mahomedan invaders of India brought with them a much

Influence
of Persian
literature.

CHAP.
II.

higher standard of learning and letters than was possessed at that time by the nations of the West. Although constantly overrun by foreign races, the Persian genius has always succeeded in dominating the customs and languages of their conquerors. Persian poetry is still the classic, and the Persian language the *lingua franca* of the East, and in more general use than even French has been at any time in Europe. The emperor's court and camp was a polyglot assemblage of Indians, Persians, Turkis, and adventurers of all sorts, and amongst these arose the Urdu, or camp language, a compound of Hindi with a large infusion of Persian and Arabic words—the modern Hindustani now generally spoken in Upper India and some parts of the Dekhan. Hindustani is written in both Persian and Hindi (Sanskrit) characters; although it has a regular grammatical construction, it possesses but limited powers of expression, has no literature, and in fact hardly deserves to be called a language. Persian, however, was always the official language of the Government during the Mahomedan rule, and continued to be so during the earlier days of British rule; its employment in all the official records of the courts of law and revenue over the greater part of India was abolished only a few years ago. At the present time Hindustani may be regarded as the official language of India, so far that it is the dialect used for the drill-books and official records of all the Indian armies, and in this and other ways has become widely spread throughout the country; and in most provinces every English official must acquire a certain degree of acquaintance with it; but the proceedings of the law and revenue courts throughout the country are now everywhere recorded in the vernacular language of each province respectively.

Mogul
empire.

After lasting for five hundred years, the Persian-Afghan rule in India was in turn overthrown by the Mogul (Turki) conquest. Early in the thirteenth century



the Moguls, a savage and barbarous horde from Northern Asia, overran the western countries of the continent, sweeping away the dynasties established there and destroying the civilisation which had been established on the basis of the Arabian conquest. Coming under the all-powerful influence of Islam, the conquerors soon embraced that faith, while their Mogul (or Tartar) characteristics became absorbed in those of the conquered people, and a restored civilisation grew up on the ruins of the old. A great Turki or Mogul kingdom having become established in Central Asia, invasions of India from it naturally followed. Almost from the first settlement of the Moguls in the countries beyond the mountains, large numbers passed on into India to take service in the armies of the emperor and other ruling princes, and so became merged in the population of that country; and isolated incursions into and invasions of India occurred throughout the three centuries from 1300 to 1600 A.D.; but the permanent Mogul occupation was not accomplished until the sixteenth century, under the monarch Baber, a great and accomplished soldier and statesman, the founder of what is known as the dynasty of the Great Moguls. The usual sequence followed—the separation of India from the provinces beyond the mountains, which fell to another branch of the family. The sovereignty of India alone was first held by the great Akbar, grandson of Baber. Under his three descendants in the direct line the conquest of India, both of the different independent Mahomedan kingdoms which had been formed during the decadence of the Pathan empire, as well as the old Hindu principalities which had been left unconquered by the latter, or had recovered their independence, was gradually extended. The complete conquest of India, however, was barely effected when, on the death (A.D. 1707) of Aurungzib, the great-grandson of Akbar, in his eighty-ninth year, the last capable monarch of the line, the

CHAP.
II.Rise of
the Sikhs.Maratha
empire.

Mogul empire broke up in a cataclysm of civil wars and insurrections.

Foremost among the new rivals for power were the Sikhs and Marathas. The former, originally a religious sect in Punjab—an offshoot from Hinduism—developed into a strong military monarchy, which eventually obtained possession of that country. The Marathas, the people of Western and Central India, first came into notice as a political and military power about the middle of the seventeenth century. At the outset a rising of the agricultural classes under Brahman leadership against the imperial authority, the movement expanded until the Maratha rule became the most powerful in India; it soon split up into a confederacy of separate states, each under the rule of an adventurer who achieved his position by his sword, often at war with each other, but when united overrunning the greater part of India. The country now entered upon a period of turmoil and anarchy, exceptional even in that long-troubled country. Upper India was further desolated by a fresh cycle of invasions from beyond the frontier, and the inevitable course of another conquest of the country by an incursion of hardier races from the north was on the point of being consummated, when the English appeared on the scene.

State of
India be-
fore ap-
pearance
of Eng-
lish.

At this time the political distribution of the country was as follows, although it was subject to almost continual variation, according to the fortunes of the perpetual wars and massacres of which it was the scene. The empire was practically dissolved, the emperor was held a prisoner at Delhi by the Marathas. The Sikh monarchy was established in Punjab, extending as far west as the Indus. The Maratha confederacy, although driven out of Punjab after a short occupation of that country, were still the most powerful military body in India. They occupied a large extent of territory in Hindustan, which they governed in the name of



the emperor, as well as all that part of Central and Western India which is inhabited by the Maratha-speaking races; they made frequent incursions of plunder still further south and east, and claimed the right to levy tribute from every state in India. The present principalities of Gwalior, Malwa, and Baroda, which formerly were a part of the Maratha confederacy, still remain as separate states. Oudh, and a large portion of that part of Hindustan now known as the North-West Provinces, were ruled by an officer of the imperial court, the Nawab-Wazir, who had made himself independent. The present province of Bengal was in the possession of another lieutenant of the emperor, who had established himself permanently there. The principality of the Dekhan was another recently established modern government, which had peeled off as a fragment from the empire; it is still represented by the Nizam and state of Hyderabad. The Carnatic, the part of Southern India between the Bay of Bengal and the table-land to the westward, was ruled over by a Mahomedan noble, styled the Nawab of Arcot, who was originally subordinate to the Nizam, but who had in turn made himself independent. The state of Mysore, to the west of the Carnatic, was held by Haidar Ali, a Mahomedan soldier of fortune, who had dispossessed the descendants of a long line of Hindu rulers from the government.

Lastly, there were the various Hindu states of Rajputana. The chief of these were alone among the rulers of India legitimate, in the sense that they had inherited their dignities from long lines of ancestors; all the other ruling houses (save that of the emperor, whose rule had virtually come to an end) were of recent origin.

India presents a remarkable contrast to all other countries which have come under Mahomedan rule, in that whereas everywhere else the whole population

Toleration
of Indian
Mahome-
danism.

CHAP.
II.

was forcibly converted to the faith of the conquerors, the conservative force of Hinduism exerted a passive resistance which was never overcome, and Islam, elsewhere so intolerant, here adopted an entirely different policy; and although many instances occurred of religious persecution, the attitude of the Mahomedan conquerors to Hinduism was almost uniformly that of religious and political toleration. The imperial armies were composed in large part of Hindu troops; Hindu officials were largely employed in the civil departments of the state, and the emperors on many occasions married the daughters of Rajput princely houses. The Mahomedan population scattered throughout India, who now make up about one-fifth of the whole, are probably for the most part the descendants of the hordes which accompanied the Pathan and Mogul invaders, or followed in their footsteps, and they still live among the Hindu communities on terms of mutual forbearance and toleration. One exception occurs in the case of Eastern Bengal, where alone are over twenty millions out of the fifty-five millions of the Mahomedans in India, and where they constitute one-half of the total population of that tract, implying a comparatively large process of conversion. Possibly the Hinduism in this part of the country was of a different type from that obtaining elsewhere. It may be added that under the influence of Hinduism the Mahomedans of India have acquired many caste practices of a quasi Hindu kind which are unknown to the votaries of Islam elsewhere.

Village
communi-
ties.

India also remains the only country where the system of village communities, which probably once obtained among all Aryan peoples, has never been overthrown. Under that system the practice of building isolated cottages or houses is unknown; the agricultural community, who form the great mass of the population, all dwell in villages, usually walled in, each



OUTLINE OF INDIAN HISTORY

CHAP.
II.

within its own land, the boundaries of which have been fixed from time immemorial. - The village land may be parcelled out into shares among different holders, or it may be held in commonalty, but the record of the village possessions is always preserved intact. The ruler of the state is recognised to be the owner of the land, and to him the rent is paid; but subject to this claim, the right of the villagers to occupy the land is indefeasible, and has been uniformly recognised by rulers of all times and classes. Race has succeeded race, dynasties have been created and swept away, but the village system has in the main been left undisturbed. The agricultural classes necessarily suffered greatly from the invasions and intestine commotions which make up the record of Indian history, and of which the ravages wrought by the Maratha hordes are the most recent instances. Even so late as the beginning of the present century the wide tracts of devastated country still lying waste testify to the misery inflicted by these ruthless marauders. But, in the main, Indian wars were carried on by means of mercenary soldiers, gathered together by the prospects of pay and plunder. The village communities, as such, took no part in the quarrel; the village system remained intact, and its inhabitants, if driven away for a time, on the restoration of some semblance of order returned to resume their wonted husbandry. And if there was great suffering and loss of life, the survivors, in their diminished numbers, could soon make good the ravages of war and produce a sufficiency of food for themselves, until war renewed or famine brought a renewal of suffering. The problem presented by an increase of population, ever pressing on the means of subsistence, now arises for the first time in India, as the state of chronic war and disturbance has been succeeded by peace and security on British rule becoming established throughout the land.



INDIAN POLITY

CHAP.

II.

Summary.

Such, briefly told, have been the circumstances which brought about the condition presented by India when the British appeared on the scene as a new political power. The country peopled in the north and south by two great races of different origin, but connected by the tie of a common religion exercising extraordinary influence, and which governs their conduct and feelings in every action and relation of life. The aboriginal races either absorbed among their conquerors or occupying the less accessible regions of the country. Intermingled with these, and spread over the country, many millions of Mahomedans, the descendants of those who had followed the banners of the foreign invaders—Arabs, Persians, Pathans, Moguls, Turks—but whose original characteristics have become merged in the peculiar status of Indian Mahomedans, as contrasted both with Hindus and with Mahomedans elsewhere. The political condition that of a number of independent states of strength and extent varying almost from day to day according to the changing fortunes of perpetual war, built up on the fragments of the ruined Mogul empire; all absolute monarchies, whether great or small; some ruled by the ancient Hindu princes who had achieved independence in the general turmoil, but for the most part the creation of different rebellious viceroys or successful soldiers of fortune, Hindu and Mahomedan. The principal power was the confederation of the Maratha chiefs, who held the descendant of the Great Mogul a prisoner in his capital, whose bands carried their ravages through almost the whole peninsula, but who were also constantly at war with each other, and united only by the aim of plunder. The disordered and precarious condition into which the people of India had fallen, and the unbridled military rule so long dominant, amongst other results had reduced Hinduism to a very dilapidated and disorganised state, while Mahomedanism had



OUTLINE OF INDIAN HISTORY

CSL
25

CHAP.
II.

lost its political ascendancy ; the social state was one of general turbulence, lawlessness, confusion, and suffering. Such was the condition of modern India when the British appeared on the scene as a political and military power.¹

¹ Sir Alfred Lyall's *Asiatic Studies* (p. 295), a work to which the writer brings an intimate knowledge of the subject, dealt with in an eminently acute and philosophic spirit, and which may be particularly recommended to those who would desire to gain an accurate perception of the religious and social condition of modern India.

4863

CHAPTER III

RISE AND DEVELOPMENT OF BRITISH RULE IN INDIA

CHAP.
 III.
 First
 settlement
 of English
 in India.

THE first possession acquired by the British in India was the little island of Bombay, which was ceded to King Charles the Second in 1661, as part of the marriage-dowry of the Infanta of Portugal. Eight years later the island was presented by him to the East India Company, which also owned at this time some other trading depots, or (as they were styled) factories, on the west coast of India. Similar depots were subsequently established at Madras and other places on the east coast, and still later in Bengal. In course of time the factories at Bombay, Madras, and Calcutta became the three principal settlements, to which the others were placed in subordination.

Political
 state of
 India at
 the time.

These factories or settlements comprised, in the first instance, merely a few acres of ground occupied by the Company's warehouses and the residences of their officers; and they were held only under favour of the native sovereign of the territories in which they were situated. At the time of the first occupation of Surat, on the west coast, and of the acquisition of Bombay, the Mogul dynasty was still in its full vigour, and shortly afterwards the Emperor of Delhi completed the conquest of the Mahomedan kingdoms of the Dekhan. This effected, he held a sway over all the states of India, more or less distinctly acknowledged at different times, as the tide of fortune ebbed and flowed, during the



RISE OF BRITISH POWER

CHAP.
III.

interminable wars subsequently waged between the emperor or his lieutenants, and his refractory vassals. But, as has been described in the preceding chapter, on the death of Aurangzib, in 1707, the Mogul empire rapidly fell to pieces; and at the time when the English first began to take a share in Indian politics, it had become broken up into a number of separate kingdoms, possessed, some by provincial viceroys of the Mogul emperor, who had established their own independence and an hereditary monarchy; others by the descendants of the ancient Hindu dynasties, which had never been thoroughly subdued, and rose to independence as soon as the strong hand of the early Mogul emperors was withdrawn; while in other quarters adventurers had raised themselves from obscurity to a foremost place among the rulers of the country. In the state of constant war, of which almost all parts of India were now the scene, it is almost impossible to distinguish with precision the exact limits at that time of the different kingdoms and provinces throughout the country. These limits, as has been explained, varied almost from day to day, and the vassal became the equal or the master of his lord, as circumstances or the fortune of war favoured his ambition. But about the year 1744, the following was the general political state of the country:—I. The Mogul emperor still held, nominally, the direct government of the greater part of Hindustan, or Upper India, as well as Punjab, a territory extending from the Indus to Behar; but the weakness of this remnant of the empire had been shown by the successful invasion of the Persian monarch, Nadir Shah, and the capture and sack of Delhi, five years before this date; by the conqueror's favour alone the emperor had been restored to his throne. In succeeding years Punjab was more than once invaded by the Afghans, under Abdali Shah, then rapidly extending his newly created empire, and was finally severed from the Mogul dominions in

The Em-
peror.



CSL

INDIAN POLITY

CHAP.
III.Rohil-
cund.
Oudh.

Bengal.

The Ma-
rathas.The
Dekhan.

1751.—II. Rohilecund, the country between the Upper Ganges and the Himalayas, had been converted into an independency under Ali Mahomed, an Afghan soldier of fortune.—III. The viceroy of Oudh had become the independent ruler of a country which included, with Oudh, a large part of the present North West Provinces, and was at this time the principal support of the tottering Mogul throne. Four years later he was created Wazir of the Empire, and the title became hereditary in his family.—IV. The Viceroy or Subahdar of the three provinces of Behar, Bengal, and Orissa, although nominally appointed to his government by the emperor, had obtained possession of it only by force of arms, and had virtually converted it into an independent kingdom.—V. The Marathas, although their empire had not yet reached its furthest limits, and the course of its extension was about to sustain more than one severe check, had already spread themselves nearly across the peninsula, reaching from the west coast to the borders of Bengal, and from the source of the Tumbuddra to the neighbourhood of Agra. The Marathas were in fact at this time by much the foremost power in India, and continued to occupy this position until their empire was broken up by Lord Wellesley, more than fifty years afterwards. The different military leaders of this nation had already converted the governments of the provinces confided to them into independencies, so that they virtually constituted a federation of states, bound to each other by ties of interest and nationality, rather than one kingdom. The principal of these states were in Berar, Guzerat, and the territories in Central India subject to Holkar and Sindhia. The descendants of the founder of the Maratha empire had sunk into the position of the holder of mere titular rank, and the post of minister and virtual head of the empire had become hereditary in the succession of Peshwas.—VI. The Dekhan, or south country, is the name generally given to the part of India south



RISE OF BRITISH POWER

CSL
29

CHAP.
III.

Carnatic.

Southern
India.

Rajpu-
tana.

Form of
govern-
ment of
early Bri-
tish settle-
ments.

of the Vindhya Mountains. The Subahdar of this great tract had also become independent; the court title of Nizam-ul-Mulk, conferred on him by the emperor, had become hereditary, and is the name by which the descendant of the first independent Subahdar is still generally known.—VII. Subordinate to the Viceroy of the Dekhan, but soon to become independent of him, was the Nawab or Deputy Governor of the Carnatic, the tract of country on the east coast which now forms the principal part of the Madras Presidency.—VIII. Various principalities in the south of the peninsula, nominally subject to the Subahdar of the Dekhan, but over which his authority had at no time been strongly exercised. Of these, the chief were: Mysore, at that time governed by a Hindu prince of ancient family, but soon to fall into the power of the Mahomedan adventurer, Haidar Ali; Tanjore, governed by a Maratha prince of the house of Sevaji, the founder of the Maratha Empire; and the Hindu kingdom of Travancore, in the extreme south of the peninsula.—IX. The cluster of Rajput states, which make up the country known as Rajputana. The emperor had now quite lost his hold of this part of India, which had fallen under the domination of the Maratha chiefs; but the government had not been directly assumed by the latter, who were usually satisfied with levying contributions from the various states, leaving their princes more or less independent as regards their internal government, but devoid of political influence.

The affairs of the East India Company at the three settlements subordinate to them were administered at this time in each case by a President and Council, consisting of the senior agents (or, as they were called, merchants) of the Company, who received their instructions from the Court of Directors established in London. From this form of administration was derived the name of Presidency, applied to the territories of

CHAP.
III.Hostilities
between
English
and
French
settlers on
Coroman-
del Coast.

which the President and Council in course of time obtained the government.

At first, however, as has been stated, the British, as represented by the East India Company, held no Indian territory in their own right, with the exception of the island of Bombay; they occupied their factories merely as tenants holding at pleasure of the native powers, and these settlements consisted of only a few acres of ground covered by their warehouses and residences. This status continued until the year 1746, up to which time the British were of no political importance in India. In this year the war which had broken out between England and France extended to India, and the French settlers on the coast of the Carnatic raising forces with a view to drive the English out of the country, the latter, in self-defence, were obliged to enlist troops and engage in active hostilities. The result of the conflict was, on the whole, very unfavourable to the English arms, and the settlement of Madras was captured almost at the outset; but it was restored in 1749, on the news arriving in India of the Peace of Aix-la-Chapelle. The cessation of hostilities was however of but short duration. The death of the first Nizam, the Subahdar of the Dekhan, about this time, was the occasion for one of those struggles for the sovereignty of a vacant throne which were an ordinary condition of Indian politics, while simultaneously the subordinate kingdom of the Carnatic was also contended for by rival claimants. The English and French, espousing opposite sides, thereon entered actively into Indian politics, and at this period interest in the history of British India centres in the Madras Presidency, where these two nations, gradually ousting the native powers from the first rank in influence and importance, struggled against each other with varying success, and little intermission of hostilities, until the year 1756. Up to this time the two nations were ostensibly at peace in the East as well

They
engage in
politics of
Dekhan.



RISE OF BRITISH POWER

CSL
31

as in the West; but on the breaking out of the Seven Years' War the directing influence of Pitt was extended to the contest on the Coromandel Coast, and the English, whose efforts were now directed by Lawrence and Clive, rapidly gained the ascendancy. The power of the French in the Carnatic was finally broken, and their capital Pondicherry captured in 1761.

CHAP.
III.

Overthrow
of the
French.

In 1756 occurred the tragedy of the Black Hole at Calcutta. This event led to the despatch of troops from Madras—where a considerable military establishment was now maintained—to succour the remnant of the Company's settlers in Bengal, who were hiding from the fury of the Nawab-Nazim, or Viceroy of that province, in the pestiferous swamps at the mouth of the Hugli. The reinforcements were commanded by Clive, who had already attained a high military reputation. Clive landed in Bengal in February 1757, and on the 23rd June was fought the Battle of Plassey, which drove the Nawab from his throne, and made the English virtually masters of his dominions.

Conquest
of Bengal.

Thus, at one step, the English establishments in Bengal attained to a greater importance than had been as yet acquired by those of the Madras Presidency after many years of military operations on a considerable scale, while the political situation in the former country was already stronger and more secure. The territories garrisoned by the army which Clive hastened to construct in Bengal were also greatly more valuable than those occupied by the British in the South of India. The Nawab, whom they elevated to the throne in the place of Siraj-ud-daula, was a mere creature of the British; while, on the only quarter from which invasion was practicable—the north-west frontier—the emperor was too busily engaged in an attempt to regain his authority in his own provinces, to concern himself with affairs in Bengal. In Madras, on the other hand, although the English army was the most powerful military body afoot,

Comparative results
of operations in
Bengal and Car-
natic.

CHAP.
III.

the British ascendancy was never unquestioned, and was at times hotly contested. The Nawab of the Carnatic was indeed little more than a puppet in their hands; but the Nizam, though generally friendly, was up to this time entirely independent; and on the west, the rising power of Haidar Ali, who had now almost become master of Mysore, foreboded the coming struggle which brought disaster to the British arms under the walls of Madras, and wellnigh extinguished their footing in Southern India.

Political
status of
English.

The political situation was however very similar in both places. The British, as the allies of the Nawab of the Carnatic, garrisoned his territories, the expenses of their troops being defrayed by him; the emoluments of the leading officials at the Presidency were mainly derived from the same source. In Bengal, also, the Company's troops occupied the Nawab-Nazim's territories, and fought his battles, funds being obtained in a similar way, donations granted by him as the price of sovereignty. In neither case did the Company, in the first instance, themselves govern the country, or draw its revenues directly. Their income was nominally derived from trade; the emoluments of their servants in India proceeded mainly from the same source, but were eked out by presents and bribes. The first territorial possession obtained in Bengal was the district lying south of Calcutta, termed the 24-Pergunnahs (or sub-districts), comprising about 1,200 square miles, which was assigned as an estate to the British in 1757 by the Nawab-Nazim whom they had placed on the throne of Bengal. The rent paid for the estate was presented by the Nawab to Clive, and by him eventually transferred to the Company, who thus became virtually proprietors as well as renters of the district. In the year 1760, the Nawab being in arrears in payment of the annual stipend due to the Company—the price of their support—was compelled to cede the revenues of the three

First
acquisi-
tion of
territory:
the 24-
Pergun-
nahs,

followed
by Bard-
wan, Mid-
napur, and
Chitta-
gong.



rich districts of Burdwan, Midnapur, and Chittagong, situated in Lower Bengal, the collection of which was undertaken by English officials. The Nawab-Nazim was, however, still recognised as sovereign in these districts, as well as in the rest of the province; the Company holding their lands under him, and the civil jurisdiction of the country being exercised by his officers.

This state of things lasted for eight years after the Battle of Plassey, when an important change took place in the state of affairs. In 1760 the English had fallen out with Mir Jafar, the Nawab whom they had set up after Plassey, and had deposed him, and placed his son-in-law, Mir Kasim, on the throne. Three years afterwards the disputes which had arisen between Mir Kasim and his supporters, almost from the date of his elevation, culminated in war, and the English replaced Mir Jafar in the government. Mir Kasim invoked the aid of the emperor, whose deputy he nominally was, and of the Nawab-Wazir of Oudh; but their united forces were finally completely overthrown by the English, and driven out of the province. On this the Emperor and the Nawab-Wazir abandoned the cause of Mir Kasim, and sued for peace. While negotiations were pending Clive returned to Bengal to assume the government a second time, and took charge of the negotiations, which ended in the grant (by the emperor) to the English of the revenues of Bengal, Behar, and Orissa,¹ the provinces which together make up the country known as Bengal. Thus, at one stride, the English stepped into the position of a sovereign power in India; for although they nominally held the country as deputy of the emperor, and in consideration of payment of an annual tribute, the emperor was, in fact, a suppliant for mercy. A few

The Government of the Nawab-Nazim of Bengal overthrown.

The Emperor confers the government of Bengal on the English.

¹ The province here referred to as Orissa comprehended at this time only a small part of the country properly known by that name. Cuttack and the hilly country to the north and west of it had passed into the hands of the Marathas some years before, and the Orissa of which the dewani was now transferred to the English comprised little more than the present district of Midnapur.



CHAP.
III.

Import-
ance of
the acqui-
sition.

Territorial
acqui-
sitions in
Carnatic :

years later, the provinces remaining under his direct administration were taken possession of by the Nawab-Wazir of Oudh, and he himself became a prisoner in the hands of the Marathas, when the English ceased payment of the tribute. In 1765 Mir Jafar died, and the English placed another son-in-law on the throne of Bengal, who agreed as the price of his elevation to surrender all share of the government, receiving merely the rank of Nawab and a fixed annual stipend. The English had already undertaken the military defence of the country; they were therefore now its entire masters; but the government was not openly assumed and undertaken in their name until 1772, when the provincial treasury was removed from Murshedabad to Calcutta, and British officials were established throughout the different districts, to undertake the collection of the revenue, and to superintend the native officials in the business of administration. It may be added that this, the first, was also the most valuable acquisition ever made in India. The territory ceded in 1765 not only exceeds greatly, both in extent and population, each of the Presidencies of Madras and Bombay, as at present constituted: it contains the most industrious and peaceful races in India, and the most fruitful soil; while the network of navigable rivers with which it is intersected supplies the means for conducting an extensive commerce, which has only been provided a century later, in a partial and imperfect way, in other parts.

While this great development of British power in Bengal was taking place, the Presidency of Madras was also acquiring territorial possessions. In 1758, Clive detached a brigade of the newly raised Bengal army to the east coast, to aid the Madras Government in its struggles with the French; and in the following year, the fort of Masulipatam was captured from that nation, when the district immediately adjacent to it was conferred by the Nizam-ul-Mulk on the English, in consideration of



the aid given in maintaining his claim to the sovereignty of the Dekhan. In 1765, the Nawab of the Carnatic granted to the Company the revenues of the country surrounding Madras, now known as the district of Chingleput, in return for services rendered; but the Madras Council farmed the estate on lease to the Nawab himself, and did not enter on the direct management of it until fifteen years later.

CHAP.
III.
Masulipatam,
district of
Madras.

In the same year when Clive obtained the grant of Bengal from the emperor, he also secured the gift of the maritime province known as the Northern Circars—comprising the present five districts of Guntur, Masulipatam, Rajahmundry, Vizagapatam, and Ganjam—which he made over to the President and Council of Madras to take possession of. The latter, however, about this time, disregarding the gift of the emperor, applied for and obtained the same grant from the Nizam. The first Nizam having been the emperor's lieutenant, and nominally holding his subahdari at the emperor's pleasure, the assent of his descendant might in strictness have been deemed unnecessary; but all allegiance to the emperor on the part of the ruler of the Dekhan had been now cast off, and the confused state of Indian politics at this period rendered it impossible to determine the conditions which constituted a sound title. Practically, the conveyance of territory depended solely on power and convenience, and the Madras authorities naturally looked to the ruler with whom they came directly in contact, and who possessed the means of active interference, for establishment of their claim. Treaties such as that made with the emperor carried with them a certain degree of moral force; but it was more convenient for the President and Council to found their claim to these Northern Circars on the gift of the Nizam than on that of the emperor. In effect, the result of their proceeding was a delay of a few months in the establishment of their title to this territory; the Guntur Circar, which

Northern
Circars.

CHAP.
III.

Change in
the form
of Indian
govern-
ment.

Defects of
the then
existing
form.

had been granted by the Nizam to his brother for life, did not lapse to the English until some years later.

The next important change which bears on the subject of this work occurred in 1773. Up to this time, the administration of each settlement or Presidency had been of the same form, and was vested in a Council of the senior civil servants of the Company, varying in number, but usually from twelve to sixteen. The senior presided, and the proceedings were decided by a majority of votes, but as many of the councillors held also offices which required them to reside in the interior, the whole number was seldom present. So long as the ostensible business to be conducted consisted of trading operations, a Board composed of the traders—or merchants as they were termed—in the service of the Company, was a suitable agency for conducting that business; while, as the requirements needed were, mainly, probity and zeal in the interests of their masters—qualities which however were not always exhibited—seniority was as good a basis for selection as any other. But now that the Company had become a sovereign power, wielding a considerable army, and exercising extensive administrative functions, a Board of twelve or sixteen, the members of which were constantly changing, became an altogether unsuitable instrument for performing the functions of government. As, however, has usually happened throughout the history of the East India Company, the reform was not initiated by that body, or carried out by its own desires, but was forced on it by pressure from without. The enormous fortunes suddenly amassed by the Company's officers; the mutual recriminations between masters and servants, and between the members of the service themselves, as to the shares to be respectively taken in the nefarious practices on which this wealth was based, extending from the region of pamphleteers to the walls of Parliament; the conspicuous position occupied, from their wealth, by the Company's



civil and military officers on their return to England, and the parliamentary influence they were able to exert; the public excitement occasioned by Clive's astonishing career, and by the renown attending British conquests in the East :—all these circumstances combined to create an interest in Indian affairs, perhaps even greater than has ever been since exhibited, if we except the episode of Warren Hastings's trial. The result was that a laborious investigation into them was undertaken by a Select Committee of the House of Commons, whose report was speedily followed up by legislation.

CHAP.
III.

Heretofore the legal status of the Company had been based on a Royal Charter granted in the year 1698, which gave them authority to exercise civil and criminal jurisdiction at their settlements, and to maintain troops for their defence. By an Act of Parliament passed in 1767, the territorial acquisitions lately obtained in India were vested in the Company for two years, and an Act of 1769 confirmed them in these possessions for a further space of five years, but neither Act altered in any way the mode of administration in force. The Act of 1773,¹ which may be regarded as the basis of all subsequent legislation for determining the form of Indian government, is the first statute which distinctly recognises the Company as fulfilling other functions than those of trade. It was, however, directed principally to the administration of Bengal. In lieu of the numerous Board, with its frequently changing President, a Governor General of Bengal was appointed, with a Council of four members, all of whom were named in the Act, which provided that they should not be liable to displacement for a term of five years. All future appointments of Governor Generals and Councillors were vested in the Court of Directors, and were to be made for a similar term—the Court however being allowed a power of recall. The Presidency of Bengal

Act of
1773.Governor
General
and
Council
appointed
for Ben-
gal;

¹ 13 Geo. III., Cap. lxiii.

CHAP.
III.

was defined in the Act to be 'all the territorial Acquisitions and Revenues [of the Company] in the kingdoms of Bengal, Behar, and Orissa,' and the powers of government in these were 'vested in the Governor General and Council of the said Presidency, in like manner as the same now are, or at any time heretofore might have been exercised by the President and Council or Select Committee in the said kingdoms.' Here, then, we have the first definition of a Presidency, in the new sense which now came to be applied to the name, while the fact is also for the first time distinctly recognised, that the British, as represented by the Company, were holding possession of 'kingdoms' in the East. The right of the Company to wage war had been previously so far admitted that they had been empowered by the Charter of 1698 to raise troops for the defence of their settlements, a power which was renewed by a Charter granted in 1753; while a King's regiment (the 39th Foot) had been sent to India in 1756. But this regiment, although it was an active agent, by its share in the Battle of Plassey, in the Company's conquest of Bengal, was despatched to India in order to oppose the French troops; and the 79th Foot, which shortly followed it, was sent out with the same object. That the Company should itself be competent to wage war, even with the French, was up to this time not specifically recognised by either Charter or Act of Parliament.

and vested
with con-
trol over
other Pre-
sidencies.

The Act of 1773 refers to the two other Presidencies only obliquely. It provided that the Governor General and Council of Bengal, or the major part of them, should have the power of superintending and controlling the management and government of the Presidencies of Madras, Bombay [and Bencoolen¹], so far that the President and Council of those Presidencies were not to make war or negotiate treaties 'without consent and approbation of the said Governor General

¹ A settlement in the island of Sumatra, ceded to the Dutch in 1825.



and Council first had and obtained,' except in case of imminent necessity, or of their having received special orders from the Court of Directors. They are also required 'constantly and diligently to transmit advice and intelligence to the Governor General and Council of Bengal,' of 'all transactions and matters whatsoever relating to the government, revenues, or interest of the said United Company.' In other respects the administration of the two other Presidencies was not interfered with. They continued to be governed by a President and Council, usually composed of the senior civil servants, but the practice arose about this time for the Court to nominate and send the President out from England. The Governor General appointed to Bengal under the Act of 1773 was Warren Hastings, a civil servant of the Company, and at the time President of the Council.

CHAP.
III.

Under the rule of Hastings and his Council, the Bengal Presidency was extended by the addition of the zemindari (or estate), as it was termed, of Benares, comprising the present large and populous districts of Mirzapur, Benares, and Ghazipur. The Raja of Benares, whose father had obtained that title from the emperor, was a vassal (if the term may be appropriately employed) of the Nawab-Wazir of Oudh, whose dominions at this time extended far beyond the province now known under that name, and who, having become independent of the emperor, had converted his vice-royalty into an hereditary monarchy. The Raja held his territories on condition of furnishing an annual tribute to the Nawab-Wazir, and exercised full criminal and civil powers within them, but had no independent relations with other states. A similar arrangement was established by Clive in 1765, and maintained until 1774, when, in connection with engagements entered into between the Nawab and the British, the allegiance and tribute of the Raja were transferred to the latter. In 1781, the Raja having been driven into rebellion by the

Events of
Hastings's
adminis-
tration.Annexa-
tion of
Benares.

CHAP.
III.Advance
of British
garrisons.Bengal
Army co-
operates
in Ma-
ratha war.Defects in
Act of
1773.

hard treatment to which he was exposed by the Governor General, his territory was confiscated to the British Government. This was the only annexation made to the Bengal Presidency during Hastings's administration, but that period was distinguished by a great advance in the military and political position of the British. In virtue of an agreement made with the Nawab-Wazir of Oudh, they undertook the protection of his territories against the Marathas; and the cantonments of the Bengal army were advanced from Benares to Cawnpur and Fatehghar, where a strong brigade was now permanently stationed. The year 1779 was made memorable by the despatch of a military force from the Bengal army across the peninsula, to aid the Bombay Presidency in its struggle with the Marathas—a remarkable feat when the circumstances of the times are considered. It was during Hastings's presidentship, but before his appointment as Governor General, that the direct government of Bengal was assumed by the English.

The events of Hastings's stormy administration brought prominently into view the defects in the form of the Indian Government, as constituted by the Act of 1773. A government by a majority of a council, the members of which were constantly changing; in which the Governor General was supreme one day, and outvoted the next, and his most important measures thwarted and upset—such a system could only work at all under an able and strong-willed President; with what difficulty it was carried on even under those conditions, the well-known history of that period plainly showed. Another very grave defect consisted in the ill-defined character of the relations subsisting between the Governments of the different Presidencies. The Act did indeed confer a controlling authority on the Governor General and his Council in matters of peace and war, and it required the authorities of the other Presidencies to report to the Bengal Government all pro-



RISE OF BRITISH POWER

CSL
41

CHAP.
III.

ceedings requiring to be made known. But it was left to them to determine what proceedings came under these conditions. So long as each Presidency was an isolated settlement, occupied only with local politics, the necessity for some central authority to control all diplomatic and military operations might not arise; but the Maratha empire, which had by this time reached its zenith, was now in direct contact with the territories possessed or defended by the Bombay and Bengal Governments, while it was in a position to assert a potent influence over the politics of Southern India. And in the Maratha War of 1775-82, already referred to, the evils of divided counsels became glaringly apparent. The Bombay Government first made a treaty, which the Bengal Government disallowed, and superseded by a separate agreement directly between themselves and the Marathas. Hardly had this been signed, when it was upset by the arrival of despatches from the Court of Directors approving of the arrangements made by the Bombay Government; whereon the latter re-entered at once upon negotiations directly with the Maratha chiefs, in disregard of the instructions received from Bengal. And during the subsequent operations, the commander of the Bengal column employed at Bombay acted throughout in almost entire independence of the Government of that Presidency. Not the worst feature in the complications arising out of this conflict of authority was the appearance of bad faith thus cast over the dealings of the English with the native powers. This, combined with the actual political immorality too often exhibited by the British at this time, placed their conduct on some occasions in hardly a more favourable light than was presented by the contemporary native states.

But notwithstanding that, during the previous ten years, the vices inherent in the constitution of the Indian Government had been thus brought prominently

Act of
1784.



CSL

INDIAN POLITY

CHAP.
III.Changes
in form of
Home Go-
vernment,

to notice, the next parliamentary legislation on the subject was far from supplying an adequate remedy. Pitt's India Bill,¹ passed in 1784, was principally directed to the provision of a machinery which should enable the Ministry to control the proceedings of the Company. Up to this time the Government of the Crown had but imperfect means of access to the records of the Company's transactions. Investigation into their affairs could in practice only be conducted by appointing special commissions or parliamentary committees from time to time, and control would be necessarily limited to impeachment, or the negating of their proceedings by special Acts of Parliament—measures, however, which the Government had not ever employed. The Bill of 1784 accordingly provided a remedy for these inconveniences by establishing a Board of Commissioners, who formed a part of the Ministry, and who, besides being furnished with access to the whole records of the Company, were vested with a power of veto over all the proceedings of the Directors, and of framing orders to the authorities in India, which the Directors were bound to adopt unaltered, and to transmit as if emanating from themselves. By the establishment of this Board of Control, the Home Government of India nominally passed from the Company to the Crown. But the establishment of the Board was framed on a limited scale, while that of the Court of Directors continued undiminished. The Directors were still vested with the management of the Company's trade, with the patronage of first appointments to the civil and military services, and the nomination of, and power of recalling, the different Governors and Commanders-in-Chief, while the initiation of all business virtually remained with them. And since in every department of affairs a large part of the authority must necessarily rest with the party which

¹ 24 Geo. III., Cap. xxv.



initiates proposals, because the mere power of veto and control cannot in practice be constantly applied, the change virtually effected by the Act was by no means so great as would appear to have been intended; at any rate, the amount of power which the Court continued to exercise was sufficient to justify in great measure the popular opinion, which always continued to identify them with the Home Government of India.

CHAP.
III.and of
Indian
Govern-
ments.

With respect to the executive administration in India, the Act of 1784 created statutory governments of a Governor and Council for the 'Presidencies and Settlements' of Fort St. George (Madras) and Bombay. The nomination to all these appointments was vested in the Court of Directors. By the same Act the powers of the Bengal Government over the other Presidencies were somewhat extended. The Governor General and Council of Fort William were 'to control and direct the several Presidencies now or hereafter to be established in the East Indies, in all such points as relate to any transactions with the country powers, or to war or peace, or to the application of the revenues or forces of such Presidencies in time of war, or any such other points as shall from time to time be specially referred by the Court of Directors of the said Company to their superintendence and control;' whereas the Act of 1773 confined their power of interference to matters of war and negotiation with native states, and gave no authority to control the war expenditure of the other Presidencies. Further, the Bengal Government were vested with power to suspend presidents and councillors of the other Presidencies disobeying them, and the Governments of the latter were required to send them all needful information on matters of import, and were prohibited from making war or treaties independently.

This power of suspension apparently gave the Bengal Government the complete control contemplated

CHAP.
III.

over the two other and now subordinate Presidencies, but an obstacle remained which legislation could not overcome. So long as communication between the different capital towns continued to be tardy and infrequent—carried on by means either of a difficult and often dangerous journey, through roadless and robber-haunted tracts, or of a tedious and uncertain voyage—great independence of action necessarily remained with the different local authorities in every part of India. The Court of Directors possessed, by law, complete power of control over the proceedings of the Governor General, yet they were practically quite powerless to enforce their own views on his policy; and almost every war and conquest made in India were carried out in opposition to, and often in direct defiance of, the orders from England.

Insufficiency of
change.

Mr. Pitt's celebrated Bill further left unremedied the grave defect that the executive control of the Bengal Government was vested in the majority of a constantly changing Council. Hastings, who left India in the beginning of 1785, had succeeded by force of character and ability in eventually obtaining the supremacy, but not before the passions evoked in the council-chamber had vibrated throughout all parts of his administration; and under the feeble rule of his successor, Mr. Macpherson (who owed his appointment to the accident of seniority), the evils of divided counsels became again apparent in the vacillating measures of the Government. On the appointment, however, of Lord Cornwallis to the Governor-Generalship, in 1786, he made it a condition of accepting the post, that the Governor General should be vested with the power of overriding his Council. This provision was accordingly established by an Act of Parliament¹ passed for the purpose, which declares that this power may be exercised in extraordinary cases, making certain provisions

Appointment of
Lord
Cornwallis.

Act of
1786.

¹ 26 George III. Cap. xvi.



for the previous interchange of written explanations between the different members of the Council. But it was left to the Governor General to determine what matters should be deemed to be extraordinary, and the practical result of the measure was to render the power of the Governor General supreme. The councillors subsided from the position of active members of an executive board into the subordinate one of witnessing and occasionally advising on the proceedings of their president, a state of things which remained in force until within the last few years. The same Act conferred similar powers on the presidents or governors at Madras and Bombay. It also provided that no persons should be appointed to the Councils, other than the Commander-in-Chief, who had not been twelve years resident in India in the civil service.

Heretofore each Presidency had maintained diplomatic relations with the neighbouring native states—the authorities at Bombay negotiating with the Maratha ministers at Poona, and those of Madras with the Nizam and the states of Southern India; but from the date of Lord Cornwallis's arrival in the country the management of all important diplomatic relations passed into the hands of the Governor General, as was contemplated by the Acts of 1784 and 1786, and the British agents stationed at the Courts of Poona and Hyderabad henceforward received their instructions direct from the Bengal Government. The direction of military affairs soon followed the same course. The war with Tipu, the ruler of Mysore, son of Haidar Ali, broke out in 1790, and was conducted in the first instance by the Government of Madras; but the Governor General—who also held the commission of Commander-in-Chief in India, under the authority of the Act of Parliament of 1786—being dissatisfied with the manner in which the operations were carried on, and perceiving that it was impossible to control affairs

War with
Mysore.

CHAP.
III.

properly from Calcutta, went to Madras, and assumed charge himself of the military and diplomatic operations in that quarter. He landed at Madras at the end of the year, and the war, although chequered with some reverses at first, was brought to a successful conclusion in the early part of 1792, when Tipu was compelled to sue for peace under the walls of Seringapatam. The territory which he was required to cede on this occasion comprised the present collectorates or districts of Malabar and Salem, and part of the district of Madura. Malabar was placed under the Bombay Presidency in the first instance, but was transferred to Madras in 1800; the other cessions were at once placed under the jurisdiction of the latter. A civil administration was organised for them, composed of British officials.

The treaty with Tipu was made in person by Lord Cornwallis. But although the Act of Parliament of 1786 gave him power to overrule his Council, it did not empower him to act without it. The Act throughout defines the Governor General *and* Council to constitute the Government; consequently the proceedings conducted by Lord Cornwallis alone were, strictly speaking, invalid. An Act of Parliament was accordingly passed, in 1791, confirming the special powers the Council had provisionally conferred on him to act without them, until three months after termination of the war. Later Acts have made this power general.

Adminis-
trative
reforms of
Lord
Corn-
wallis.

Still more important than territorial acquisitions and political changes were the administrative reforms which signalised the rule of Lord Cornwallis. The authority of the Nawab-Nazim of Bengal had been avowedly replaced by that of the English in the year 1772; but the duties of the English district officials had as yet been mainly directed to the collection of the revenue; the administration of civil and criminal justice continued to be conducted by native agency, imperfectly supervised by European officers. This native agency was at the time



notoriously inefficient and corrupt, and Lord Cornwallis substituted for it a system of administration directly by European officers, of a kind which has ever since been maintained. The establishment of definite laws and procedure for the guidance of the courts of justice and the information of the people; the creation of those courts, with their defined graduated powers, and provisions for the conduct of appeals; the hierarchy of district and controlling officers—the magistrate, collector, and judge, and the superior boards for the general management of the revenues; all these were his creation; while the new organisation of the army, although not actually carried out until he had left the country, was the effect of his recommendations. Up to this time the military officers of the Company's army, besides being ineligible for promotion to high rank, and liable to constant supersession by those of the royal service, were otherwise on a most unsatisfactory footing, promotion running in one unwieldy list for the whole of each army; while the effect of the extreme disproportion between the number of the junior and senior grades was only mitigated by the high rate of mortality caused by the unhealthy climate, and aggravated by the dissipated habits of the period. The best commentary on the measures introduced by Lord Cornwallis is to be found in their stability. The army organisation of 1796 lasted, without material change, until the abolition of the Company's system in 1861; while, as regards civil affairs, one country after another has been annexed, until the British territories in India comprise a vast empire; but the administrative system throughout the country, introduced in turn into each conquered province, has been based on the Cornwallis type, and until the time of Lord Canning every branch of the administration bore the impress of his policy.

But the greatest of his reforms was that effected in

CHAP.
III.

the character of the Indian public service, which, when Lord Cornwallis left India, was already well advanced on the road to that reputation for integrity which it has ever since maintained, standing henceforward second to none in the world. This great and rapid reform was effected partly by the example of his own pure character, but mainly by the establishment of a highly liberal system of remuneration, in lieu of the pittances in the way of pay heretofore allowed to all classes, and which afforded the recipients no alternative between poverty and dishonesty. This great measure, without which decent government of India was impossible, was carried out in the space of a few months. When we bear in mind the difficulty that is generally experienced in making not only any organic change in a public service, but in effecting even the slight modifications of practice called for by the progress of time, we may estimate properly the force of character possessed by Lord Cornwallis, which enabled him to carry out his great measures against the traditionary prejudices of his masters. The fact seems to be that, in view of his simple-mindedness and unaffected manners, his great capacity and high administrative powers have not been always sufficiently appreciated. The revenue settlement of Bengal established by him may have been faulty, viewed by present lights, but, considered with reference to the loose and crude system which it replaced, it bears a very different aspect. And if the Bengal Regulations of 1793 err on the side of over-complexity, in prescribing too tedious and refined a procedure of the courts of law, their introduction constituted an improvement of exceeding value on the chaotic state of confusion, and the total absence of method and defined responsibility, which marked the course of Indian administration before his advent.

The weakest point of the polity established by Lord Cornwallis is to be found in the systematic exclusion



which it enforced of the natives of the country from all share in the administration. Whether he considered it hopeless to attempt a purification of the native service, cannot be said; but while the hitherto insufficient emoluments of the European officials were enormously raised, in order (to use his own words) 'to put them beyond the reach of temptation,' the remedy adopted as regards the inefficiency of the natives was, as far as possible, to dispense with their services altogether in offices of importance; nor was any attempt made to elevate the condition of the classes retained for subordinate posts, either by improved pay or prospects of preferment.

This part of his measures was, unfortunately, only too steadily persisted in; and it is not until within the last few years that the impolicy and injustice of thus excluding the natives of the country from all but the humblest share in the administration have at last been recognised and in part remedied. But it is easy to be wise after the event; nor is it reasonable to suppose that Cornwallis would have left this blot permanently to deface his measures, had he continued to preside over them. On the contrary, from the freedom he displayed in building up, it may fairly be presumed that he would have been the first to alter what further experience showed to be defective.

To resume our narrative. The Charter granted to the Company by the Act of 1773, expired in 1793, when it was renewed for another term of twenty years. The principal new provisions of the Act of renewal¹ will be referred to later on.

Renewal
of Com-
pany's
Charter.
Act of
1793.

The administration of Sir John Shore (afterwards Lord Teignmouth), who succeeded Lord Cornwallis, the last member of the Indian Service appointed to be Governor General until the time of Sir John Lawrence in 1863, was marked by no change of importance; and

Adminis-
tration of
Lord Wel-
lesley.

¹ 33 George III., Cap. lii.

CHAP.
III.Conquest
and parti-
tion of
Mysore.

we may pass on to the eventful period of the Marquis Wellesley, under whose rule the political state of India underwent a complete change. The Act of Parliament of 1784 forbade the Indian Government from making war or even treaties with native powers, except for absolutely defensive purposes, without the sanction of the Home Government. It also forbade further annexations of territory, and the prohibition was repeated in the Act of 1793. With these conditions Lord Cornwallis, so far as was practicable, had complied. The war with Tipu was forced upon him by the aggressive conduct of that prince; hostilities having become necessary, they were pushed on with a degree of vigour new to Southern India, and the cessions of territory obtained from Tipu at the peace seemed necessary as a means of reducing his power for the future within safe limits. But except in this case Lord Cornwallis strove to maintain the balance of power, and always treated the Nizam and the Marathas as friendly allies, on a footing of equality with the English. The policy pursued by Lord Wellesley had, on the contrary, the distinct object of making British authority paramount throughout the country, and reducing the different native states to a position of complete dependence on it. The first war undertaken was indeed forced on him by the hostile attitude assumed by Tipu, whose power, though weakened by the previous contest, was not broken. This war, which took place in 1799, ended in the conquest of the kingdom of Mysore. Of this a part was made over to our ally, the Nizam; the province of Mysore, as defined at the present day, was restored to the family of the former Hindu princes; the remainder was annexed to the British dominions. The territory so obtained comprised the present collectorates of Canara, on the west coast, Coimbatour, and the Wynaad and Nilgiri Hills; while, a few months later, the Nizam made over a part of his share, the present districts of



RISE OF BRITISH POWER

CSL

CHAP.
III.

Annexa-
tion of
Tanjore.

Cession of
Carnatic,

and ex-
tension of
Madras
Presi-
dency.

Bellary and Cuddapa, in payment for the subsidiary force, which ever since that time has maintained the authority of the Nizam in his kingdom.¹ The same year saw the annexation of the Hindu principality of Tanjore, the most fertile tract in Southern India. Finally, in 1801, the Nawab of the Carnatic—the nominal rulers of which had been for many years in a position of entire dependence on the British, and whose revenues were mortgaged beyond redemption to pay their military expenses—was required, as a condition of succeeding to the titular rank of Nawab, to resign his kingdom formally. This acquisition gave us the districts: of Nellore, in the north; North and South Arcot, in the centre; Trichinopoly and Tinnevely, in the south of the peninsula. Thus, in a few months, the Madras Presidency was developed from a few scattered districts into the great province now known by that name, comprising the whole of Southern India with the exception of the province of Mysore and the small district of Coorg, which occupy the centre of the peninsula, and the Hindu principalities of Travancore and Cochin at the extreme south. Since that time the only territorial changes in this presidency have been the addition of the district of Karnul, in the north of the Presidency, annexed in 1841 on account of the treason of the ruling Nawab; and the transfer of the district of North Canara to the Bombay Presidency in 1862. The extent of the Madras Presidency was, therefore, nearly the same in the time of Lord Wellesley that it is now. The military establishment quartered in it was very much larger. It may be added that the Cornwallis system of Regulations was everywhere introduced, although a different settlement of the land revenue was made from that adopted in Bengal.

¹ This part of the country is still sometimes styled, by Madras officials, 'The Ceded Districts,' a term which might, with equal propriety, be applied to the greater part of India.

CHAP.
III.Cession of
part of
Nawab of
Oudh's do-
minions.

The changes effected in the Bengal Presidency, in consequence of Lord Wellesley's successful wars, although relatively not so great, since the acquisitions of Clive still remained the largest and most important ever effected, were even more extensive and valuable than those in the Madras Presidency. In 1801 the Nawab-Wazir of Oudh—whose engagements with the British, entered into for the purpose of obtaining protection from the Marathas, had resulted in the establishment of embarrassing and complicated relations with his protectors—was compelled to cede the greater part of his kingdom, consisting of the lower part of the Gangetic Doab, comprising the present districts of Allahabad, Fatehpur, and Cawnpur; the country north of the Ganges, now divided into the Azimghar and Goruckpur districts; and the greater part of Rohilkhand, consisting of the districts of Bareilly, Moradabad, Bijnour, Budaon, and Shahjehanpur; a small portion of the province, less than an ordinary British district, being left to the Nawab of Rampur. The district of Farukhabad, held by a chieftain subordinate to the Nawab-Wazir of Oudh, was obtained shortly afterwards by cession of its ruler. The British territory in Northern India was thus bounded by the states of the great Maratha Confederation, which at this time reached its greatest limits, the territory subject to it extending from Malabar to the Himalaya. Sindhia, who was now the most powerful chief of the confederation, occupied the northern part of the empire, his territories bordering on the British frontier stations of Fatehghar and Moradabad. He had possession of Delhi and the emperor's person, and a considerable tract of country to the west of that city was also under his authority.

Conquests
from Ma-
rathas.

The great Maratha War broke out in 1803. In the war with Tipu of 1799, the operations had been dictated direct by Lord Wellesley, who proceeded to Madras for the purpose of being in immediate communi-



cation with the local Commander-in-Chief, and assumed charge for the time of the government of that presidency, in virtue of the authority conferred by the Act of 1793. On this occasion the Governor General remained at Calcutta, but the operations of the armies of the three Presidencies which took a share in the war, were all controlled from that place, the commanding generals receiving their instructions direct from the Governor General.

Of these armies, the two principal ones were—that under General Lake, the Commander-in-Chief in Bengal, which advanced from Cawnpur and Fatehghar; and the other under General Wellesley, composed of Madras and Bombay troops, which operated from Poona as a base. The first of these armies drove the Marathas out of the Gangetic Doab, captured Delhi and Agra, and finally compelled Sindhia to sue for peace, and to cede the whole of the territory occupied by him between the Ganges and Jumna, comprising the present districts of Etawa, Mynpuri, Allyghar, Bulandshahr, Meerut, Mazaffarnagar, and Saharanpur; the districts of Agra and Muttra, on the right bank of the Jumna; and the tract west of that river, known at that time as the Delhi territory, comprising the collectorates of Goorgaon, Delhi, Rohtak, Hansi, Sirsa, and Paniput. To these acquisitions must be added the collectorate of Banda, west of the Jumna, near its junction with the Ganges, and certain tracts in Bandelkhand, ceded by the Peshwa, as will be noticed presently. These conquests, with the districts ceded by the Nawab-Wazir of Oudh in 1801, and the province of Benares, acquired in 1781, make up the great territory known by the now inappropriate title of the North West Provinces, the most important and, next after Bengal, the most populous of the great provinces of British India. This newly acquired country was attached to the Presidency of Fort William, and administered by the Governor General and Council of

Formation
of N.W.
Provinces.

CHAP.
III.

Bengal; but some years later, a separate Board of Revenue and Courts of Civil and Criminal Appeal were established for it, and located at Allahabad. The Bengal Regulations were applied to these territories, which were organised in districts, to the administration whereof the usual staff of covenanted civil servants was eventually appointed.

Conquest
of Cuttack.

Simultaneously with the operations under General Lake, an expedition was despatched from Lower Bengal into the province of Cuttack, then belonging to the Raja of Berar, another chief of the Maratha confederacy, who was finally obliged to cede it. This province also was added to the Bengal Presidency. It is in fact a district of the country known as Orissa, inhabited by the Oriya-speaking race, of which the other part had become a British possession in the time of Clive. By this conquest the Madras and Bengal Presidencies were brought into contact with each other on the seacoast. But practically they continued to be, and still are, quite unconnected. Even in the present day no direct road connects Calcutta with Madras. The post is conveyed by a circuitous route which approaches Bombay, and the journeys of travellers between the two places are still mostly made by sea. Portions of what will eventually be a direct line of railway between Calcutta and Madras are now in course of slow construction.

Acquisi-
tions in
Western
India.

The cession of Cuttack, and the terms generally obtained from the Marathas, were due, as is well known, as much to the victories obtained by the army under General Wellesley in Kandesh and Berar, as to the operations of the force under General Lake. The war in that quarter was ostensibly undertaken on behalf of the Peshwa, the nominal head of the Marathas, in view to relieve him from the oppression of the chief of the confederacy. The result of the war in this quarter was to transfer the charge of the Peshwa from Sindhia and Holkar to the British Government. His territories



were occupied by the Bombay army, and a British resident or controlling minister was appointed to his capital, Poona. But the districts ceded by him in Western India, in return for these benefits, were shortly afterwards exchanged, in greater part, for the territory in Bandelkhand already referred to; and, with the exception of some lands in Gujarat, the Bombay Presidency still possessed no territorial possessions, the province of Malabar having been transferred to Madras.

These wars and the occupation of these territories involved a large addition to the military forces of the Company, and the native troops, even when reduced to a peace establishment at the conclusion of the war, were considerably in excess of their present strength. The Madras army especially, even including the increase of British troops maintained since the Mutiny, was then much larger than it is now. The civil service was also at this period largely extended, and the establishment of English covenanted servants of the Company now for the first time approached to its present strength. The large establishments of English officials serving in the various special departments of the Government are of a later growth.

The administration of Lord Wellesley may be regarded as the third great epoch in the formation of the British Indian Empire. The acquisition of Bengal, Behar, and Orissa was in a great measure accidental. The managers of the Company's affairs at that time, both in England and India, would have been quite satisfied with maintaining the state of things under which the Nawab-Nazim had the appearance, and they the reality, of power. That he should be driven to try conclusions with them was quite unexpected, and Clive, opportunely returning to India, discerned the advantage of the acquisition offered. The era of Lord Cornwallis was marked chiefly by administrative reforms, the terri-

Result of
Lord Wel-
lesley's
adminis-
tration.



CHAP.
III.

torial extension effected by him having been comparatively small; while, as has been already observed, his foreign policy was directed to maintain the political status he found existing in India, and especially to cultivate friendly relations with the Marathas. Lord Wellesley was the first to perceive that in India a political equilibrium was impossible; that peace was only to be ensured by establishing the preponderance of British power; and that the task of breaking down the Maratha Confederacy, whose ravages had desolated some of the fairest tracts of the land, was as practicable as, sooner or later, it must have been necessary to be undertaken. The result of the contest, although it was signalised by some hard fighting, was never for a moment doubtful, and from this time the Company became beyond all question the paramount power in India, even the states which remained independent submitting to receive a supervising British agent at their courts, and a subsidiary garrison of British troops. Henceforward the only country which could measure swords against it with any chance of success lay beyond the Sutlej; and from this time it may be said that the duties of territorial government took the place of buying and selling as the leading pursuit of the Company's servants in India.

His policy
reversed
by suc-
cessors.

This policy was worked out by Lord Wellesley, not under the guidance of, but in direct opposition to, the wishes of his masters in England. The Directors, although they had from the first carried on their trade at a loss, still clung to trade as the only means of squaring their balance-sheet, and regarded with distrust every addition of territory, as productive of debt and financial embarrassment. Very much the same view appears to have been held by the English ministry; while the question has been much debated, whether Lord Wellesley's measures were not so far voluntary, rather than forced upon him by circumstances, as to



constitute an infraction of the Acts of Parliament of 1784 and 1793, which enjoined a defensive and neutral policy, and distinctly prohibited territorial aggrandisement. However that may have been, the course pursued by Lord Wellesley, once entered on, could not be retraced; but the Court notwithstanding vainly desired to return to the former state of non-intervention and political equality with the Maratha powers; and the influence of their sentiments so far affected the policy of Lord Wellesley's immediate successors, that the complete pacification of Central India contemplated by him, was suspended on the eve of its accomplishment, and deferred till twelve years later. The Maratha war of 1817-18 was the fruit of the timid policy of non-intervention pursued from 1805 until that time, and was forced on Lord Hastings's administration by the state of lawlessness which had grown up in Central India. The war resulted in the complete pacification of India. The Bombay Presidency as a territorial expression may be held to date from this time, the countries on the western side of India, then acquired from the Peshwa, Sindhia, and Holkar, being eventually placed under the Government of Bombay, which province thus became one of the great territorial divisions of the country. The formal procedure of the law-courts prescribed by the Bombay Regulations, which closely resembled those of Bengal, was introduced gradually into these provinces; but a large tract of country in the centre of India, near the source of the Narbada, ceded after the war by the Maratha government of Nagpur, was taken under the direct control of the Governor General in Council, and styled the 'Saugor and Nerbudda Territories.' It was at first placed in executive charge of a Political Agent with a staff of assistants, subsequently of a Commissioner, with a Deputy Commissioner and Assistants to each district, chiefly military officers. This province was not brought

Maratha
war of
1817-18.

Extension
of Bombay
Presi-
deney.

Territory
acquired
in Central
India,

CHAP.
III.

under the Bengal Regulations, but the officials were enjoined to conduct their procedure in accordance with the spirit of the Regulations, so far as they might be found suitable to the circumstances of the country and its backward state of civilisation. Other districts situated in Bengal had previously been exempted (by a special regulation) from the operation of regulation law, but this is the first case of what afterwards was frequently repeated, the deliberate formation of what became known as a 'non-regulation' province.

and in
Himalaya.

In addition to these acquisitions, Lord Hastings's administration was also signified by the gain of a tract of country in the Himalaya from the Nepalese, ceded in 1815, at the termination of the war with that people—a country more extensive than productive, but precious to the English in India from its beauty and healthfulness—that portion of the Himalaya which reaches from the mountain watershed of the Jumna to the present frontiers of Nepal, on the east extremity of Rohilkhand. This territory was also placed under a special Commissioner, and was not brought under the operation of the Regulations.

Com-
pany's
Charter
renewed.
Act of
1813.
Burmese
war of
1824: con-
quest of
Assam,
Arracan,
and Tenas-
serim.

An Act of Parliament passed in 1813¹ renewed the Company's Charter for a further term of twenty years. The next event to be recorded is the Burmese war of 1824, which resulted in the acquisition of the country called Assam—the valley of the great river Brahmaputra on the north-east of Bengal; the maritime province of Arracan, at the head of the Bay of Bengal; and the province of Tenasserim, a narrow strip of land on the lower shore of that bay. Assam and Arracan were attached to the Bengal Presidency, so far that they were administered by the Governor General in Council, and that the local officers were placed under the supervision of the Board of Revenue and Appellate Court at Calcutta; but since the people of these sparsely

¹ 53 George III., Cap. clv.



inhabited tracts differ in language and customs from the Bengalese, and those of Arracan in religion also, and the countries were not rich enough to bear the expense of the ordinary system of administration, they were not brought under the Regulations, but they were provided each with a special staff, mainly of military officers.¹ The Tenasserim province was dealt with in a similar way, but the garrison for it was furnished from the Madras army.

In 1833 the Charter of the Company again expired, and another Act of Parliament was passed, renewing it for a further term of twenty years.² By this Act the Company's functions as traders were abolished, and several changes were made in the form of government, of which the following are the most important :—

Further
renewal
of Charter.
Act of
1833.

I. The fact that the Presidency of Fort William had far outgrown manageable dimensions was then for the first time recognised; and the Act provided for its division into two separate presidencies—one to be styled the Presidency of Fort William in Bengal, the other the Presidency of Agra. A separate Governor was to be appointed for the latter, on the same footing as the Governors of Madras and Bombay.

Subdi-
vision of
Bengal
Presi-
dency.

II. Instead of, as heretofore, vesting the Governor General in Council of *Bengal* with a power of general control over the Governments of the other Presidencies, the new Act provided, that 'The superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be, and is hereby vested in a Governor General and Councillors, to be styled the Governor General of *India* in Council.'

Governor
General of
Bengal
becomes
Governor
General of
India.

III. The power of making laws and regulations for their Presidencies was withdrawn from the Govern-

¹ The administrative staff of the 'non-regulation' territories was furnished by the army in the absence of a sufficient supply of civil servants. The salaries were fixed on a lower scale than obtained in the regulation districts.

² 3 & 4 William IV., Cap. lxxxv.

CHAP.
III.Increased
control
vested in
Supreme
Govern-
ment.Governor
General
empow-
ered to act
without
Council.Special ar-
rangement
for Bengal
Army and
Civil Ser-
vice.

ments of Madras and Bombay, and the duty of legis-
lating for all India was placed on the Governor General
in Council, subject to the usual power of veto exercised
by the Court of Directors.

IV. The control of the supreme government was
asserted much more distinctly than in previous Acts.
No Governor was to have power to create offices, or grant
money, without the previous sanction of the Governor
General of India in Council, who was invested 'with
full power and authority to superintend and control the
Governors and Governors in Council of Fort William in
Bengal, Fort St. George, Bombay, and Agra, in all
points relating to the civil and military administration
of the said Presidencies respectively.' The latter were
bound to obey all orders received from this authority,
and to furnish periodically copies of all their orders and
proceedings, and all other information called for. It is
by means of the returns thus periodically supplied from
this time forward, that the Supreme Government is now
able to exert an efficient control over all Indian affairs.

V. The Governor General in Council could pass a
law, from time to time, authorising the Governor General,
when visiting any part of India, to exercise all the
powers possessed by the Council collectively, except
that of making laws and regulations; the Governor
General, in such cases, was to nominate a member of
the Council to be President of it during his absence,
who would exercise his powers.

VI. Although the Bengal Presidency was to be
divided into two, the Bengal Army and Civil Service
were not to be divided; and the Act recited that, for
the purposes of the Mutiny Act, 'the Presidency of Fort
William in Bengal shall be taken and deemed to com-
prise under and within it all the territories which, by
or in virtue of this Act, shall be divided between the
Presidencies of Fort William in Bengal and Agra
respectively.'



These and other important provisions of the Act of 1833 will be referred to again in the chapters which deal with the Governments of India and the different Provinces. The passage of the Bill through Parliament was vigorously opposed by the Court of Directors, mainly because it abolished the Company's power to trade, the idea being still tenaciously clung to that trade was a source of benefit to the Company, and some of the most experienced members of the Court being strongly of opinion, that to throw it open to public enterprise would be injurious to the people of India—an opinion which carried more weight before than after the event. But, as regards the change in the form of Indian Governments, there were many who thought that the Bill of 1833 did not go far enough. The Governor General of that period, Lord William Bentinck, recorded his opinion that 'the local details pressing upon the time of the Supreme Government utterly preclude the performance of the higher and more important functions of its office,' and that the Governor General and his Council should be relieved from the executive administration of any one presidency—also that the Commander-in-Chief should be relieved from the direct charge of any particular army. Sir Charles (afterwards Lord) Metcalfe, then a member of the Supreme Council, expressed the same opinion. Mr. Charles Grant (Lord Glenelg), the President of the Board of Control, drafted the scheme of his Bill very much according to Lord W. Bentinck's views, except that the Governor General was still to be Governor of Bengal. It was also intended that Councils should be abolished at the minor Presidencies; but at the recommendation of the Court their retention was left optional. Whilst the Bill was passing through Committee in the House of Commons, it was proposed that the Governor General should have two Lieutenant Governors under him for the Bengal Presidency, and another amendment was

CHAP.
III.Modifica-
tions pro-
posed in
Bill.

CHAP.
III.Modifica-
tions
carried out
after-
wards.

moved that the Governor General should be relieved from the charge of any particular Presidency. But these amendments were lost.

The creation of the fourth, or Presidency of Agra provided by the Act of 1833 was never carried out, the proposal of the Court of Directors, that a Lieutenant Governor should be appointed to the Agra¹ division of the Bengal Presidency, being accepted by the Board of Control, and legalised by an Act passed in 1835.² The country placed under the new Lieutenant Governor was styled the North West Provinces, an infelicitous term, always geographically incorrect, and rendered still more inappropriate by the subsequent conquest of Punjab. The government of Bengal, the remaining part of the Presidency of Fort William after the North West Provinces had thus been partially separated, was henceforward conducted by the Governor General alone, with an entirely separate establishment from that attached to the Government of India.

Considering the state of India at this time—that the three Presidencies were practically quite isolated, the means of communication with each other being very tardy and imperfect—it will probably be considered that the plan suggested by Lord William Bentinck and Sir Charles Metcalfe, that the supreme government in India should be concerned only in supervising the other governments, to be four in number, would have been premature. The state of Central India at that time did not admit of a central Government being placed there; while to have conducted the whole business arising between India and England by means of a supreme government, situated at Calcutta or anywhere else, would have been productive of extreme delay. Under

¹ The Appellate Courts and Board of Revenue of the Upper Provinces were moved from Allahabad to Agra about this time. The mutiny brought to light the political disadvantages of making Agra the capital, and Allahabad was again made the seat of government of the North West Provinces.

² 5 & 6 William IV. Cap. lii.



the state of things then obtaining it was far simpler and more convenient for the Governments of Madras and Bombay in regard to the greater part of their affairs to correspond directly with England; while, on the other hand, the amount of business coming up in those days from the four subordinate governments, would probably not have been sufficient fully to employ the central authority. But, as will be seen hereafter, the conditions of the case are now entirely altered. The difficulty of communication has disappeared; the number of separate administrations under the Supreme Government has risen from four to ten; the business of government in every department has enormously increased; the control of all the Indian armies is now exercised directly by the Government of India; while various causes, to be stated hereafter, combine to remove the differences of regulation and system which at that time militated against a general fusion of Indian administration under one head.

The further additions made to the British Empire in India, from 1833 to the present time, may now be briefly stated.

Further
additions
to British
possession.
Coorg;

In 1834 the small mountainous principality of Coorg, in Southern India, was annexed. The Commissioner who administered the affairs of the Raja of Mysore, the western part of which province adjoins it, was made Commissioner of Coorg also.

So early as 1809 the British Government, under the administration of Lord Minto, had assumed the protection of the numerous petty Sikh states lying between the Jumna and the Sutlej, and brigades had been quartered at Ludiana and Ferozepur, on the left bank of the latter river, to protect them against the incursions of Runjit Singh, the ruler of Punjab. On the failure of heirs to some of these chieftains, their possessions, on their death, were deemed to have lapsed to the British Government, which thus became possessed, between the years 1836 and 1843, of part of the country now known as the

territory
on the
Sutlej;

CHAP.
III.

Cis-Sutlej States, comprising the districts of Thanesar, Amballa, Ludiana, and Ferozepur. This territory not attached to any presidency, but was placed under the Governor General's Agent who had charge of the diplomatic relations on this frontier, and the superintendence of the remaining protected chiefs.

Karnul;

In 1841 the Nawab of Karnul, in the north of the Madras Presidency, was discovered to be engaged in a plot for the subversion of our power. He was accordingly deposed, and Karnul now forms one of the districts of the Madras Presidency.

Sind.

In 1843 Sind was annexed. The non-regulation system was adopted for this province, which was eventually placed under the Government of Bombay.

Sikh war.

In 1845 the war with the Sikhs broke out. At its conclusion the British Government occupied Punjab, and appointed a Council of Regency, with a British officer, styled Resident, at the head, to conduct the government of the country on behalf of the Raja, a minor. That part of Punjab between the Sutlej and Beas, a tract of very fine country called the Jalandhar Doab, or Trans-Sutlej States, was however annexed, and placed in charge of a Commissioner, under the orders of the Resident at Lahore. In 1848 Punjab broke out into insurrection; the result of the war which followed was the annexation of the whole country. The province was not attached to any Presidency, but the direct control was assumed by the Governor General in Council, the executive government being vested at first in a Board of Administration of three members, and afterwards in a Chief Commissioner. The non-regulation system was adopted, with a mixed administrative staff of civilians and military officers.

Annexa-
tion of
Trans-
Sutlej ter-
ritory.Annexa-
tion of
Punjab.Second
Burmese
war.
Cession of
Pegu.

In 1852 occurred the second Burmese war, which was terminated by the cession of Pegu. Here also the non-regulation system was adopted, the province being put in charge of a Commissioner, who was placed directly under



the orders of the Government of India: the garrison of the province was supplied by the Madras army.

In 1853 the Charter of the Company was again renewed.¹ In anticipation of this event, Select Committees of Inquiry were appointed, in the previous year, from both Houses of Parliament, who examined a great number of witnesses, and collected an immense amount of evidence on the state of India. No detailed reports were drawn up by the Committees, but the evidence taken sufficiently indicated the nature of some of the changes which were desirable. Strong testimony was borne to the inconvenience and injustice to the people of Bengal, of the arrangement which placed that province directly under the Governor General. It was pointed out that not only did the vastly greater labour imposed on that personage of late years, in his capacity as head of the Supreme Government—arising out of the large additions of territory acquired, and the increase of business in every department of the administration—necessarily engross his whole time, or at any rate leave no leisure for adequate supervision of the separate affairs of this province; a still greater defect was the constant change of Bengal administrations. The necessity for their presence near the army and the frontier, during the wars which had prevailed almost without intermission since 1838, had made the Governor Generals, from the time of Lord Auckland, almost strangers to their capital; at most they had paid brief and unfrequent visits to it. During their absence the senior Member of Council acted as Governor of Bengal, under the provision of the Act of Parliament; and as the same person seldom remained senior Member of Council for many months, and the acting Governor was moreover displaced whenever the Governor General returned to Calcutta, the province of Bengal was thus constantly subject to a change of rulers; and the

CHAP.
III.Further
renewal of
Charter.
Act of
1853.Lieu-
tenant
Governor
appointed
for Bengal.

¹ 16 & 17 Vict., Cap. xcv.

CHAP.
III.

government virtually fell into the hands of the Secretary, who might be an officer of small experience and at any rate was wholly irresponsible. The notoriously backward and neglected state of Bengal, particularly in regard to public works, and the inefficient state of the police, evidenced by the prevalence of gang robberies and other crimes, were pointed out as being a necessary consequence of this defective superintendence. As to the form of government to be given to Bengal, the progress and vigorous administration apparent in the North West Provinces were cited as proof of the superiority of a system of undivided responsibility over government by a Council or Board, and a similar plan was recommended for the Lower Provinces. Whether this superiority was due to the particular form of government adopted for the North West Provinces, or to its being equipped with a responsible government of any form, will be discussed hereafter: it will suffice to observe here, that the case for a change of some sort was clearly made out, and the Act of 1853 provided that the Court of Directors might either appoint a Governor to Bengal, or authorise the Governor General in Council to appoint any servant of the Company of ten years' service in India to be Lieutenant Governor 'of such part of the territories under the Presidency of Fort William, in Bengal, as may not be under the Lieutenant Governor of the North West Provinces.' A Lieutenant Governor was accordingly appointed, whose seat of government was fixed at Calcutta.

Annexation of
Nagpur.

In 1854 the Rajah of Nagpur died, without heirs, and his kingdom was deemed to have lapsed to the dominant power. The non-regulation system was introduced here also, under a Commissioner and staff of civilians and military men chosen from the three Presidencies. Nagpur had been already for many years garrisoned by Madras troops.

In 1856 the kingdom of Oudh was annexed to the



RISE OF BRITISH POWER

British dominions. The Punjab system of administration was introduced into this province, with a Chief Commissioner at the head, and a staff of officials taken from the civil service and army.

CHAP.
III.Annexa-
tion of
Oudh.

The following important territorial changes and additions have taken place since the great events of 1857 :—

Recent
changes.

I. The country formerly known as the Delhi Territory, up to the right bank of the Jumna, and including the city of Delhi and adjacent districts, was transferred from the North West Provinces to Punjab, and the Chief Commissioner of that province thus enlarged was made a Lieutenant Governor.¹

Transfer
of Delhi
Territory
to Punjab.

II. A new territorial division, the Central Provinces, was created in 1861, by detaching the country known as the Saugor and Nerbudda Territories from the Government of the North West Provinces, and uniting it to the province of Nagpur ; the amalgamated provinces were placed under a Chief Commissioner.

Formation
of Central
Provinces ;

III. In the same year the territories which had been ceded by the Court of Ava in 1825 and 1853, viz., Arracan, attached to the Government of Bengal ; the province of Pegu, and the long maritime tract, on the east coast of the Bay of Bengal, called the Tenasserim and Martaban Provinces—heretofore under separate Commissioners, directly subordinate to the Government of India—inhabited by races of the Buddhist faith, speaking the Burmese language, were amalgamated into one province, styled British Burma, and placed under the administration of a Chief Commissioner.

of British
Burma.

IV. In 1853 the Nizam ceded the province of Berar in perpetuity, in payment for the expense of the force maintained for his support, known as the Hyderabad Contingent, the contributions due to the British Govern-

Adminis-
tration
formed for
Berar.

¹ The first Chief Commissioner and first Lieutenant Governor of Punjab was Sir John (afterwards Lord) Lawrence, subsequently Governor General of India.

CHAP.
III.Straits
Settle-
ments
trans-
ferred to
Colonial
Office.Assam
consti-
tuted a sepa-
rate Pro-
vince.Mysore
restored to
native
rule.Annexa-
tion of
Upper
Burma

ment for keeping up which had fallen greatly into arrears. Berar is administered directly by a Commissioner, with the usual mixed staff of civil and military officers. This country, however, is held only in trust for the Nizam. The revenues and expenditure are accounted for separately from those of British India, and any surplus, after defraying all expenditure, including the cost of the contingent, is paid over to the Nizam. The Commissioner is under the immediate orders of the Resident at Hyderabad, who exercises a general superintendence over the affairs of the province.

V. The settlements of Penang, Malacca, and Singapur, in the Malayan Archipelago—which, since their acquisition in the last century, had been deemed to be a part of British India, and garrisoned by Madras troops, with a Governor appointed by and reporting to the Governor General in Council—were transferred, in 1866, to the Colonial Office, the Indian officials and troops being withdrawn.

VI. In 1874 the province of Assam was removed from the control of the Bengal Government and constituted a separate administration under a Chief Commissioner.

VII. The province of Mysore, on the overthrow of the usurping dynasty in 1799, had been restored by Lord Wellesley to the representative of the ancient line of Hindu princes; but in 1831 the continued misgovernment of that country led to the British authority assuming the direct administration. In 1881 the administration was again transferred to native rule, on the attainment of his majority by an adopted son of the late Maharaja. The Agent to the Governor General, who has replaced the Chief Commissioner in Mysore, continues to administer the adjacent small British province of Coorg.

VIII. In 1886 took place the annexation of Upper Burma. The amalgamated provinces of Upper and



Lower Burma, with the provinces of Arracan and Tenasserim, already united with the latter under the name of British Burma, now form the Chief Commissionership of Burma.

IX. A new administration has been formed in recent years, extending for the most part over the table-land beyond the mountain range which forms the north-western boundary of India, west of the Indus and south of Punjab. The nucleus of this was the district of Quetta, first occupied in 1876 and purchased from the Khan of Khelat. To this were added certain districts acquired from Afghanistan in 1879 by the treaty of Gandamuck, while still later an adjacent extensive, but thinly peopled, country, owning no definite allegiance to any ruler, and the prey of robber tribes, has been brought under British rule. The administration was placed on the footing of a Chief Commissionership in 1887.

Baluchistan.

In 1858 the government of India was transferred from the Company to the Crown.¹ In place of the Court of Directors and the Board of Control, the supervision of Indian affairs was vested in a Secretary of State, with a Council of fifteen members. Upon the creation of this body, the title of the Supreme Council of India was changed to that of Council of the Governor General. The subsequent changes made in the constitution of this Home Council of India and of the different governments in that country will be referred to more particularly in later chapters of this work.

Transfer of government from Company to Crown. Act of 1858.

Having thus followed the course of the development of English rule throughout the country, it may now be useful to recapitulate the territorial divisions into which British India has for administrative purposes been divided.

Provinces of British India recapitulated.

I. The Presidency of Fort William in Bengal has, Bengal.

¹ Act 21 & 22 Vict., Cap. cvi.

CHAP.
III.

since 1833, been separated into two divisions. Of these the lower or south-eastern portion, comprising the original conquest of Clive with subsequent additions in the same quarter, is under the administration of an officer styled Lieutenant Governor of Bengal. This great country, which is about three-fourths the size of France, but has a population nearly twice as numerous, comprises four distinct elements:—(1) Bengal proper, the fertile and thickly populated deltas of the Lower Ganges and Brahmaputra, inhabited by the Bengali-speaking race. (2) Behar, the basin of the Upper Ganges, also fertile and thickly populated, the people of which speak Hindi. (3) The maritime district of Orissa, resembling Bengal in physical aspects, but inhabited by Oriyas. All of these are subject to the uniform legal and administrative system obtaining in what are known as the Regulation Districts of India. (4) Various outlying tracts, of which may be especially mentioned the extensive territory south of Behar, still inappropriately termed the South-West Frontier. This tract, which has an area not far short of that of England, forms the eastern shoulder of the great table-land of Central India, and is for the most part a wild and mountainous country, clothed with forests, and inhabited, like the other similar regions included in this class, by aboriginal races, speaking different tongues.

The total population of the country under the Government of Bengal exceeds seventy-one millions; but the non-regulation portion of the country contains but a small proportion of this total, and contributes scarcely any appreciable share of the general revenue. Nevertheless, the average population for the whole province, although almost wholly agricultural, is nearly 500 to the square mile, more than the average for the United Kingdom, with its crowded manufactures, and parts of it are much more densely inhabited, the rate approach-



ing in some districts to one thousand persons per mile. Bengal is divided into nine commissionerships or divisions, comprising forty-seven districts.

CHAP.
III.

II. The other portion of the Presidency of Fort William, known as the North West Provinces, has been administered for nearly sixty years by a Lieutenant Governor. The province of Oudh has recently been amalgamated with it, and the land revenue of the united province is considerably larger than that of any other province. It has an area not much less than that of the United Kingdom, and ten millions more inhabitants, having an average population of over 440 to the square mile, a density exceeding that of every European country except Belgium. The government comprises forty-nine districts grouped in nine commissionerships.

N. W.
Provinces
and Oudh.

III. The territory under the Governor and Council of Madras is in extent somewhat smaller than that under the Lieutenant Governor of Bengal, with about one-half the population, giving an average density of about 250 to the square mile, considerably more than that of France. The province comprises twenty-one districts. The intermediate administrative link of a Commissioner between the government and the district officer which obtains in other provinces has never been introduced into Madras.

Madras.

IV. The Bombay Presidency covers an area of 125,000 miles, but this includes a large extent of desert on the borders of Sind. The population of the province is nineteen millions, or little more than one-fourth of that in Bengal; the province comes second in the amount of land revenue contributed. The British territories of this government are very much mixed up with those of the various native States which are superintended by the government of Bombay. The province is divided into twenty-three districts, of which five are in Sind, under five commissioners.

Bombay.

V. Punjab, under a Lieutenant Governor, is of Punjab.

CHAP.
III.

about the same extent, and contains a population about two-thirds as great as that of the kingdom of Italy. The upper part is well cultivated and thickly peopled; towards the south, where it joins Sind and the great Indian desert, the soil, barren from the want of rain, supports only a scanty population. The Punjab is divided into thirty-one districts, grouped under six commissioners.

Central
Provinces.

VI. The Central Provinces, under a Chief Commissioner. This province is as large as Great Britain. While several districts of it are highly fertile and productive, it contains also a large proportion of uncultivated and forest land, sparsely inhabited by aboriginal tribes, and the total population is only about eleven millions. It is organised in four divisions, with eighteen districts.

Assam.

VII. Assam. Also under a Chief Commissioner. Nearly as large as England. The province is the principal seat of the flourishing tea industry, but it comprises a large extent of primeval forest, and the population is less than five millions. It is organised in thirteen districts under three commissioners.

Berar.

VIII. Berar, administered by a Commissioner in subordination to the British Resident at the capital of Hyderabad. Somewhat larger than Denmark, and with a population of three millions, or about one-half as large again, organised in six districts. It has been explained that although Berar is directly under British rule, and administered under the same regulations as obtain in other provinces, it is held in trust for the Nizam.

Burma.

IX. Burma. With the additions made in 1886, this is now the largest province of British India, and is nearly as large as France. Burma presents great varieties of physical aspect. The delta of the Irawadi is an expanse of low-lying land unsurpassed in fertility, but Upper Burma comprises extensive tracts of virgin forests, precipitous mountains, and elevated table-lands as yet but little cultivated, and the total population is



estimated at less than eight millions. The pacification of Burma has now been completed, but a considerable extent of the mountainous country which separates the valley of the Irawadi from the Bay of Bengal, occupied by scattered aboriginal races having no racial affinity to the people of Burma, and which have never before been subjected to any form of control, has still to be brought under settled government. Control over the tracts bordering on China and Siam is exercised at present through the tribal authorities with little direct interference.

The ruler of this great country is a Chief Commissioner. It is administered through the agency of eight commissioners, and is organised in thirty-five districts.

X. Baluchistan. This great country has not yet been completely surveyed, nor has a census been made of its scanty population. The British portion of this part of Asia is larger than the United Kingdom. Sterile for the most part, cultivation is rapidly springing up wherever water can be brought to the land, on which people are settling now that it has come under a regular government. Baluchistan is administered by a Chief Commissioner with a small staff of officers.

Baluchi-
stan.

To complete the list of separate administrations of British territory there must be added to the foregoing : IX, the little province of Coorg in Southern India ; XII, the British district of Ajmir in Rajputana ; and XIII, the Andaman Islands in the Bay of Bengal, the officials respectively in charge of which are directly under the Government of India.

Coorg,
Ajmir,
Anda-
mans.

It remains to mention the different native States which still comprise a large proportion of the whole peninsula of India. All these are subject to the control of the paramount power, which is exercised in a greater or less degree, according to the nature of the treaty subsisting with each State. Generally speaking, they have unrestricted civil and criminal jurisdiction, raise

Native
States.

CHAP.
III.Hyder-
abad.

their own revenues, some of them levy customs on the frontier of their territories, and all of them maintain a military force, more or less disciplined and equipped, and in some cases of considerable strength. But they have no political relations with other States, and in the larger of them garrisons are furnished from the Indian army. Their position is therefore somewhat analogous to that of the mediatised principalities of Germany. Of these States the most important is the dominion of the Nizam, the successor of the Mahomedan viceroy of the Dekhan at the breaking up of the Mogul empire. A British garrison is stationed at Hyderabad, the capital of the country, termed a subsidiary force, in consideration of which certain territory was permanently ceded by the Nizam in 1801¹; this force, it may be explained, being additional to that known as the Hyderabad Contingent, a local force under the orders of the Resident, and to the Nizam's own army. The Nizam's territory is not much less in extent than Great Britain, but a considerable part of it is waste or forest land, and it contains a population of only eleven and a half millions. The Resident at Hyderabad, who is also Chief Commissioner of the province of Berar, is one of the high officials directly under the Government of India.

Rajpu-
tana.

Another administrative unit is formed by the group of States, principally Rajput, which under the name of Rajputana occupies such a conspicuous place on the map of India, and in its earlier history. This great tract, which extends about 450 miles from north to south, and has an extreme breadth of more than 500 miles, comprises twenty-one separate States, which since the final overthrow of the Maratha power in 1817 have been under the protection of the British Government. The smallest of these States is smaller than an English county; the largest, Marwar, has a greater extent than Ireland, but bordering on the Indian desert contains a

¹ See page 51.



RISE OF BRITISH POWER

CHAP.
III.

large proportion of sterile land. The total population of Rajputana is about twelve millions. An officer, styled Agent to the Governor General, is in general charge of Rajputana with his headquarters at Ajmir, a small British district situated in the centre of the country. A staff of six principal officers has charge each of a cluster of States. Rajputana is garrisoned by two weak brigades of the Indian army stationed at Nasirabad and Nimuch.

States in
Central
India.

Another important group of native States is that supervised by the Agent to the Governor General for Central India, which includes a large portion of the great table-land of Malwa, or Central India, and a number of States in Bandelkhand. Some of these are petty chieftainships of a few square miles, the owners of which are however independent of all authority save the British Government; but the Agency also includes the Maratha principalities of Holkar and Sindhia, once the most powerful chiefs in India; the dominions still in the possession of the latter form a country as large as Ireland. The table-land of Central India contains some of the finest parts of the peninsula, but it has been the scene of war and rapine from the first decline of the Mahomedan empire, a hundred and fifty years ago, until comparatively recent times; and the territories under the Central India Agency, nearly 80,000 square miles, contain only about ten millions of persons. One brigade of the Indian army is stationed in Central India, at Mhow.

The Maratha State of Baroda, which lies outside the Central India Agency, is supervised by a Resident and Agent to the Governor General. It is somewhat larger than Wales and considerably more populous.

Mysore, in Southern India, an elevated table-land of from three to six thousand feet above sea-level, is about as large and populous as Bavaria. The administration of this province, restored a few years ago to the repre-

CHAP.
III.

representative of the old Hindu dynasty which had been dispossessed by a Mahomedan adventurer about one hundred years before, is closely modelled on the system obtaining in British provinces, and is administratively the most advanced of any native state. The Government of India is represented by a Resident, residing at Bangalore, the headquarters of the British force stationed in the province. This official is also Chief Commissioner of Coorg.

Kashmir.

The State of Kashmir, besides the small valley of that name includes a great part of the Western Himalaya, including some of the highest mountains in that range. As large as Great Britain, the total population is estimated not to exceed two and a half millions. The Government of India is represented by a Resident.

Adminis-
trative
Divisions.

From the foregoing enumeration it will be seen that for administrative purposes India is divided into sixteen separate governments or administrations, the heads of which are directly under the Governor General in Council :—

Two Governors in Council, Madras and Bombay ; three Lieutenant Governors, Bengal, North West Provinces, and Punjab ; four Chief Commissioners, Central Provinces, Assam, Burma, and Baluchistan ; Resident at Hyderabad and Chief Commissioner of Berar ; five Agents to the Governor General for Rajputana, Central India, Baroda, Mysore (also Chief Commissioner of Coorg), and Kashmir ; the Superintendent of the Andaman Islands, styled Chief Commissioner.

To the foregoing may be added for affairs beyond India the Residents in Nepal, which is practically an independent state, and in the Persian Gulf.

It may be useful to note also the native states whose affairs are supervised by one or other of the subordinate governments.

The ancient Hindu principality of Travancore, in the extreme south of the peninsula, which is in size



RISE OF BRITISH POWER

CSL
77

CHAP.
III.

States
under
govern-
ments of
Madras,

about as large as an average district, and the still smaller State of Cochin, have both survived all the revolutions brought about by successive invasions of India, and the anarchy which followed on the dissolution of Mahomedan power. They are supervised by the Government of Madras, which also controls the chiefs of some wild tracts bordering on the northern districts of the Presidency.

A great number of native States are interspersed among the Bombay districts, and supervised by the Government of that Presidency. Of these the principal are the possessions of the numerous petty chiefs in the Kathiawar peninsula and Gujarat. Altogether the part of India generally known as the Bombay Presidency consists of British and native districts in nearly equal parts.

Bombay,

The native States supervised by the Government of Bengal consist mainly of wild and sparsely inhabited tracts on the borders of Behar and Orissa, inhabited for the most part by aboriginal tribes.

Bengal.

The native States under the superintendence of the Punjab Government comprise an area of about forty thousand square miles. Of this nearly one half belongs to the Mahomedan principality of Bahawalpur, a great part of which, however, is little better than desert. There are several small Sikh States between the Sutlej and Jumna, and there are numerous petty chieftainships in the Himalayas—among which is situated the well known Sanatarium, Simla—whose allegiance was transferred from the Nepalese to the British, after the war of 1814.

Punjab,

The southern parts of the Central Provinces contain some extensive tracts, almost uninhabited and uninhabitable, which are under the rule of native chiefs.

and
Central
Provinces.

The following table exhibits the principal political divisions of India, as above described. The whole country in extent and population exceeds the continent of Europe without Russia.

Area and
population
of India.

Area and Population, British India, 1891.

Provinces	Dis- tricts	Area in square miles	Population
BRITISH PROVINCES			
Under Government of India :—			
Ajmir	2	3,000	540,000
Berar	6	18,000	2,900,000
Coorg	1	2,000	170,000
Andaman Islands .	1	2,000	20,000
		25,000	3,630,000
Madras	21	141,000	35,630,000
Bombay	23	125,000	18,900,000
Bengal	47	152,000	71,350,000
N. W. Provinces and Oudh .	49	106,000	46,900,000
Punjab	31	111,000	20,870,000
Central Provinces	18	87,000	10,780,000
Assam	13	49,000	5,480,000
Burma	35	186,000	7,610,000
Beluchistan		33,000	250,000
Total British Provinces .		1,015,000	221,400,000
NATIVE STATES			
Under Government of India :—			
Rajputana States	—	130,000	12,020,000
States in Central India	—	78,000	10,320,000
Baroda	—	8,000	2,420,000
Hyderabad	—	83,000	11,540,000
Mysore	—	28,000	4,940,000
Kashmir	—	81,000	2,540,000
Total	—	408,000	43,780,000
Under Provincial Governments:			
Madras	—	10,000	3,700,000
Bombay	—	69,000	8,060,000
Bengal	—	36,000	3,300,000
N. W. Provinces	—	5,000	790,000
Punjab	—	38,000	4,260,000
Central Provinces	—	29,000	2,160,000
Burma	—	110,000	unknown
Beluchistan	—	100,000	300,000
Total Native States	—	805,000	66,350,000
Total all India	—	1,820,000	287,750,000

¹ For a more complete view of the subject dealt with in this chapter, the reader is invited to study the work bearing a similar title by Sir Alfred Lyall, a great book lately republished in form more adequate to its importance than that of the first modest edition.



CHAPTER IV

THE PRESIDENCIES

FROM the foregoing account of the conditions under which the government of British India is now administered, it will be readily perceived that the idea often popularly entertained, and still countenanced more or less by official usage, that British India is divided into three Presidencies, is entirely opposed to the actual state of things. This form of division, which was correct at one time, has long ceased to be in accordance with the facts. British India is now divided into ten great provinces, each under its own civil government. These governments are differently constituted, and are vested with different degrees of executive power; but they are quite independent of each other; and all of them, both in law and practice, exercise their functions subject to the direct authority and control of the Governor General of India in Council. It will also have been gathered from the last chapter that the titles popularly given to the three Presidencies, when they constituted the whole of British India, are not their correct names. The territorial division known as Madras is properly the Presidency of Fort George, and no such place as the Bengal Presidency has ever existed. The term 'Presidency' itself is commonly used in an ambiguous sense. Originally it was applied to the governing body at each of the three principal settlements, the Commission namely of President and Council,

CHAP.
IV.

Popular
view that
India con-
sists of
three Pre-
sidencies
erroneous.

Ambiguity
of the
term 'Pre-
sidency';

CHAP.
IV.

to which the powers of the Company were delegated. From this meaning the term came to be extended to the territories of which those bodies in course of time obtained the possession; but even in this sense it has not been used with precision. The Acts of Parliament determining the form of government for India to which we have referred, all speak of 'the Presidency of Fort William in Bengal,' as if the Presidency were less than, and contained within, the country called Bengal; whereas, from the year 1813, it has been declared lawful to add various ceded territories beyond that country to the Presidency of Fort William. Further, the term 'Presidency' is frequently used, both popularly and in official language, to signify the capital town as distinguished from the interior of the country. Thus a person going to Calcutta or Madras is said to be going 'to the Presidency;' officials residing at those towns are entitled in consequence to certain extra or 'presidency allowances;' and the divisions of the army, of which the commanding general's headquarters are placed at the capital, are styled the 'presidency districts.'¹ It may be added that the name of each presidency has been somewhat differently derived. The Bombay Presidency takes its name, both officially and in common parlance, from the seat of government; that on the eastern coast, usually known by the name of the capital town, is styled in official documents by the name of the fort which overlooks the town; the third presidency derives the name popularly given to it from the most important of the different countries comprised within it.

and of
name
'Bengal.'

Further the name 'Bengal' itself is also commonly used in three different senses. First, to denote the country, sometimes styled 'Bengal proper,' inhabited by

¹ This ambiguity is very conspicuous in the Army Act, one section of which employs the term 'presidency' in the sense of a territorial division, while the following one uses it to denote a capital town.



THE PRESIDENCIES

CSL
81

CHAP.
IV.

the people who speak the Bengali language. Secondly, it is applied to the territories formerly comprised in the subahdari or viceroyalty of Bengal during the Mahomedan era, namely, the three great provinces of 'Bengal proper,' Behar, and Orissa, which with the province of Cuttack, subsequently added, are now under the jurisdiction of the 'Lieutenant Governor of Bengal.' Thirdly, it is applied to the great plain of Upper India, extending from the mouths of the Brahmaputra to the borders of Afghanistan, which is garrisoned by the Bengal army, and administered by the agency of what, until lately, was styled the Bengal Civil Service, and which, speaking roughly, is comprised in the three Lieutenant Governorships and the Province of Oudh. This third application of the title 'Bengal Presidency,' which is the one most familiar to English readers, has no doubt arisen from the circumstance that the Bengal army has been administered directly by the Governor General in Council, who until 1833 was styled the General Governor in Council of *Fort William in Bengal*; and also because the official body, termed the 'Bengal Civil Service,' constituted the principal administrative agency throughout the countries garrisoned by the Bengal army. But, as we have seen, such a territorial division is not recognised by the law, and is quite inaccurate as a representation of facts. The Presidency of Fort William, as defined by the Act of 1833, comprises only the territories now under the jurisdiction of the Lieutenant Governors of Bengal and the North-Western Provinces;¹ while the so-called 'Bengal' Government—as that term is sometimes erroneously applied, not to the Lieutenant Governor of Bengal, whom it properly denotes, but to the Government which controls the Bengal army, viz., the Governor General of India in Council—is not more directly concerned with

¹ It is however a moot point between the Indian constitutional lawyers whether Punjab is within or without the Statutory Bengal Presidency.

CHAP.
IV.

Origin of
the mis-
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ideas on
the sub-
ject.

the administration of the provinces garrisoned by the Bengal army, than with that of any other part of India. It is even less concerned with such of these provinces as are ruled by Lieutenant Governors, than with the provinces like Burma and Berar, the administrators of which possess less independent authority than do the Lieutenant Governors.

As regards Madras and Bombay, the idea of a territorial division by presidential limits has until lately been so far appropriate that there were distinct armies and civil services employed in the territories under the jurisdiction of the Governments of Madras [Fort St. George] and Bombay respectively; and this fact has no doubt helped to foster the idea that there existed a third great territorial division, coextensive with the area covered by the third army and civil service. But even in the case of Madras and Bombay the assumed presidential organisation has long ceased to obtain. The troops employed in the Madras Presidency have certainly been none but Madras troops; but these are also extensively employed beyond the limits of that presidency. Nearly one half of the Madras army is serving in the transmarine province of Burma, a country the administration of which has no sort of connection with or subordination to the Government of Madras. That army also furnishes the garrisons of the States of Mysore and Hyderabad, and a great part of the Central Provinces, countries the administrations of which are under the direct control of the Governor General in Council, and even of a part of the Bombay Presidency, as well as for a part of Bengal. The portion of the Madras army remaining at the disposal of the Madras Government, and stationed within the Madras Presidency, has long been in fact a mere fraction of the whole. In the same way, the Bombay army, besides garrisoning the Bombay Presidency, also furnishes garrisons for the large stations of Mhow,



THE PRESIDENCIES

Nussirabad, and Nimuch, situated in foreign states supervised by agents of the Supreme Government, as well as for the distant territory of Baluchistan.¹

CHAP.
IV.

The common notion, moreover, that the Bengal Presidency—using the term in its popular sense, *i.e.* to mean the country garrisoned by the Bengal army—consists of the three Lieutenant-Governorships and the province of Oudh, expresses the facts only very roughly. The Bengal army garrisons these territories, but it also shares with the Madras army the duty of supplying troops for the Central Provinces and Burma, and with the Bombay army of garrisoning the native States of Central India and Rajputana.

Conne-
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Bengal
Presi-
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Bengal
army.

Further, the body of officials heretofore comprising the Bengal Civil Service, though bearing one name, has for long been divided into two distinct parts, one of which is employed under the Bengal Government,

Bengal
Civil
Service
practically
divided
into two
services,

¹ How completely the separate presidential system has been extin-
guished by the force of circumstances is shown by the figures below :—

Distribution of Madras and Bombay armies, including British forces nominally borne on their establishments :—

—	Batteries Artillery	Regiments Cavalry		Battalions Infantry	
		British	Native	British	Native
MADRAS ARMY					
Stationed within limits of Madras Presi- dency	4	0	1	2	10
Stationed in other Provinces and Terri- tories	10	2	2	9	22
Total	14	2	3	11	32
BOMBAY ARMY					
Stationed within limits of Bombay Presi- dency	16	0	3	6	14
Stationed in other Provinces and Terri- tories	9	1	4	5	12
Total	25	1	7	11	26

CHAP.
IV.

for east
and north
of India,

the other in the northern provinces of India. The candidates for the Civil Service have had to make their choice between these two divisions on first appointment, and shaped their studies in the Indian languages accordingly, during their period of probation in England. Henceforward the two divisions of the service were almost as completely separated from each other as they are from the Bombay and Madras Civil Services. The young civilians nominated to Bengal were at once on arrival placed at the disposal of the Lieutenant Governor of that province, while the first distribution of those who formed the second division, among the three northern provinces (the North West Provinces, Punjab, and Oudh), was made by the Government of India; but henceforward the employment and promotion of all were determined by the respective Lieutenant Governors. The only bond of union between these two divisions, beyond their common name, was in fact that the members of both subscribed to one common fund for retiring annuities and family pensions. This tie was obviously quite unimportant. The two divisions might at any time have been formed into two separate civil services for Bengal and Upper India without the smallest difficulty or infringement of vested rights.

each
larger
than
Madras or
Bombay
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Separa-
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Thus there have been in effect four and not three civil services. It may be added that the two divisions of the Bengal Civil Service are each much larger than either the Madras or Bombay Service. So far, however, from any further subdivision being desirable, the presumption appears to be quite the other way. The original division of the Civil Service into separate bodies, although suitable enough in former years, has long been unmeaning and useless. The popular notion that it secures that the officials shall be conversant with the languages of the people whom they are set over, is quite fallacious. The diversity of languages



in different districts of the Madras Presidency is much greater than the diversity between the languages of adjoining districts of the different provinces and presidencies. The same remark applies to the enormous territory ruled over by the Lieutenant Governor of Bengal. A Bengal civilian may be sent from Behar, where the people are Hindustanis speaking Hindi and Urdu, to the extreme east of Bengal, where only Bengali is spoken, or to Orissa, where another distinct language is found; and a Madras officer may be transferred from the south of the peninsula where the language is Tamil, to the extremity of the Northern Circars, where the language is derived from a different stock, or to the Canarese district of Bellary. All that the presidential system secured was, that under no circumstances should a civilian step across the border from one regulation province to another, although the line of demarcation might be a purely arbitrary one, such as that which divides the Bombay and Madras Presidencies on the west coast, or the Northern Circars and Cuttack on the east. This condition, however, does not hold with respect to the so-called non-regulation provinces, which are officered by members of all the services, who are equally eligible for employment in the various imperial departments (political, finance, post-office, &c.), administered directly by the Government of India. In these cases the artificial division of the services fulfils no useful purpose, while it tends to perpetuate needless class prejudices and jealousies, and has certainly operated to deprive the Madras and Bombay services of their proportionate share of the higher appointments under the Supreme Government, which now almost always fall to their more fortunate brethren in the Bengal service. As a natural consequence the candidates who head the list at the annual competition for admission to the Indian Civil Service have usually chosen Bengal to the extent of the available

CHAP.
IV.

Fusion of
the three
civil ser-
vices into
one.

vacancies; the rest were perforce appointed to Madras and Bombay.

The conclusion was therefore long ago warranted, that as regards the civil service, these presidential distinctions might with great advantage be abolished, and all Indian civilians be incorporated in one imperial establishment. This change recommended itself as one step further towards dispelling the notion still sometimes entertained, even in India, and partly justified by the present state of things, that the Supreme Government is not the Government of India, but the Government of Bengal, a belief productive of constant friction in the wheels of Indian administration.

The necessity for this change, first advocated in the earlier editions of this work, has at last come to be recognised, and has lately been carried out. From 1889 the obsolete presidential divisions have been abolished in this respect, and the members of the different services have been brought together in one 'Indian Civil Service.' The change was made as part of a comprehensive reorganisation of the whole system of civil administration throughout the country, so far as regards the personal agency employed, which will be referred to later on at some length.

Miscon-
ception
caused by
system
of presi-
dential
armies.

If the preservation of presidential distinctions in the civil service for so long after they had ceased to be applicable, was at the worst rather stupid than harmful, the continued maintenance of the system of presidential armies up to nearly the present time has been extraordinarily mischievous. From 1860, when the old local establishments of European troops, which were separate small armies, were absorbed into the British service, all reason ceased for keeping up this divided administration which henceforward was quite without justification, and would have been wholly absurd if it had not been also very costly and inefficient. If the Governments of Madras and Bombay



had been financially responsible for the armies nominally under their control, there might have been some show of reason for maintaining a system necessarily cumbrous and complicated. But the money for military expenditure is found by the Supreme Government, and from the time when it first undertook the responsibility, any real control of the Local Governments over their armies came to an end.

The presidential system had further ceased to be reasonable from the circumstance already explained, that the Madras and Bombay armies had long ceased to be employed wholly, or even mainly, in the provinces to which they nominally belonged, but were distributed also throughout various parts of India in the affairs of which the Madras and Bombay Governments had no concern. The necessity for abolishing this cumbrous and obsolete system was first pressed on public attention nearly twenty-five years ago, in the early editions of this work. That its maintenance has so long been persisted in is an illustration of the strong natural conservatism of the ordinary official mind. However, the reform first definitely taken in hand by the Government of Lord Ripon and followed up persistently by his successors has at last been carried through. One by one the different presidential departments have been amalgamated, and while the separation of the native armies has been carefully preserved, the unification of the military administration has been gradually accomplished. The Act of Parliament passed in 1893, abolishing the connection between the general officers commanding the Madras and Bombay armies and the Councils of those Presidencies, gave the finishing touch to the work. The Madras and Bombay Governments have now ceased to have any connection with army administration, and are placed on the same footing as all the other provincial governments in India in being concerned only with affairs of civil administration. At

CHAP.
IV.

this point, therefore, the title 'Presidency,' applied to Madras and Bombay, ceases to have any force or meaning ; they should be styled provinces like the other parts of British India. It has been explained that a 'Bengal' Presidency has no existence. When these conditions come to be generally understood it may be hoped that this obsolete and misleading term 'Presidency,' still a fertile cause of administrative embarrassment and confusion, will be dropped altogether from both official and popular use.

Miscon-
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underly-
ing parlia-
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legislation
on subject.

It should be added that the misconceptions here noticed were by no means confined to the public. The Acts of Parliament dealing with India have been defective not only from the ambiguities above referred to, the authorities who drafted them usually appear to have assumed that all the territories in India possessed by the Company necessarily belonged to one or other of the three presidencies ; but no statutory definition of a presidency was ever laid down, and as a matter of fact various accessions of territories have taken place at different times which had never been declared to belong to any presidency. The governments established in these countries had therefore no statutory sanction. This omission is especially noticeable in the Act of 1853 renewing the Company's Charter, in which, while provision is made for the formation of a separate government of Bengal, no allusion is made to the existence of the province of Tenasserim, acquired in 1826, or of Pegu acquired in 1852, or of Punjab, annexed in 1849. In all these countries, therefore, the only legal sanction for the proceedings of the Indian governments and of the law courts set up therein rested on the right of conquest. The incongruity of the situation created by this statutory silence is obvious. In some parts of India the powers of the Company to exercise jurisdiction rested on the specific delegation of authority conferred by successive Acts of Parliament,



THE PRESIDENCIES

CHAP.
IV.

while in regard to other and extensive territories, the law of England was altogether silent, and these territories were not recognised as having any statutory existence. This singular omission was rectified by an Act passed in 1854,¹ which provides that the Governor General in Council may take under his immediate authority and management any parts 'of the territories for the time being in the possession of or under the government of the said Company, and thereupon give all necessary orders and directions respecting the administration of such part or parts of the said territories, or otherwise to provide for the administration thereof.' The Act goes on to complete the statement by declaring that all powers not exercised by the Governor in Council of a Presidency or a Lieutenant Governor, 'shall be vested in and may be exercised by the Governor General in Council.' In other words, statutory recognition was thus for the first time accorded to the existence of territories in India not comprised within any one of the presidencies.

This Act had no retrospective effect, and did not therefore give statutory validity to the previous actions of the Indian Government in regard to their extra-presidential territories. The omission was rectified by a clause in the Act of 1861,² which conferred the necessary legal sanction on the proceedings of the Government of India therein up to date.

¹ 17 & 18 Victoria, Cap. lxxvii. Even so, the change is smuggled into being under the title, 'An Act to provide for the mode of passing Letters Patent and other Acts of the Crown relating to India, and for vesting certain powers in the Governor General of India in Council.' The general reader would possibly not discover from this that a statute which sets out by prescribing that the counter-signature of the President of the Board of Control to the Royal Sign Manual shall constitute valid authority for appointments to offices in India made under the Great Seal, brings also for the first time several millions of people formally within the British Empire and the government of the Company.

² 24 and 25 Victoria, Cap. lxxvii., clause 25. An Act to make better Provisions for the Constitution of the Council of the Governor General of India, and for the Local Government of the several Presidencies and Provinces of India, &c.



CHAPTER V

THE PROVINCIAL GOVERNMENTS

CHAP.
V.

Anoma-
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IN the foregoing chapter the incorrectness has been pointed out of the popular notion—which, however, is not confined to the English public—that British India is constituted in three presidencies, and it has been explained that the country is actually divided into a large number of provinces, each with its own separate administration. And this being understood, the enquirer will at once be struck with the singular state of things under which, while the two most populous provinces, Bengal and the North West Provinces, are administered by Lieutenant Governors, two other provinces, much less populous and in many respects less important politically, Madras and Bombay, are provided with Governors and Executive Councils.¹ The cause of this anomaly has already been explained. The government originally created for Bengal was equipped with the same administrative machinery as was supplied to Madras and Bombay; but there was gradually imposed on it the government of all India in addition to its original jurisdiction; and the present provision made by the Act of 1853 for the wants of Bengal was in fact a makeshift arrangement, introduced when the want of a government of some sort for that province had

¹ Population of Bengal	71 millions.
" " North-West Provinces	47 "
" " Madras	35 "
" " Bombay	19 "



been so thoroughly exposed in the previous Parliamentary enquiry, that a change could not with propriety be resisted any longer. The Act of 1833, which converted the Governor General in Council of Bengal into the Government of India, contemplated the creation of a fourth Presidency for the North West Provinces, and empowered the Court of Directors to carry out the change, leaving the Governor in Council to administer Bengal; but inasmuch as the Bengal army was not to be divided, and the Government of the new Presidency would have no army under its order, and would be concerned only with civil administration, the cheaper plan was adopted of appointing a Lieutenant Governor to the upper portion of the Bengal Presidency, an arrangement which received statutory sanction by an Act of Parliament passed in 1835. Similarly the Act of 1853 legalised the appointment of a Governor for the Bengal division of the Presidency of Fort William, but left it optional with the Court of Directors, instead of themselves appointing a Governor, to authorise the Governor General in Council to appoint a member of the Indian service to be Lieutenant Governor of that province. The latter plan was adopted, partly perhaps under the idea that it would leave the Governor General a greater share of authority in that province, and partly in view to economy. There is no doubt a saving: a Governor receives 120,000 rupees a year, a Lieutenant General 20,000 rupees less, and the latter has a smaller and much more economical household. But although the one holds a higher official position than the other, and is nominated by the Crown, while the Lieutenant Governor is appointed by the Governor General in Council with the approval of the Crown, and in popular estimation the former occupies a more powerful and important position, the office of the Lieutenant Governor of Bengal has really much more substantial authority and responsibility attached to it than that of

CHAP.
V.

Governor of Madras or Bombay, and is inferior only in emolument and dignity.¹

It is indeed generally supposed that the Government of India interposes more directly in the provincial administrations under Lieutenant Governors than with those under a Governor in Council, and that the latter have in some way or other a greater degree of authority and independence than the former. And the supposition is not unnatural; why otherwise should there be this difference of emolument and dignity? But in reality there is no difference whatever in this respect. Until lately, indeed, the Government of Madras, as well as that of Bombay, was charged with the administration of an army. The charge, which for many years has been little more than nominal, has now however altogether ceased, and all the provincial governments are now on the same footing, in that they have to deal only with the business of civil administration. On the other hand the Lieutenant Governors have gradually been invested with all the authority in civil business which at one time was retained by the Supreme Government, so that the two Governors in Council and the three Lieutenant Governors of Bengal, the North West Provinces, and Punjab exercise equal administrative authority and relative independence in financial and all other matters.

Bengal Government the most important of all.

With this equality of power the position of the Lieutenant Governor of Bengal has become by much the most important of any under the Supreme Government, by reason of the greater extent of that province, still more of its greater population and wealth, and the larger interests as compared with other parts of the country arising out of these conditions. The portion of the Indian Civil Service serving in Bengal is the largest official body in India.² The same thing holds good, not only in the Civil Service proper,

¹ The Governor is styled 'His Excellency,' like the Governor General, and takes precedence over the 'Honourable' Lieutenant Governor.

² The distribution of the Indian Civil Service, which fills the greatest part of the higher administrative appointments throughout the country,



THE PROVINCIAL GOVERNMENTS

CHAP.
V.

but in all branches of the civil administration—police, education, law, public works, &c. Bengal is divided into forty-seven districts, exclusive of extensive non-regulation territories attached to it, against twenty-one in Madras and twenty-three in Bombay; and there are more law-courts, schools, jails, and public establishments of all kinds under the Lieutenant Governor of Bengal than in any other province. In fact he has the largest patronage of any person in India, and while the responsibilities of the Governments of Madras and Bombay are shared between the Governor and his Council, the Bengal Lieutenant Governor is absolutely uncontrolled in this respect by anyone. From every point of view the Government of Bengal is by far the most important in India, after the Supreme Government; and there appears not even a show of reason for maintaining the appearance of nominal inferiority to any of the other provincial governments. Next to the Bengal Government in importance ranks that of the North West Provinces, of which the same thing may be said.

This anomalous condition has naturally not escaped the attention of those connected with Indian administration, and it has often been proposed that on the unification of the military administration being com-

And
should be
made a
Governor-
ship.

affords a good index of the relative administrative importance of the different provinces. It is as follows:—

Directly under Government of India:

Central Department	32	
Political Employ	43	75
Madras		143
Bombay		140
Bengal		186
North West Provinces		182
Punjab ¹		95
Central Provinces ¹		63
Burma ¹		43
Assam ¹		32

927

¹ In these four provinces the administrative posts are filled only in part by civilians.



CHAP.

V.

pleted, and the Madras and Bombay Governments relieved of the charge of the armies designated by those names, the provincial administration in Madras and Bombay should be reduced to Lieutenant Governorships. The process of equalisation ought undoubtedly to be carried out, but I venture to think it should be effected rather by levelling up, and raising the Lieutenant Governorships to the higher rank. In the case of Bengal especially there is an incongruity almost grotesque in styling the head of the administration of a country with seventy millions of people—a population exceeding that of the United States—a Lieutenant Governor. The change of status is called for by every consideration of fitness and propriety.

One consequence of this change might be that, whereas the Bengal Government is now filled, under the provisions of the law, by a member of the Indian service, it would become possible to appoint as Governor a stranger to the country, when the special knowledge and administrative training which have produced the signal results displayed in the North West Provinces and Punjab in past years, as well as in Bengal itself, would no longer be available. With a certain class of politicians, indeed, ignorance of his business on the part of a person in such a position is deemed to be in itself a qualification. Yet there is no precedent for such an arrangement. Colonial Governors are certainly often appointed without experience of their duties, but then they do not administer the government of which they are the nominal heads; their functions are for the most part of a ceremonial kind. In the Crown Colonies where the Governor does exercise authority, the duties are on a trifling scale. In India only does the ruler of a large and populous country actually administer the government. There the welfare of the province entrusted to his charge depends on his efficiency; the business is of



THE PROVINCIAL GOVERNMENTS

CSL
95

CHAP.
V.

a technical kind demanding for the proper discharge of it long and special experience, while the duties are heavy beyond comparison with those to be discharged by an administrator in any other part of the world. It may be said that affairs at Madras and Bombay have got on fairly well under some Governors who have had neither experience nor ability; but then the business and responsibility have been shared with experienced colleagues in their Councils. One advantage, indeed, so far as it goes, may be found in selecting a Governor from the peerage or lower ranks of a Ministry, that it brings Indian official life to that extent in touch with the English political world, and creates a certain amount of interest in Indian affairs among persons who might otherwise be without it. Further, the possession of personal experience is not always without disadvantage in one respect. It is scarcely possible that a man should be raised from the ranks of a service in which his life has been passed without taking with him more or less of bias for or against some of his old associates, which may be displayed in the subsequent distribution of patronage. But when all this is said, the fact remains that for the effective administration of an Indian province, a knowledge of the people of India, of their religions and some at least of their languages, and of the complicated system of law, usage, and land tenure with which the business of civil administration is mainly concerned, is an essential qualification. An untrained man from England, or a successful Colonial Governor, who has earned his popularity by a dignified and courteous performance of the ceremonial duties of office, but who has perforce left all business to his responsible advisers, must on first arriving in India be ignorant of the very elements of the business coming before him, and form his judgment at second hand on the advice of those about him, nor will the brief tour of office suffice to make good his deficiencies. The case

CHAP.
V.

of the Governor General is not apposite. That high personage is not, or should not be, engaged on details; moreover the Supreme Government is better provided with advisers than the subordinate governments; while in statesmen of the class usually appointed to this high office, genius may supply the place of experience. On the whole, the conclusion would appear to be that while the Government of Bengal should certainly be placed on the same footing as regards emoluments and standing as that of Madras and Bombay, the number of governorships open to persons not belonging to the Indian service should not be extended. But should Bengal be made an open appointment, it may be remembered that the Governments of Madras and Bombay have always been freely conferred on distinguished members of the Indian service, and so no doubt would be that of Bengal.

With a
Council.

Whether Bengal be administered by a Governor or a Lieutenant Governor, the head of the government of the province should be aided by a Council. That great country is altogether too large a charge for a single ruler. Government by one man has indeed produced remarkable results in the North West Provinces under a Thomason and in Punjab under a Lawrence, as well as during later years in Bengal under its successive Lieutenant Governors; but the great and complicated interests in this last province involve an amount of business beyond the capacity of any one man to deal with, and the progress of administration there has reached a point when continuity of policy is even more required than individual energy. This would be secured by a Council the members of which do not vacate office simultaneously, while the addition of a Council would be a salutary check on the exhibition of personal eccentricity.

The means for creating such a body without sensible expense are to be found in the existing Board of Revenue.



This comprises two members, who are the highest officers in the administrative branch of the service. Although styled a board, practically they exercise distinct and separate functions, one being at the head of the great department of land revenue, and the other of the departments of opium, assessed taxes, and excise, and they meet together as a board only for the hearing of certain classes of appeals. They would take these duties with them into the Council, thereby saving a great deal of correspondence which now goes on between the Board and the Government, and would administer such other departments of business as the Governor might allot to them on a redistribution of duties between himself and his Council. A fourth member should be added for public works, which in Bengal are now on a scale of importance to call for the superintendence of a responsible minister. Power should be given to the Governor to overrule his Council, a power possessed by the Governor General and the other Governors, his reasons for doing so being formally placed on record. This power would seldom if ever have to be exercised, but such a statutory provision is a necessary condition for establishing the responsibility of the Governor in case of emergency.

It has been explained that the Lieutenant Governor of Bengal has already precisely the same degree of independence and authority as the Governor in Council of Madras and Bombay. One exception, however, must here be mentioned. The High Court of Calcutta continues to be under the orders of the Governor General in Council in all matters where the authority of a government comes into action, and such of the judges as are appointed by the Queen from the Indian service are in form nominated by the Governor General, although in fact the nomination is made by that authority on the recommendation of the Lieutenant Governor. This connection between the local High Court and the

Calcutta High Court should be placed under Bengal Government.

CHAP.
V.

Supreme Government is no longer appropriate, a separate High Court having many years ago been established in the North West Provinces, while Punjab and the other more recently created provinces have each their own Appellate Court. The jurisdiction of the Calcutta Court is thus now limited to Bengal,¹ and it should undoubtedly be placed in the same relations towards the Government of that province as the High Courts of Madras and Bombay hold in regard to the governments of those provinces, when the connection of the Supreme Government with the former would cease. This change would no doubt have been already carried out but for the tendency of administrative reform in India to lag behind the requirements apparent.

The Councils at Madras and Bombay have until lately consisted of three members, two chosen from the Civil Service, and the local Commander-in-Chief. On the latter being placed with the army he commands under the direct orders of the Commander-in-Chief in India, it was no longer appropriate that he should be directly connected with the civil administration of one in particular of the many provinces over which his army is distributed, and by the Act of Parliament passed in 1893² he has ceased to be a member of that Council. A possible inconvenience from the change may be that whereas the Governor might usually count on the vote of the Commander-in-Chief in cases where his two civilian colleagues were opposed to him, when the Council being equally divided he had the casting vote, he is now liable to be outvoted. In the case of many of the past Governors the presumption would have been that in such a conflict of opinion the Governor was in the wrong and his more experienced colleagues in the right. The law, however, has already established the principle that responsibility should rest ultimately with

¹ It also hears appeals from Assam and in certain cases from the Recorder of Rangoon, but this is a matter of detail.

² 56 & 57 Vict., Cap. Iviii.



THE PROVINCIAL GOVERNMENTS

CHAP.
V.

some one person, and this the highest, by conferring the same power on the Governor of a Province as is already possessed by the Governor General of overruling his Council, the reasons for doing so being formally placed on record. Further, in Bombay and Madras, as in Bengal, a fourth member of Council might advantageously be added for public works, the interests of which do not receive at present the systematic attention they require.

It will have been gathered from what has been said on the subject, that in proposing a council for Bengal, a purely consultative body is not contemplated, in which three men would do the work now done by one man, but a Council the members of which should divide between them the ordinary administrative business of the Government. This change in constitution from consultative to executive has been fully carried out in the Council of the Governor General, as will be explained in the following chapter, and also to some extent in the Councils at Bombay and Madras, although in the latter a great deal of business which elsewhere would be deemed too petty for such procedure, appears to be still dealt with collectively. This is probably because there would otherwise not be enough for the Council to do. Madras is cut off by other provinces from the north and so is without a foreign frontier. It is inhabited by a docile and orderly people; and having enjoyed a long period of settled government free from wars and intestine disorders, the administrative machine there is much less heavily weighted than in the other great provinces, the interests to be dealt with are simpler and easier to deal with, while a great deal of business which might appropriately be dealt with by a Government so circumstanced, is intercepted by the intermediate agency of the Board of Revenue. A Council at Madras is absolutely necessary so long as the Governor is appointed direct from England, but a Council and a Board of Revenue

Bengal Council should be executive and not consultative only.

CHAP.
V.

Direct
corres-
pondence
between
India
Office and
Madras
and
Bombay
Govern-
ments
should
cease.

North
West Pro-
vinces.

Their
magnitude
and im-
portance.

are not both wanted, and the latter in the interests of economy might with advantage be abolished.

While thus bringing the administrative organisation of the greater provinces into accordance with present needs and conditions, the opportunity should be taken to discontinue the direct correspondence still maintained between the Madras and Bombay Governments and the India Office. This is now little more than a matter of form, and limited for the most part to trivial details, while it is carried on under the cognisance of the Supreme Government, which is supplied with copies of all the letters which pass. It is a mere survival from the time when the three presidencies were isolated countries and when three separate military establishments were maintained by the Company, recruited and administered directly by the Court of Directors. But, maintained in any form, the practice is objectionable, as tending to create unnecessary friction between the head and subordinate governments. There should be only one authority in India directly responsible to the home government.

The territory inappropriately called the North West Provinces, with which Oudh is now incorporated, may in a general way be defined as the basin of the Upper Ganges and its tributaries. This, like Bengal, is an immense plain, watered by that river and the Jumna, both navigable in an imperfect fashion for vessels of small burden almost throughout their course. Of less extent than the other large provinces, it comes next after Bengal in population, and is almost as densely inhabited. It is more uniformly cultivated, and contains a smaller quantity of waste land than any other part of the country, its land revenue being the largest in India. This part of the country has, from time immemorial, given a government to the rest of India.¹ Here

¹ The country known as the Delhi territory, west of the Jumna, with the great city of that name, was, however, transferred after the Mutiny from this to the Punjab Province.



first settled the Aryan race, which supplanted the aboriginal possessors of the country. Here, too, was established the great Hindu monarchy which was overcome by the first Mahomedan invaders. Here was fixed the seat of government of the different dynasties of Mahomedan emperors, who retained a partial hold of the Gangetic plain for some time after the rest of their empire had crumbled away. And here are to be found some of the most exquisite of the memorials, which, having escaped the ravages of Maratha barbarism and English indifference, still attest the taste and magnificence of the Pathan and Mogul rulers.

The people of these parts are, if we except Punjab, which, until modern times has been regarded as beyond Indian limits, the physically finest and most warlike people of India, and until recently have furnished the greater part of the armies both of the British and their predecessors. If Bengal be the most fertile, this province and Punjab are politically the most important. Although for the most part a vast plain, with but a small elevation above sea level, it is sufficiently raised above the rivers which water it to be secure from inundation, and is usually free from the visitation of either excessive rain or drought, while the extensive irrigation works carried out over a large portion of its surface have lessened the danger from the latter calamity. To these advantages may be added the possession throughout the breadth of the country of what is entirely wanting in the greater part of Bengal and many other parts of the country, an excellent material for road-making; to which is chiefly due the fact that the province is better supplied with good communications than any other part of India. This is the only province in India throughout which only one language is spoken.

The North West Provinces with Oudh form the most compact territory in India, if the term can be properly applied to so extensive a country. In regard

CHAP.
V.

Should
have a
Governor
and Coun-
cil.

to administration, the charge is as important as Bengal; it comprises forty-nine districts as against forty-seven in the latter, nearly twice as many as in Bombay, and more than twice the number of districts in Madras, and every consideration which makes for styling the head of the Bengal Government a Governor, applies equally to this great province. Here also, as in Bengal, the Governor should be aided by a Council. The circumstances, indeed, are not quite the same. The North West Provinces have no maritime cities or great centres of European trade, with large communities of non-official Europeans; the number of English settlers is small, and thus it is not subject to the conflicts of class interests which have to be dealt with in Bengal, and in respect to which the position of a single ruler is necessarily more difficult and delicate than that of a collective government. But the amount of business to be transacted here is beyond the capacity of a single administrator to deal with properly, while the province has arrived at a condition when the vigour and impulse to progress which the rule of one man can impart, may be fitly replaced by the greater continuity of policy which would be secured under the administration of a Governor aided by a Council. So far from the head of the administration losing by the change—not to mention the relief from the pressure of work now imposed on a single man, and that a great deal of business which has now to be disposed of in his name by irresponsible secretaries would then fall to be dealt with by members of the Government with recognised authority—it would be of great advantage to the Governor if all appointments and promotions in the public service of this province, a much larger body than that in Madras and Bombay, were made in consultation with and on the joint responsibilities of colleagues, instead of at his sole pleasure. Far from detracting from his authority, such a change should increase it, while the popularity



THE PROVINCIAL GOVERNMENTS

CSL
103

CHAP.
V.

of the Governor with the great services under his orders should undoubtedly gain. The feeling often entertained among its members, that preferment is determined too much by personal bias, is one of the weak points in the system of administration by a single man, whose decisions are not subjected to the advice and criticism of any colleagues.

The material for the formation of a Council for the North West Provinces with little or no additional expense is available, as in Bengal, in the absorption of the Board of Revenue, the two officials at the head of it being advanced to the higher position, taking up with them their present duties. But whether or not the Governor be aided by a Council, the administration of this province being concerned almost wholly with the native population, an intimate acquaintance with the language and customs of the people, the Indian regulations, and the diverse and complicated tenures of land, are essential qualifications in the Governor, and are to be gained only by the experience of an official lifetime. The government of this province is as distinctly an Indian official post as any appointment in the service. A stranger to the country, whether connected with an English political party or coming with colonial experience, would be perfectly inefficient for the place. But, indeed, the idea of making such an appointment has never been mooted.

It needs hardly be added that a legislative effort should be made without further loss of time, sufficient to procure that the present designation of this province be altered to one more rational. The Act of 1833 which provided for the creation of a fourth presidency out of this part of the country, called it the 'Presidency of Agra.' The capital of the province having been moved to Allahabad, the latter city would furnish a better name for it, but 'Hindustan' would be still more appropriate.

Designation of these provinces should be changed.



CHAP.

V.

Punjab
should
also be
made a
Governor-
ship.

Punjab, which as well as the North West Provinces is situated beyond the tropics, and is in great part, like the latter, a vast plain, enjoys from its northerly situation a colder winter climate than the rest of India, although subject to extreme heat in summer; and being watered by rivers which although barely navigable in their upper part afford great facilities for an extensive system of artificial irrigation, now in course of being gradually carried out, it promises to become eventually a great corn-producing country. It derives great political importance in the scale of Indian provinces from its frontier position, and the warlike character of its inhabitants, who proved to be the most stubborn opponents ever encountered by British arms in the East, and who now supply the most valued element in our native army. Of smaller extent than Madras and Bombay, it contains more administrative districts than they, and a somewhat larger population than the latter. The Punjab government being charged with the diplomatic relations with the independent or quasi-independent tribes on its frontiers to the west and north, extending over more than a thousand miles, is not less important than any other, and the head of it should certainly be raised to the status of a Governor, of equal dignity with the other heads of provinces. Here, however, the personal element comes into play in a special degree; the system of administration also is of a simpler, or as it is often styled more patriarchal, form than in the older provinces—although under the universal application of our codes of law this simplicity is rapidly disappearing; and while the disadvantages attending government by a single person, uncontrolled by responsible colleagues, have not always been absent here, the case for change is by no means so strong as in Bengal and the North West Provinces, and the introduction of a Council might be deferred for the present.

Central
Provinces.

The Central Provinces are a collection of territories



obtained at various times from different Maratha states. They include a great portion of the table-land of Central India, in which rise the Narbada and Tapti flowing into the Indian Ocean on the west coast, the Sone and other tributaries of the Ganges, and the Mahanadi and several branches of the Godavari which fall into the Bay of Bengal. This country has suffered more than any other part from the ravages and intestine feuds of the Marathas. It was the stronghold of the Pindari freebooters of 1817, and has only of comparatively late years possessed a settled government. In extent it nearly equals Great Britain, and falls not far short of the larger provinces of India; but a great part consists of forests, waste land, and barren hills, sparsely inhabited by aboriginal tribes, and the revenue is at present comparatively small. There are, however, some very fertile portions. The wide plain of Nagpur is one of the most productive cotton fields of India; the Raipur district and the valley of the Narbada are rich in grain; and the whole country, being naturally fertile, bids fair to become under settled government a very valuable portion of the Indian empire. The administration of the Central Provinces is under a Chief Commissioner.

Assam, upon its acquisition from the Burmese in 1824, was attached to the province of Bengal, and so remained until a few years ago, when that overgrown, unwieldy government was lightened by the separation of Assam, which was formed into a separate administration under a Chief Commissioner. Assam, whose people are distinct in race and language from the Bengalis, is the smallest of the great provinces, but nearly as large as England. A great part of it is still covered with primitive forest, and the population is at present less than five millions, about the same as that of England in the reign of James I. But the soil is rich; Assam is the principal seat of the rapidly expanding Indian tea industry, in which a large number of English settlers



CHAP.

V.

Smaller
provinces.

are engaged; rich coal deposits have been found in the north, and when opened up by railways and its wastes peopled by immigrants from overcrowded Bengal, the province will probably advance to a prominent commercial position.

The smaller British provinces directly under the Supreme Government; Berar under the jurisdiction of the Resident of Hyderabad with a commissioner in immediate executive charge; the little province of Coorg in Southern India administered by the Governor General's Agent at Mysore; and the Andaman Islands in the Bay of Bengal, a convict settlement, the head of which is styled a chief commissioner, call for no special notice here.

Burma.

Lastly comes Burma, now, with the addition made in 1886, the largest province of all. The country inhabited by the Burmese themselves is nearly as large as France, but there are in addition many thousand square miles, sparsely occupied by aboriginal tribes. Most of these lie beyond the borders of Burma proper, to the north and east; but there is a great tract of very mountainous country, clothed in dense forests and jungles, which separates the maritime districts of the province on the Bay of Bengal from the basin of the Irawadi, inhabited by barbarous races. On the side of Burma no attempt was ever made by its native government to subdue these savages, and nothing was known or heard of them except when they sallied down from their mountain fastnesses to harry and plunder, carrying away into slavery such of their Burman captives as they spared from slaughter. And, for so long as the country at the back of these mountains was occupied by a foreign power, our intercourse with these tribes was limited to punitive expeditions on the occasions of their raiding into our maritime districts, and our troops did not penetrate beyond the fringe of the British border. But after the occupation of Upper



Burma, when British territory embraced both sides of these tracts, it became necessary to bring it into order. The operations undertaken in this view have been attended with great difficulty from the nature of the country, range after range of precipitous mountains with knife-edged summits, separated by narrow ravines clothed in pestiferous and almost impenetrable jungle, and the beds of rapid torrents, while from spring to autumn the vapour-laden winds from the sea pour down a deluge of continuous rain. Systematic operations were first undertaken in 1889, when columns sent in from the west and east succeeded under extreme difficulties in working their way through these obstacles, and effected a junction in the centre of the country. This accomplished, exploration was extended, and post after post established, and the pacification of the country—the occupants of which are known under the general name of the Chin tribes—is being surely if slowly accomplished. The work undertaken to the north of Burma has been much of the same kind. The tribes—Kachins and others—which occupy these tracts had been a source of constant trouble to the Burmese Government, of which they were practically independent; they harboured all the malcontent refugees from Burman misgovernment and levied blackmail on the peaceable dwellers in the open country. The fastnesses to be penetrated in this direction are less difficult than those above referred to, but the country is very extensive, and can be approached only from one side, and the people are brave and skilful in their mode of warfare. The work of pacification is, however, being gradually pushed forward until the whole country shall be reduced to peace and good order up to the Chinese frontier, although it is not in contemplation to occupy all of it permanently, and the administration of a great part of the country will be left to the tribal chiefs. It is these operations of which so much has been heard during



the last few years—for the pacification of Upper Burma itself was effected in the first three years after annexation; operations carried out as much in the interest of the Burmese themselves, who can now live in security on the frontier, as for establishing the *pax Britannica* throughout the country; operations in which captains and lieutenants have led independent commands and made reputations, and which have illustrated once more the admirable qualities of the gallant native troops and military police, mostly Gurkhas and Punjabis, by whom the work has been carried out.

The Shans and other tribes on the eastern frontier of Burma, formerly under the nominal jurisdiction of the Burman Government, are more peaceful in character, and in their case it has only been necessary that an exhibition should be made of British power to establish a complete pacification of these extensive territories, which have now become an integral part of the province. These upland tracts, but partially inhabited at present from long absence of any regular government and the security it offers for peace and property, are for the most part healthy and naturally fertile, and will hereafter become a valuable possession. In addition to this outlying portion of the province which has come to us as an inheritance from the Burman Government, there are further extensive tracts beyond the Salween River as far as the left bank of the Mekong, as to which it cannot be said that any specific sovereignty has ever been established, and over which we have not assumed the direct rule; but which have now necessarily come under our political influence in the same degree as other frontier tribes on the borders of the empire.

With regard to all the wild tribes with whom we have come in intimate contact for the first time in Burma, the experience of similar cases on the frontier of Assam indicates that, although absolute savages and



ferocious in habit at the outset, when once subdued they become soon converted into peaceful, law-abiding subjects; and it is in this direction, dealing with people whose religion does not go higher than a rude fetish worship, untrammelled by the insuperable barriers of the Hindu caste system or the faith of Islam, that the Christian missionary may hope to find one of the most promising grounds in the East for the exercise of his beneficent influence.

The province of Burma, which is thus the largest in the Indian empire, and the political and commercial importance of which will certainly become more prominent from year to year, should be constituted into a governorship without loss of time. The administration has altogether outgrown the original character indicated by its present form, and the title of the head of the administration is absurdly inappropriate for the position he holds.

Head of
this ad-
ministra-
tion
should
be a
Governor,

A similar change is called for in the administrative constitution of the Central Provinces and Assam. In earlier days, when these administrations were first created, the Chief Commissioner of the Province was merely the local representative of the Governor General in Council, which body reserved to itself all nominations to the various administrative posts in the province, as well as complete financial control. These limitations have been gradually withdrawn, and the Chief Commissioner now virtually exercises the entire patronage within his province, and possesses the same degree of financial independence as the Governors in Council and the Lieutenant Governors of the larger provinces. The time has certainly come when this expansion of his authority should be distinctly recognised, and the head of the administration be called—what he is already in everything but the name—a Governor. The notion commonly obtains among those who have to deal with these matters that the head of an Indian province should

as well as
head of
Central
Provinces,
and of
Assam.

CHAP.
V.

properly be called a Lieutenant Governor, and (as has been mentioned above) it has been proposed at various times that, for the present Governors in Council of Madras and Bombay, a Lieutenant Governor should be substituted. But clearly the next place in the official hierarchy below the Governor General is not a Lieutenant Governor, but a Governor. The former title would be appropriate only in the case of a province being subdivided into Lieutenant Governorships under the Governor. It has, indeed, been objected that, whereas a Lieutenant Governor is a person nominated by the Government of India, a Governor must necessarily be appointed by the Queen, that is by the Secretary of State of the day. This idea, however, is not based on the natural condition of things, but merely on the fact that while the Lieutenant Governors are selected from the Indian service, and nominated by the head of the Government there, the two Governors of Madras and Bombay are appointed from home. But there is no innate necessity for this distinction being maintained. When the Straits Settlements were under the Indian Government the officer in charge was a 'Governor,' but the office carried smaller emoluments than attach to many comparatively subordinate appointments. The nominating authority, in each case, is a point to be settled by the Act of Parliament which makes the change of title, and would, no doubt, be determined by the fact that for all these Governorships, except Madras and Bombay and perhaps Bengal, local experience is an absolutely necessary condition for an effective administration. The change here advocated is called for if only to bring home to the people of England the magnitude and importance of the great provincial appointments of the Indian empire. For so long as the present nomenclature is maintained, people who are well informed on other subjects will continue to be possessed with the notion that India is still divided



THE PROVINCIAL GOVERNMENTS

CSL

CHAP.

V.

into three Presidencies, that the Governments of Madras and Bombay are next in importance to the Government of India, and that the other great provinces are merely outlying tracts which are administered in some sort of way imperfectly understood by the direct agency of the Supreme Government. With a more appropriate classification the actual organisation of the Indian empire in eight great provinces¹ under Governors having all equal independence and authority, and all occupying the same relative position to the Supreme Government, would then come to be understood, and questions of Indian administration might receive more rational treatment than they now get. If, however, it would facilitate the change here advocated, Lieutenant Governors might be assigned to the two less important provinces—the Central Provinces and Assam. The ruler of Burma should certainly be a Governor, but the administration of that province has not yet reached the stage of development to need the establishment of an Executive Council.

Statutory authority for nearly the whole of these changes already exists. The Act of 1833 provides for the appointment of a Governor in Council to the 'Presidency of Bengal and of Agra (North West Provinces),' and the same Act empowers the Home Government of India to alter the limits from time to time of the several Presidencies. An Act of 1835 gave power to the Court of Directors to suspend the creation of separate Presidencies of Bengal and Agra, and to appoint a Lieutenant-Governor to that part of the then existing Bengal Presidency which was to have formed the Agra Presidency. But the first Act appears to be still in force, and Section 57 gives power to the Court (now to the Secretary of State) to determine the number of Councillors to be appointed to any Presidency, or to

¹ Eight provinces, excluding the great tract of Baluchistan, and the smaller administrations—Berar, Ajmir, Coorg, and the Andamans.

CHAP.
V.

suspend the appointment of Councils therein. Further, the Act of 1861 empowers the Governor General to appoint a Lieutenant Governor to any province. To this authority, however, is attached the condition that a Legislative Council shall thereon be established in the province, and the Acts as they stand, while apparently still giving authority to convert the Lieutenant Governors of Bengal and North West Provinces into Governors, and to advance any Chief Commissionership to a Lieutenant Governorship, does not provide for the case of Punjab and Burma if these are to be made Governorships, while the law as regards Bengal and the North West Provinces introduces the obsolete term 'Presidency,' which ought, under any circumstances, to be got rid of. And on every consideration it will no doubt be desirable, if not absolutely necessary, to obtain fresh statutory powers from Parliament for all the matters to be embraced in this important and much-needed reform.

Economical scale of Indian government establishments.

In connection with this subject of the Provincial Governments, a noteworthy point is the simplicity and economical scale on which they are organised, a characteristic of Indian administration generally, which is entirely opposed to the superficial view commonly held on the subject, and which is in striking contrast to what obtains in other parts of the British possessions. The Governors of Madras and Bombay indeed have establishments adequate to their position.¹ The three Lieutenant Governors have each a private secretary and one aide-de-camp. A Chief Commissioner has no per-

¹ Perhaps more than adequate in one respect. In addition to a private secretary and a couple of aides-de-camp, these Governors have each a military secretary on their staff. The title is a misnomer; the officer in question has nothing to do with military business, which, so far as it has not already come to an end, is conducted by the military secretary to the Government—an officer at the head of the military department, and not on the personal staff of the Governor. The former is, in fact, merely a superior aide-de-camp, the head of the Governor's household, and his duties are wholly of a ceremonial kind.



sonal staff, but he is allowed the services of a junior member of the civil service as a personal assistant to help him in his private correspondence. Thus an officer governing a territory as large as a European kingdom, with a population of many millions, and living among a people who attach an almost excessive degree of importance to the outward trappings of rank, lives like a private gentleman, and, it may be added, on a smaller salary than the governors of some petty islands in the West Indies and outlying settlements.

CHAP.
V.

It will have been gathered from the historical summary in Chapter III., that the present distribution of territory among the provinces of India has come about in a more or less haphazard way, governed by the circumstances of the times, and in many cases without regard to distinctions of race and language. A redistribution, based on those distinctions, is indeed impracticable, short of subdividing India into a very much greater number of provinces; but there are some strong reasons in favour of a certain amount of redistribution, indicated by the practical inconvenience which attends the maintenance of the present administrative divisions.

Some territorial redistribution desirable.

After a brief term of a separate government for Sind, that province was attached to Bombay, but the amalgamation has been from the first distinctly inconvenient and inappropriate. The people of Sind differ entirely in race and language from the people inhabiting the rest of the Bombay Presidency, and Sind being separated from the latter by the great Indian desert, communication is, and is likely for an indefinite time to be practicable only by sea. The port of Karachi, on the other hand, is the natural outlet for the commerce of Punjab, and the line of separation between the two provinces is purely artificial. The main line of railway through Sind is merely a continuation of the Punjab system of railways, and is administered from Lahore;

CHAP.
V.

while the control of diplomatic relations on the mountain frontier of Sind was many years ago removed from the cognisance of the Bombay government. The propriety of transferring Sind from Bombay to Punjab has therefore long been recognised. The practical objection, beyond the temporary inconvenience which attends all such changes, is that with the loss of Sind and its three millions of people and fifty thousand square miles (a large part, however, consisting of desert), Bombay, already the smallest of the great provinces, would still further become disproportionately small. A rational compensation, however, might be given by adding to Bombay some of the western districts of the Central Provinces, inhabited by Marathi-speaking people in close affinity with those of the adjacent Bombay provinces, and for the trade of which Bombay is the natural outlet. In fact it may be said that if, when the province of Nagpur was annexed some forty years ago, the railway system had already been in existence, that province would certainly have been attached to Bombay in the first instance. If this change were now carried out, compensation might advantageously be given to the Central Province by attaching to it some, if not all, of the existing districts now known under the general name of Orissa. The parts of these ceded by the Marathas in the time of Lord Wellesley, were added to the Bengal Presidency as the only arrangement possible at the time, and they formed part of the Lieutenant Governorship created in 1854. But land communication between Bengal and Orissa has always been difficult and tedious, and although this difficulty may eventually be overcome by railways, the people of Orissa are not Bengalis; it would be advantageous to give the Central Provinces an outlet to the sea, and a great advantage to reduce the excessive size of the province of Bengal.

A further change in the same direction is indicated



THE PROVINCIAL GOVERNMENTS

CSL
115

CHAP.
V.

by obvious political and geographical conditions. The maritime district of Chittagong has no natural affinity with Bengal, while land communication between the two can only be established in the distant future. Chittagong, indeed, has hitherto been cut off on the land side from every other part of the world by roadless tracts deemed impassable; but the railway now in course of construction from that port up to the north of Assam, will bring it into easy communication with that province, to which it would make an appropriate addition. All the districts south of Assam, indeed, might advantageously form part of the transfer, which would comprise an area of 12,000 square miles, with about four millions of people. Bengal would still have a population of sixty-three millions, and would remain the most populous, and commercially, the most important province of the empire, while in the future it is likely to prove the most difficult to govern, another reason for bringing it within more manageable dimensions.



CHAPTER VI

THE SUPREME GOVERNMENT

CHAP.
VI.Develop-
ment of
Govern-
ment of
India out
of Govern-
ment of
Bengal.

SOME account has already been given (Chapter III.) of the gradual development of the Government of India from what was, in the first instance, the government of the Bengal Presidency only. The first statutory recognition of a definitive government for the territories of the East India Company in Bengal was accorded in 1773, when a Governor General and Council were appointed to that Presidency. In 1793 that body was given a position of limited authority over the Governments of the other two Presidencies, and the Governor-General, when visiting Madras or Bombay, was empowered to suspend the Government of that Presidency and to assume the administration of it. The Act of 1813, renewing the Company's Charter, made no change in the form of the Government, but by abolishing the right of the Company to trade in India, relieved the Government of the charge of all commercial business save that connected with the Company's monopoly of the China trade, abolished twenty years later. By the Act of 1833 the Governor General in Council of Bengal became the Governor General in Council of India, and was vested with the 'superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India,' but retained the direct Government of the Bengal Presidency. It has also been explained how, by degrees, the Governor



THE SUPREME GOVERNMENT

CSL
117

CHAP.
VI.

General in Council has withdrawn from the immediate administration of that or any part of the country, and is now concerned only with the general supervision of the various provincial administrations by the governments which have been constituted for them from time to time. The former presidential system has also come to an end, although the title presidency is still used without any definite meaning, and British India is now actually divided into eight great provinces, each with its own administration in direct subordination to the Supreme Government. Adding to these the smaller provinces and the different administrations through which the business of the various native states is carried out, there are altogether fifteen governments or administrative officers in direct communication with the Governor-General in Council.¹

The Government of India, while thus gradually withdrawing from the direct government of any part of the country, has, on the other hand, assumed the administration of all the Indian armies; it has also taken immediate charge of the financial business of the country, conducted, as well as the post-office and telegraph departments, by establishments which throughout India are directly under the Supreme Government.²

¹ Two Governors in Council—Madras and Bombay.

Three Lieutenant Governors—Bengal, North West Provinces, and Punjab.

Three Chief Commissioners—Central Provinces, Assam, and Burma.
Agent to the Governor General in Rajputana (also Commissioner of Ajmir).

Agent to the Governor General in Central India.

Resident at Hyderabad (and Chief Commissioner of Berar).

Resident in Mysore (and Commissioner of Coorg).

Resident at Baroda.

Resident in Kashmir.

Governor of the Andamans.

To which may be added the Residents in Nepal and the Persian Gulf, territories beyond India.

² It has already been mentioned (page 97) that the High Court of Calcutta is still directly subordinate to the Governor General in Council, instead of being, like the other High Courts, under the government of the Province within which its jurisdiction is limited. This anomaly will no doubt before long be got rid of.

**CHAP.
VI.****Composition of
Government of
India.**

The Government of Fort William, as constituted by the Act of 1773, consisted of the Governor General and four Councillors, who were named in the Act. By the Regulating Act of 1784 it was provided that the Councillors should be three in number, to be chosen from the Civil Service, the Commander-in-Chief being an additional member, and to have 'voice and precedence' next after the Governor General. The nomination of all the members of the Government was vested in the Court of Directors. The Act of 1793, renewing the Company's Charter for a further term of twenty years, confirmed this constitution, but made the appointment of the Commander-in-Chief as an additional member permissive and not obligatory; the power of so appointing him has always been acted on from that time. The Act of 1833 provides that one of the three ordinary Councillors, heretofore all appointed from the civil service, might be appointed from the army, a provision which has ever since been acted on.

**Its legis-
lative
powers.**

By the Act of 1773 the Government of Bengal, in addition to its executive functions, was given statutory powers to make laws (styled 'Regulations') for that presidency. Later Acts gave similar powers to the Madras and Bombay for their respective territories. By the Act of 1833 these powers were withdrawn from the two (now) subordinate governments, and the duty of making laws and regulations for the whole of India was placed on the Supreme Government, which was strengthened for the purpose by the addition of a fourth member, whose appointment was made on the nomination of the Court of Directors, approved by the Crown. This additional member, whose qualifications were not stated, but who it was contemplated should always be an English lawyer, had rank and precedence after the other members, and was not to take a part in the executive business of the Government, but could sit



THE SUPREME GOVERNMENT

CSL₂

and vote only at meetings for making laws and regulations.¹

CHAP.
VI.

In the same Act an important provision was introduced that the Supreme Council might meet in any part of India. Before this, proceedings held anywhere but at Fort William (Calcutta) would have been invalid. This provision, however, was not made use of until thirty years later.

It was under the Act of 1833, modified by an Act of 1835, that the civil administration of the North West Provinces was vested in a Lieutenant Governor as already described.

Government of India relieved of administration of N.W. Provinces, and of Bengal.

In 1853 an Act was passed renewing the Company's government of India, not for a further definite term as heretofore, but 'until Parliament shall otherwise provide.' The same Act authorised the appointment of a Lieutenant Governor for Bengal, and that thereon the Governor General should cease to be Governor of that province. By this change the Supreme Government was relieved of the direct administration of any part of the presidency of Fort William. The same Act restored to the Governments of Madras and Bombay the power of local legislation, and created the system of Legislative Councils, Supreme and Local, described in the next chapter.

In 1858, on the transfer of the Government of India from the Company to the Crown, and the creation of a Secretary of State and Council of India at London, the Supreme Council in India became the 'Council of the Governor General.'

Change of title.

In 1861 was passed the Indian Councils Act, by which another or fifth member was added to the Governor General's Council. Until 1859, the fourth ordinary member had always been a barrister; but in that year the financial difficulties of the Indian Government led to a vacancy in that office being filled up by the ap-

Expansion of Council.

¹ The first person appointed to this office was Mr. [Lord] Macaulay.

CHAP.
VI.

pointment of an experienced financier (Mr. James Wilson, then Secretary to the Treasury); and on his death in the following year his successor at the English Treasury was appointed to his place. This arrangement had left the Council for the time without a legal member, and it was therefore provided by the Act of 1861 that the Council should consist of five ordinary members, of whom three only must belong to the Indian service, and that one member should be a barrister of five years' standing. At the same time all the ordinary members were placed on an equal footing, and henceforward held precedence in order of appointment, and took part in all the deliberations of the Council.

Provision
for filling
temporarily
office of Governor
General.

Heretofore the senior ordinary member of Council succeeded under statutory provision to the office of Governor General, should it be vacated, pending the arrival of a successor. Since, under the new arrangement as to seniority, the senior member might be a person appointed for legal or financial requirements, without experience of Indian administration, it was now provided that such vacancy should in future be filled temporarily by the Governor of Madras or of Bombay, whichever had been first appointed.

Mode of
appointing
Councilors.

Until 1869 the two members of the Governor General's Council above referred to were appointed by the Queen by warrant under Her Majesty's Sign Manual, while the other three members (belonging to the Indian service) were appointed by the Secretary of State in Council with the concurrence of a majority of members present at a meeting. By an Act passed in this year, it was provided that all the members of the Governor General's Council should be appointed in the same way, by Royal Warrant. In other words, the patronage of these appointments was transferred from the Secretary of State in Council to the Secretary of State.¹

¹ All these appointments of Governor General, Governors, and Members of the different Councils in India, are held for five years. This



THE SUPREME GOVERNMENT

CSL
121

CHAP.
VI.

Appointment
created of
Public
Works
Member of
Council.

In 1874 an Act of Parliament was passed providing for the addition of a sixth member to the Governor General's Council for 'public works purposes.' The same Act makes it permissible to diminish the number of the other members, saving that the legal member be always maintained. This is the first instance of the law specifically assigning particular duties to a member of council. As a matter of fact, the Act is now in abeyance. On the first occurrence of a vacancy in the new office, in 1880, it was not filled up, and the Council has ever since remained at its former strength of five ordinary members, and the charge of public works business has been taken by one of these without any reference thereto in his warrant of appointment, under the general arrangements made for the transaction of business by the Government of India to be referred to presently.

Council
formerly
a consul-
tative
body.

The affairs of the Government of India are conducted like those of all other governments in various departments—foreign, finance, military, &c., each in charge of a secretary under whose signature, according to statutory provision, every order of the Government must issue.¹ But although its business is thus distributed among appropriate departments, until a comparatively recent period these were superintended and dealt with by the Government in its collective capacity. The law recognised only a Governor General in Council, and by the Governor General in Council all business was carried on. In earlier times, indeed, the Government was a board, whose proceedings, as is well known, the President with difficulty controlled, and whose conflicting decisions, swaying to and fro as the

however, is a practice determined only by usage and understanding; no limit of time is specified in the warrants of appointment.

¹ The Act of 1793 (sect. 39) prescribes that the signature shall be that of the Chief Secretary, and that 'all orders shall be expressed to be made by the Governor General in Council, and not otherwise.' By the Act of 1813 the signature may be that of the Secretary of the Department to which the proceedings relate.

CHAP.
VI.

majority turned to one side or other, spread confusion, indecision, and disgrace over the land. This defect was remedied by the Act of 1786, which enabled the Governor General to override the decision of the majority of the Council after an interchange of minutes in which the opinions on both sides should be formally recorded. The power (renewed in subsequent statutes) thus held in reserve it has practically never been necessary to employ. With the introduction of the proviso a reaction took place, and from being uniformly obstructive the Council became perfectly subservient. In the time of the Marquis Wellesley its share in the business of the Government appears to have been merely formal. The 'board,' as he used to term it, was seldom consulted till after the event, and orders were more often issued in his sole name than on their joint authority. This practice appears to have been quite illegal, so long as the Governor General was with the Council at Calcutta; but appointment to the Council in those days was determined by seniority, and the dullest man had his turn. After Lord Wellesley left India, the procedure reverted to what the Acts of Parliament contemplated. Under this procedure the Council acted in the capacity of advisers only, offering opinions on the cases put before them, but exercising no individual responsibility. All papers requiring the orders of Government were circulated by the secretary of the department among all the members of the Government, in order of seniority, and therefore being first laid before the Governor General. Cases the opinions recorded on which were in accord with each other, were then usually disposed of by the secretary; those on which there appeared to be a difference of opinion were brought up to meetings of Council for personal discussion.

An obvious defect in this procedure was the order of circulation; the member of the Council best qualified from previous experience to deal with a case might



be the junior, who would get the papers last, so that his colleagues might have no opportunity of learning his opinion on it before recording their own. Another defect lay in the burden thus placed on the Governor General, who had to lead off in every case, not only with an opinion, but by setting out the issues on which opinions must be recorded. In fact the procedure was appropriate for only a very limited amount of business. As the affairs of the Government became continually more weighty and complex, from the great extension of territory, the introduction of railways and other public works on a large scale, and the development of education and all branches of the civil administration, they became altogether beyond the power of one man or a council acting collectively to deal with. Lord Dalhousie, before resigning the office of Governor General, recorded an authoritative opinion to this effect. The enormous extension of territory which occurred during his term of office sufficiently accounts for the great increase of business which dates from that time; and to prevent an utter collapse, under the pressure of affairs in all departments—military, political, financial, &c.—caused by the Mutiny, Lord Canning abolished the practice of dealing with business by the Council collectively, and introduced a beginning of the present system, under which each member takes the management of one or more branches of the administration, and only important affairs are referred to the Governor General, or to the whole Council. This, however, was at first merely a matter of private understanding and arrangement within the Council; the first public announcement of the introduction of what is virtually a cabinet government, was in effect made when James Wilson was appointed a Member of Council, as has been mentioned above, in order to take specific charge of the financial business of the Government, the responsibility for which was distinctly accepted by him and his successors, and

CHAP.
VI.

recognised by the Governor General and the rest of the Council. The arrangement was not however in the first instance legal, since the Act of 1853 and preceding Acts required that every order or proceeding of the Indian Government should be the order or proceeding of the Governor General acting in conjunction with his whole Council; but the Act of 1861 legalised it, a clause therein providing that the Governor General should be empowered to make any arrangements he may deem fitting for the more convenient disposal of the business of the Council, and that any act done under the orders so passed 'shall be deemed to be the act of the Governor General in Council.'

has now
become
a body of
minis-
terial
heads of
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ments.

The system thus introduced has since then been fully developed, and the Governor General and his Council now practically form a cabinet of administrative heads of departments, the premier in which, however, besides holding a much higher official and social position than the other members, takes a much more active share in the superintendence of the various departments than is the case in any European country. Perhaps the position might be more accurately likened to that of an absolute monarchy where the king rules through his responsible ministers, but yet rules himself.¹ The Governor General always himself takes charge of the Foreign Department, the most important and perhaps the most laborious of all, which comprises the affairs relating to all territories other than the British provinces, both within and beyond the frontier. The Home Department, under a member of the Civil Service, which deals with all business connected with the general internal administration of British India; the Department of Finance and Commerce, the minister in charge of which may or may not be a

¹ This simile, of course, puts out of sight the controlling power of the India Office, and regards the Indian Government merely in respect to its relations with India.



member of the Indian service; the Legislative Department under the legal member; the Military Department which administers the army and marine service under the military member; and the Public Works Department, make up the list of administrative bureaus.

This change of system, and the increasing pressure of public business which has brought it about, involved another important modification in procedure. The Governor General had been frequently called away for prolonged periods from the seat of Government, while the Council always remained there. This state of things first received statutory recognition in the Act of 1793, which provided that on the Governor General going to another Presidency (the only form of absence which appears to have been contemplated), the powers of the Governor in Council therein should be suspended, and that during such absence from his own government, a President of the Bengal Council should be appointed who should exercise the powers (not of the Governor General) but of a Governor in Council. During the absence of the Governor General, therefore, the Council while exercising specific functions, was reduced to a subordinate position, the Governor General still apparently retaining his authority over the Presidency of Fort William, although this is not expressly stated. The provision was defined more clearly and its terms modified in the Act of 1833, in which authority was given to the Governor General in Council from time to time to pass a law, authorising the Governor General, when visiting any part of India, to exercise all the powers possessed by the Governor General in Council collectively, except the power of making laws and regulations; the Governor General in such cases was to nominate a member of the Council to be President of it during his absence, who would exercise his powers. This provision was very largely made use of; many of the Governor Generals until 1863 were absent from



CHAP.
VI.

Calcutta and the Council during the greater part of their term of office. The Member of Council nominated to be President was always the senior of that body, an arrangement made statutory by the Act of 1861. During these absences the Governor General was accompanied by some of the Secretaries to Government, usually those of the Foreign, Military, and latterly the Public Works Departments, in whose places acting appointments were made to the charge of their respective departments at the capital. Thus there were for the time two distinct and separate governments of India, each having by law full powers as such. The degree to which the Governor General acted on his own responsibility naturally depended in great measure on the character of the person holding the office. For the disposal of ordinary current business it was usual to divide the country into two parts, the business coming up from Madras, Bengal and the countries to the south being dealt with by the President in Council at Calcutta, that from the northern province by the Governor General. This as regards ordinary business; in dealing with the larger questions with which Lord Dalhousie and Lord Canning were specially concerned, the distant Council had necessarily but little share. On the other hand, in proportion as the business of the government became more complicated and technical, especially in connection with finance, the Governor General became less able to act alone or to take an effective share in it while absent from the capital, with the result of a complete congestion of business on these occasions, the disposal of which was necessarily postponed till it could be taken in hand by the Government when re-united. When Sir John Lawrence became Governor General, the administrative delays from this cause had reached a point at which a remedy became absolutely necessary, by the Governor General either ceasing to absent himself from the capital, or taking the Government with



him during his absence from it. The latter course, which the improvement in the means of moving about the country then for the first time made readily practicable, was adopted, and except for short winter tours, no Governor General has or will ever again absent himself from his Council.

CHAP.
VI.

Thus the form of the Government of India has undergone a great change, and from a consultative Council presided over by the Governor General, who initiated all business, and under whose direct orders the secretaries of the different departments carried on their duties, has now become in effect a Cabinet Government, under which the business is carried on as in all European states in separate departments. While, indeed, as has been said, the Governor General takes a much more particular and active share in departmental business than any European prime minister, the extent to which a Member of Council refers departmental business to the former instead of disposing of it himself, is a matter of private understanding between the two. Further, the secretary in charge of each department¹ attends at least once a week separately on the Governor General, who in this way keeps himself informed of the business of the different departments to any extent that he desires; and it rests with the Governor General to decide whether a case referred to him should, or should not go before the whole Council, although the member in charge may claim,² if he thinks fit, that such a reference should be made. As a matter of fact, and as would naturally follow under such a system, the great majority of cases in each department are disposed of by the Member of Council in charge on it, the more important being referred to the Governor General. When the two differ as to the mode of dealing with a case, or

Effect of
the
change.

¹ The position of the secretary of a department in India is similar to that of the permanent under-secretary of a department at home.

² Under statutory provision. 33 Geo. III. Cap. 52, sec. 38.

CHAP.
VI.Position
of Governor General in the
Council.

when the latter thinks it is of sufficient importance for reference to their colleagues, the papers are first circulated among them, and then brought up and discussed at a meeting of the Council.

In whatever way a decision may be arrived at, whether by the Member of Council in charge, of his own motion, or after reference to the Governor General, or after deliberation of the whole Council, every order issued from a department is signed by the secretary of it in the name of the Governor General in Council. This procedure is strictly in accordance with the law of 1861 already referred to, which provides that the Governor General should have power to make rules for the conduct of the business of the Council, and that every act done in accordance with those rules shall be deemed to be the act of the Governor General in Council. But the personality of the individual member being thus kept out of sight, the nature of the great change which has come over the actual working of the Government, and the degree to which the departmental system has been carried, is still imperfectly understood even in India; while in England the popular belief appears to be that the whole business of the government is conducted directly by the Governor General, acting to some extent with or by the advice of a Council, about whose functions and powers nothing definite is known.

This conception is probably strengthened by the practice of the Secretary of State, or his subordinate Under-Secretary if the former is a member of the House of Lords, when answering a question or in the course of debate, to speak of communications received from the Viceroy, or of instructions or enquiries which were about to be made to him. The minister, when he speaks of 'the Viceroy,' means of course the Government of India as constituted by law, for the Governor General of himself can neither receive nor issue any orders, save in the exceptional cases



provided for by statute. The misconception is further strengthened by a practice, in itself unimportant, and in other respects harmless. In the telegraphic communication between the Indian Government and the Secretary of State which goes on daily—one might almost say hourly, in order that a message may get on to the wire as an official one, and so be charged to the proper head of service, it must carry the stereotyped official address ‘From Viceroy to Secretary of State,’ or *vice versa*; and thus, as many of these in the case of military operations, famines, &c., are published in the English newspapers or in blue books in their original form, when the public see, for example, ‘Viceroy to Secretary of State, send out the ten locomotives at once,’ or, ‘Men on famine relief works reduced to 2,450,’ they naturally suppose that these telegrams have emanated directly from the Viceroy, whereas they are purely departmental messages, of which in all probability he knows nothing, and about which he certainly ought not to have been troubled.

Having regard, however, to the actual facts, apart from popular impressions, it might appear from the foregoing statement that relatively to each other the Council have gained and the Governor General has lost authority from this change of procedure. The Member of Council who now initiates all business in his own department, and disposes of the greater part of it on his own authority, in the name of the Governor General in Council, occupies a much more important position than he formerly did, while the law is still in force under which, upon all cases which come before it, the decision is determined by the votes of the majority; the Governor General has a casting vote, but this, in a council of seven, can seldom come into operation. In any despatch to the Secretary of State upon a case where the Council have not been unanimous, the opinion of the Government of India therein expressed is always

CHAP.
VI.

the opinion of the majority, and cases are to be found in blue books where the Governor General has been among the minority which, according to the rules, has merely the right of recording a minute of dissent.¹ But, as so often happens in public affairs, the actual practice is very different from the theoretical and formal conditions. Not to press the familiar illustration of the English Privy Council, the functions of which have been superseded by the Cabinet, a body unknown to the law, there are not wanting indications that the Cabinet itself is undergoing the process of being superseded by a smaller informal body within it, and that before long the position of a Cabinet Minister will of itself carry little more significance than that of a Privy Councillor. And in the case of the Government of India there are various conditions which more than counterbalance the apparent and theoretical preponderance of a majority of the Council. The rapid postal service of modern times, and still more the telegraph, place the Viceroy in much more frequent and intimate communication with the Home Government than used to be the case. He has thus information of the opinions and sentiments of the Secretary of State and the Cabinet which may be, and often must be, unknown to his colleagues, and is therefore in a much better position to know whether any proposed action is or is not practicable than they can be. Moreover the Member of Council (his rights and responsibility under the law notwithstanding) must always feel that while perhaps even his name may be unknown out of India, and that, his brief term of office ended, he will retire into obscurity, the Governor General, *vis-à-vis* to the Home Government and Parliament, and in the view of the British public, is the one person responsible for the government of India; that

¹ That the decision in all cases should be governed by the votes of the majority is implied in previous Acts, but is explicitly laid down in the Act of 1833.



upon him will and must rest the credit for good results, and equally the odium for any mistakes or misfortunes, if not wholly, at any rate in a very much greater degree than upon his colleagues. These considerations must always be present before the Members of the Council as a check against any undue tendency to assert their own views and opinions against his. Further, the right of initiation lies practically with the Governor General; he can prevent, or at any rate retard a decision being arrived at against his own opinions. Except in the business of his own department the Councillor's action comes in only at the stage of criticism on proposals already formulated, while, as has been said, the Governor General, conducting the Foreign Department—the most critical of all—has naturally a greatly freer hand than a Member of Council would have in the same position. At any rate the system works very smoothly, with little or none of the friction which, under a strict interpretation of the law, it might be assumed would often arise. The Viceroy, usually a man of superior ability and experience gained in English public life; his Councillors, men who have made their way by force of ability to the head of a service composed of able men, who bring with them an experience gained in an official lifetime: when men so circumstanced meet round a table to discuss business, of which the fullest information is available to all of them, and where no party prejudices are called into play, they will usually arrive at a unanimous decision. And so, as a fact, differences and formal dissents are the exception; and while the Governor General has, under the law, the power of formally overriding the Council or a majority of it, no instance has ever occurred—at any rate none has occurred for many years—of this power being resorted to. Further, the Governor General, as the head of the State, the representative of the Queen, and the fountain of honour, stands apart from his Government; and, conducting as

CHAP.
VI.

he does himself the department which deals with native States, the Government in their eyes is embodied in his person, a conclusion warranted in their case by the fact that the British representative at the court of a native state is styled 'Agent to the Governor General,' and not Agent to the Government of India. On the whole it may be said that the authority of the Governor General has increased rather than diminished; that he is called upon now-a-days to intervene only in the more important class of business, instead of as in old taking the lead in everything, is because this is the only possible way of carrying on the government, with the enormous mass of business that has now to be dealt with, and of enabling the head of it to get through his share. As it is, the cases referred to the Governor General from other departments make together a formidable daily mass of papers. And this is only a part of his work. In constant and intimate communication with the different governments and administrative agents throughout the country, as well as with the Secretary of State at home; with the immediate charge of diplomatic business within and without the empire, from which some cause for anxiety is never absent; loaded, in addition, with the burden of ceremonial duties, especially in connection with the chiefs and princes of a country where ceremonial and etiquette possess an exaggerated degree of importance, duties ever increasing as the means of travel and communication improve; the Governor General of India has literally hardly ever an hour to call his own, and the office involves the carrying a sustained burden of business, high pressure, and anxiety which only great powers and public spirit can sustain unimpaired for even the few years of a Viceroy's reign.¹

¹ It may be mentioned that the title of Viceroy has no statutory recognition. It was first used in the Queen's proclamation of 1858, announcing the assumption of the Government of India by the Crown. The only title employed in Acts of Parliament is that of Governor



The administrative system of the Government of India above described, which is thus the outcome of long practical experience, offers little room for practical improvement. But it is inconsistent with the actual state of things that the position of a Member of the Governor General's Council should be inferior in precedence and emolument to that of a Governor or a Lieutenant Governor. It is unquestionably the more important. Not to say that the member is in fact the authority to whom the provincial government submits its references for orders, the one has a much greater influence on the progress and efficiency of the administration than the other, the great changes and reforms in it being usually initiated by and carried out through the influence and agency of one or other of the members of the Council. This greater importance ought to be properly recognised and the precedence of these different authorities to be modified accordingly. Further, it is not desirable that the Governor General should have, as Members of his Council, persons whose further advancement should be dependent on the pleasure of himself and his colleagues. They are appointed to the Council by the Queen and their position in that capacity is therefore thoroughly independent; and it is not appropriate that they should be eligible for subsequent advancement to a Lieutenant Governorship by a lower authority.¹ I am far from wishing to imply that these conditions exert any conscious influence in restraining the independence of a Councillor. The sense of duty, and a man's own temperament whether in the way of obstinacy or weakness, are usually more powerful incentives to conduct than the smaller impulse of self-interest; but from all the considerations advanced, it

General, and, what is singular also, the title of Viceroy has not been introduced into the Queen's Warrant of appointment of a Governor General.

¹ Lieutenant Governors are appointed by the Governor General in Council.

CHAP.
VI.Com-
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also a
member
of Coun-
cil.

does seem desirable that the position of a Member of the Governor General's Council should be recognised as and made the highest in India, under that of the Governor General, to which an Indian public servant can rise, and beyond which he should have no preferment in India to look forward to.

It has been mentioned that the Commander-in-Chief is an extraordinary member of the Council. He has not charge of any department, for which indeed his own duties would leave him no sufficient leisure, but he takes part in all the deliberations of the Council. He thus acts in a twofold capacity, being a member of the Government, and also as Commander-in-Chief its servant. The position has sometimes been objected to on the ground that it is incongruous that an official should first of all submit proposals to the government, and then be able to come up and vote upon them as a member of that body. An objection of another kind has also been taken, that an officer, presumably the ablest and most experienced available, should be for administrative purposes subordinate to the Military Member of Council, usually a junior and presumably less experienced and distinguished officer. This last objection is only made by those who have lost sight of the constitutional principles which govern the relations between the State and the Army, and by assuming that the Commander-in-Chief in India is vested in some indefinite way with more independent authority than is possessed by the Commander-in-Chief in England, or indeed in any country, an assumption based on no foundation. The Commander-in-Chief is at the head of one department of the army, the command and discipline of the troops, the most important department, but still only one of many. In this respect he has full authority, subject to the regulations laid down by the Government, and as responsible for the discipline and efficiency of the troops he has the practically uncontrolled power of selection



for appointments in all the combatant branches of the army, involving an enormous patronage which as regards the Indian army (the native troops) extends to every regimental post, as well as to every staff appointment in the country.¹ But besides this great department of discipline and command under the Commander-in-Chief, there are also the various administrative departments of the army, for the most part spending departments, the ordnance, commissariat, transport, clothing, fortifications and military buildings, and stud; these, which together with the business which comes up from the Commander-in-Chief, make up the whole business of the army, are administered in the military department of the government by the Military Member of Council. The objection that in this connection a senior officer ought not to be placed under a junior is obviously irrational. The functions of the Military Member of Council are exercised as a member of the Civil Government, in which capacity his military rank is so far in abeyance that he is ineligible to exercise any military command. In England the exigencies of party government seldom admit of the services of a military officer being available as Secretary of State for War, which is an enormous disadvantage to the military administration. In India, at any rate, the system in force is essentially the same as that which obtains in the great countries of Europe, where the spending departments of the army, as well as the Commander-in-Chief (when there is one), are directly under the civil government as represented by the Minister of War. As to the proposal sometimes put forward from perfectly irresponsible quarters that the spending departments—the commissariat, ordnance, and so forth, which deal with what is technically called supply, should be put directly under the Commander-in-

¹ The nominations to a very few of the highest commands are made by the Horse Guards.

CHAP.
VI.

Chief, involving in fact the abolition of the Military Member of Council, it may perhaps be sufficient to say that there is no sort of precedent for such an arrangement. Nominally this has indeed been done lately in regard to the British army, but only nominally, for in fact the action of the Commander-in-Chief is controlled at every point by the civil departments at the War Office, and so far as the change has been carried, it has led to nothing but increased confusion and mal-administration, and would inevitably break down under the first stress of war. Even so in England the authority of the civil minister is still maintained over the Commander-in-Chief. If the office of Military War Minister in India were abolished, the financial and administrative responsibility now exercised by him would have to be transferred to one of the civilian councillors, thus introducing all the evils of the English system without the necessity arising from party and parliamentary government to bring it about. The Indian system, which in all essential respects corresponds exactly with what obtains in Germany and France, has always worked with perfect success, whereas that lately set up at home—in violation of all precedent and without any parliamentary sanction—has never been put to the test of trial; it has been unequivocally condemned by an authoritative royal commission, and those who are best acquainted with the subject predict disastrous failure whenever trial shall be made of it. Apart from these considerations there is the practical objection that the Commander-in-Chief in India has as much to do as one man can perform in the command of all the Indian armies, which involve his absence from the seat of government for many months in the year, and would render it impossible for him to give that personal attention to the details of the administrative departments which require continuous attention from day to day.

The other objection taken to the system, is that the



Commander-in-Chief, a servant of the Government, should be also a member of that Government. But in India military affairs are relatively of so much greater importance than in England, that it is of the highest advantage to the Government to be in immediate personal communication with the head of the army. So far from the position of the military member of Council being weakened by the arrangement, it is in reality greatly strengthened. When the Commander-in-Chief has personally to advocate and discuss with his colleagues in Council measures submitted by him in his executive capacity, the necessity for proposals involving expenditure which might seem reasonable and indeed unanswerable when framed in the Adjutant-General's office, may often be found to disappear under such criticism. In this way the financial position of the military member receives support rather than the reverse from the presence of his military colleague in the Council. On the other hand, the condition that the Commander-in-Chief as a member of Council can appeal to the Viceroy, and from him to the whole Council, against a decision of the military department, ensures that the proposals put forward by him shall be fully and fairly considered. He has access to all the papers in the case, and the opportunity of replying to the arguments advanced by the Military Department in opposition to his own, and in this way a decision satisfactory to all parties will usually be arrived at on a basis of reasonable compromise.

At first sight it might seem, indeed, that a system, under which one man is responsible for the efficiency as well as the discipline of troops, while another authority is responsible for supplying the equipments on which that efficiency is largely dependent, involves a dangerous division of responsibility. It is, however, as has been said, the system which obtains in every well-administered army. A discussion on this point cannot

CHAP.
VI.

be pursued here, but it may be just mentioned that as regards the Indian military administration, the actual practice naturally diverges from what may appear to be the official order of procedure. As a matter of fact, the disposal of questions of equipment, armament, and defence is the result of joint deliberation. No change of equipment, no military work is carried out without the opinion of the Commander-in-Chief being formally obtained in writing. Almost all changes arise out of proposals initiated by the Commander-in-Chief himself; and apart from the formal correspondence there will always be, between reasonable men, a full and free personal discussion. And while the Commander-in-Chief, who has theoretically as well as practically the whole patronage of the army, and nominates to every command—the action of the Government being limited to confirming his nominations, these nominations, when good sense and good judgment obtain in high quarters (where these qualities are usually found) will commonly be the result of previous communications, and will further have obtained the approval of the Viceroy before they are made. Similarly, while the military member of Council nominates to all the administrative appointments, he will be unfit for his position if he does not take care that his nominations shall be in general accordance with the wishes of the Commander-in-Chief, so that these important posts may be filled by men who have the confidence of the latter.

Economical footing on which council is organised.

The Council of the Governor-General presents another illustration of the simplicity attending some aspects of Indian government which has been already referred to in connection with what are called the minor administrations. The contrast between the practice obtaining in England, where the utmost clerical assistance possible is afforded to those charged with administrative duties—not only the minister at the head of the department, but the under-secretary of it, and



even the heads of the various sub-departments being each provided with a private secretary, or some corresponding aid under another name—and the state of things obtaining in India, where the Member of Council conducting a great department of the State, and one of the busiest persons in the country, is allowed no assistance of the kind whatever, and carries on his work as a country gentleman or a struggling author might do, is sufficiently striking. In consequence, the Member of Council is overloaded with a lot of petty personal business and semi-official correspondence as to which offence would be given were it to be conducted through his office, or otherwise than in his own hand, and if separated from his family has to begin the day with sending or answering his dinner invitations, a condition in the last degree extravagant, because wasteful of time that should be better employed. That he should not be allowed some assistance of the kind so plainly needed to save him from these vexatious interruptions, is probably due to a petty feeling of jealousy at the India Office, and incapacity to understand the change which the position of the Member of Council has undergone, from that of an adviser leisurely minut-ing in his own hand on papers referred to him, and the responsible and often overworked administrators of one of the great departments of the Indian Government.

The question, what is the most fitting place for the seat of the Government of India, is one which has been much discussed both publicly and privately. The establishment of that Government at Calcutta was in the first instance accidental, due to the circumstance that this Government had gradually grown out of the Government of Bengal. Not to say that the exhausting and unhealthy climate of Calcutta makes it singularly unfit for the transaction of business always carried on at high pressure, there are obvious disadvantages in placing the Government at a distance from all the more

Seat of
Govern-
ment of
India.

CHAP.
VI.

Simla.

powerful and warlike races on whose loyalty and contentment the peace of the country depends, and also in locating it permanently in a Europeanised city. It is not too much to say that a person who passes his official life in Lower Bengal may come away at the end of it knowing little more of India than if he had remained in Europe. The necessity imposed on the Governor General to make himself acquainted with other parts of India, has always taken him away from Calcutta for a considerable part of his time. Almost from the first British occupation of portions of the Himalaya Mountains, in the year 1818, Simla has been occupied as a summer quarter by the Governor General at the end of his cold-weather tours, as well as by the Commander-in-Chief and the Army Headquarter Staff. The Simla ridge was selected from the first for its greater height above the other accessible ranges which rise up from the plains of India, and the contrast it presents between the bare southern slopes of these ranges and the grateful shades of the forest which still covers its summit. The settlement has gradually expanded into a considerable town, but the numerous summer cottages scattered upon its slopes for long furnished the only available accommodation of any sort for the official establishments. For the last thirty years it has been the regular summer residence of the Supreme Government and a portion of the public offices, the remaining part being left at Calcutta, to which the Government returns for the five or six months of the cool season. Simla, besides its comparatively high elevation (8,000 feet above the sea) which gives it a temperate climate, has the further advantage over Darjiling and other Himalayan stations to the eastward of a comparatively moderate rainfall, although even at Simla the rainfall is excessive during the summer months, according to European ideas. It is nearly sixty miles by road from the foot of the moun-



tains, up to which only, so far, a railway has been brought. The intervening distance presents however no special obstacles to the construction of a mountain railway, which might and should have been made before this, and the construction of which cannot be much longer delayed; and even with road communication, Simla is only a few hours' journey from what may be termed the military centre of the country. With a temperate but relaxing climate, and during the wet summer months, the absence of any distractions, it is well adapted for the continuous hard work which alone enables the business of the Government to be got through. The great practical difficulty, however, in the way of satisfactory work in this mountain capital was for many years the insufficient accommodation, the public offices, as they were called, being scattered over the mountain slopes in hired cottages—a single department requiring as many as a dozen of these—crazy, dark, and ill-ventilated—a curious contrast to the palace in Whitehall where the home business of India is conducted. For so long as the Government timidly professed to make the summer move to Simla each season for that season only, possibly never to return, this temporary arrangement had perforce to be put up with, and the Government competing with the public for the limited accommodation available drove up house-rent to an artificial rate. To the Marquis of Ripon's administration is due the praise that, in addition to other measures of great merit which have never received proper recognition, it put a stop to this extravagant and discreditable makeshift state of things. During his lordship's viceroyalty permanent buildings were constructed for all public departments, as well as for army headquarters, convenient and substantial, but simple and economical in design, to the great advantage of public business.¹ In this way has

¹ Some of these were not completed until after the arrival of his successor.

been settled the long-debated question where the seat of the Government of India should be. It was at the same time formally recognised that Calcutta also must continue to be occupied for one half of the year, and under Lord Ripon's Government permanent offices were constructed there for the many departments which during the previous uncertainty had been scattered over the city in hired houses, while various dilapidated government buildings were rebuilt. One want Lord Ripon left to be supplied by his successor. The Viceroy while at Simla, like everyone else occupied a cottage. For so long as he went there for a *villeggiatura*, spent with a small staff in retirement away from his Government, the arrangement was not unsuitable; but when, on being joined by the members of his Government, a small dining-room had to be turned weekly into the Council Chamber, while the rain-driven verandah did duty as a waiting-room for persons in attendance or visitors seeking admission at other times; and when with improved communications the rulers and chiefs of India began to come up to Simla in increasing numbers to pay their respects to the head of the Government, the insufficiency of this accommodation became as inconvenient as apparent. This defect was made good during the government of the Marquis of Dufferin and Ava. The Viceregal Lodge, erected on a high crest of the mountain, now forms the first prominent object seen by the approaching traveller as he winds his way round the spurs of the ascending road, a building handsome and commodious, but not more than appropriate for the purpose; it was finished only in time to be occupied by his successor.

Thus the seat of the Supreme Government has, at last, been finally fixed upon, but, as will have been understood, the decision was arrived at rather as a gradual outcome of circumstances than of deliberate purpose from the first, and it is probably far from



THE SUPREME GOVERNMENT

CSL
143

CHAP.
VI.

being the best possible arrangement. If the thing had to be done over again, probably no one would propose to select Calcutta as a permanent seat of government for even a part of the year. A town set in a swamp out of which there is only a single carriage-road, or the top of a precipitous mountain buried in mists for a great part of the summer, has its obvious drawbacks, while the dislocation of work caused by a move every six months is inconvenient and expensive, but as things are, unavoidable. The west of India, in immediate communication with England by sea, is naturally indicated as the most appropriate position for the seat of government, while there are places on the lofty table-land above the Ghats, as Poona and Nassick, which can be occupied without inconvenience all the year round, and have the advantage of still higher mountain sanatoria easily accessible. But it would certainly have involved great effort and much practical inconvenience for some years to have struck out an entirely new line; under the circumstances, Lord Ripon's Government undoubtedly took the best course practicable, and the question may now be regarded as finally disposed of.



CHAPTER VII

THE LEGISLATIVE COUNCILS

CHAP.
VII.Legisla-
tive
powers of
Indian
Govern-
ments.

WE have so far been dealing with the different Indian Governments in reference to their executive functions only. But, in addition to these, they are also charged with the office of framing and passing laws. In the first instance the two functions—executive and legislative—were exercised by the same body. The Governor in Council of Madras and Bombay, as well as the Governor General in Council of Bengal, had each powers to make ‘Laws and Regulations’ for the territories subject to them respectively, powers first imputed to them inferentially by the Act of 1773, and explicitly conferred by succeeding Acts. In 1833, as has been stated, these powers were withdrawn from the Madras and Bombay Governments, and the duty of legislating for all India was placed upon the Governor General in Council, at the same time created Governor General of India. In this year also there appeared the first germ of what has since expanded into a legislative council, in the appointment (referred to in the preceding chapter) of an additional member to the Supreme Council of India as it was then called, who was declared eligible to sit and vote only at meetings held for the purpose of making laws and regulations.

First
Legis-
lative
Council.

By the Act of 1853¹ a Legislative Council of India was formally established, consisting, in addition to the Executive Council, of four members nominated by the

¹ 16-17 Viet. Cap. 95.



Governors of Madras and Bombay and Lieutenant Governors of Bengal and the North West Provinces respectively, with the Chief Justice and one Puisne Judge of the Supreme Court of Calcutta. Two additional members chosen from the Indian service might be and were nominated by the Governor General, so that the Council thus consisted of twelve members, including the Commander-in-Chief. In the absence of the Governor General, who seldom took part in the proceedings, the Chief Justice presided as Vice President. The sittings of this Legislative Council were held in a building specially provided for the purpose, and the proceedings were conducted in public. The Council, as thus constituted, and especially the Vice President (who had been made Chief Justice on the completion of his tour of office as legal member of Council), soon began to manifest a spirit of would-be independence, which took the form of opposition to, or at any rate of criticism on, the proceedings of the Government; an attitude absurdly inappropriate, inasmuch as it was appointed for the purpose of making laws and regulations only, was in no sense representative of anything or anybody, and was obviously from its constitution unfitted to make provisions for the redress of grievances. Its proceedings in this capacity were quickly brought to a stop by an Act of Parliament passed in 1861,¹ reconstituting the legislative body on a new footing. By this Act the number of ordinary members of the Executive Council, now styled the Council of the Governor General (a Council of India having been established in England), was increased from four to five—one to be a barrister of five years' standing, with the Commander-in-Chief, as before, an extraordinary member. In addition the Governor General was to nominate not less than six or more than twelve additional members, one half of whom were to be persons not in the service of

Change
made in
1861;

¹ The Indian Councils Act of 1861, 24-25 Vict., Cap. 67.

CHAP.
VII.

and crea-
tion of
provincial
Councils.

the Government. All laws passed by the Council before coming into operation were to receive the assent of the Governor General, or to be reserved by him for the assent of the Queen. Power was also given to the Governor General to pass ordinances which would have the force of law—a power provided for cases of emergency. The same Act established Legislative Councils in Madras and Bombay on a similar basis, the Governor nominating the Advocate General and not less than four or more than eight additional Councillors in each case, of whom half must be non-officials. The legislative power of these Local Councils was limited to such local affairs as the Government of India might decide not to deal with in the higher council. The assent of the Governor General was made necessary to all Bills passed by them. The Act was also applied to Bengal, where a Council of the Lieutenant Governor was established, and authority was given to the Governor General to extend it to the North West Provinces and Punjab by proclamation. In these Councils the number of non-officials was not to be less than one-third the whole number. The Act was applied to the North West Provinces in 1875.

The rules for the conduct of the business of the Legislative Council in India—which may be taken as the type of all the similar local bodies—are framed under the Act by the Governor General. In regard to these, and to the constitution of the Council, it has to be considered that the official councillors must of necessity be in a majority, and that the non-official members are called up, not to initiate measures, which must be framed by the executive Government, but to give advice and counsel during the passage of measures through the Council. But, subject to this condition, the procedure aims at securing the greatest possible publicity to the measures brought forward, and also the fullest criticism; but the debates must be strictly

Procedure.



THE LEGISLATIVE COUNCILS

CSL
147

CHAP.
VII.

limited to the discussions of the measure in hand. The meetings are held weekly in the Council Chamber of Government House, the Governor General presiding. Members speak without rising; the public are admitted by orders to the sittings. The proposal to legislate on any subject being first approved in the Executive Council, the Bill is drawn in the Legislative Department with the aid of the member of the Council, executive or legislative, particularly concerned, who takes charge of the measure. If this specially affects some particular province or department, advantage will usually be taken of a vacancy to appoint some official serving in that province or department to the Legislative Council in order that he may take charge of the measure. To the Bill, when printed, is attached a statement of the objects and reasons for which it has been prepared, and the member in charge, when moving for leave to bring it in, further explains its nature in his opening speech. On leave being given to bring it in, the Bill is thereon published in English in the 'Gazette of India' and in the gazettes of all the provinces affected by it, also in the vernacular gazettes of the Local Governments concerned, who are called on to report on the measure. They, in their turn, refer it to the district and other officials concerned, whose reports and opinions are attached to their own when submitted. All these references being received, a select committee of the Legislative Council is appointed to deal with the Bill in the light of the information thus brought to bear upon it, and any further criticism available from officials or non-officials interested is invited. The Bill as amended in Select Committee, after being reported to the Council, is republished in the Gazette, and referred back to the authorities concerned for further consideration. On their final report being received, it is brought up again and ordered to be taken into consideration on a certain date. This



CHAP.
VII.

reconsideration is ordinarily the final stage, the Bill, after a debate continued for as many sittings as may be necessary, being thereon passed. The Bill, after passing through the Council, becomes law on receiving the assent of the Governor General, but it may be disallowed afterwards by order of the Queen, conveyed through the Secretary of State.

It will thus be seen that the legislative business is mainly done in the Select Committee, the proceedings of which in connection with a Bill of importance will usually extend over several months, and sometimes over several years. The proceedings of the Council are, in fact, the mode adopted of recording formal sanction publicly to the measure; but they afford opportunity to the members who are in a minority in the select committee on certain points to explain their views publicly, as well as to every member, whether he was on the committee or not, to record his opinion whether by way of approval or the reverse. The most prolonged discussions usually take place on questions which involve taxation. It must be remembered, however, that a majority of the Council consists of Government officials, and that from the nature of the case the Government must have means of carrying the measures through which it brings in. The Bills however being seldom of a contentious nature, but introduced in order to provide a recognised statutory want, the criticism arising is generally limited to points of detail, and the final debate is mainly useful as affording an opportunity to the Governor General and Members of the Executive Council to state publicly their reasons for having recourse to the measure of legislation in question.

The constitution of the Legislative Councils, the only part of the administration in which non-official persons take a part, obviously opens up the great question, how far the form of the government of India is



susceptible of being further modified in the direction of extending the association of non-official persons in the work of legislation, and of introducing a representative element or otherwise, compatibly with the conditions under which that Government, at any rate for a very long time to come, must necessarily be carried on. Reserving the remarks to be offered upon this important subject for a later part of this work, I will here merely describe the further development which the Legislative Council has recently undergone. By the Indian Councils Act of 1892¹ the number of additional members of the Governor General's Council to be nominated by the Governor General, has been extended to a minimum of ten and a maximum of sixteen—making the whole number twenty-three; while the corresponding numbers for the Councils of Madras (Fort St. George) and Bombay are fixed at eight and twenty respectively, in addition to the Advocate General in each case. The Governor General in Council is authorised to increase by proclamation the number of councillors in Bengal and the North West Provinces to twenty and fifteen. Further, the Governor General in Council, with the approval of the Secretary of State in Council, may make regulations as to the conditions under which these nominations or any of them shall be made by the Governor General, Governors, and Lieutenant Governors respectively, and prescribe the manner in which such regulations shall be carried into effect.

Expansion of Legislative Councils Act of 1892.

Although the Act thus assumes the gradual expansion of these Councils, providing the minimum as well as the maximum number of members for each, this maximum has in each case been nominated at the outset. Further, the alteration made permissive in the mode of nomination, and under which, instead of this being made directly by the Governor General, or Governor or

¹ 55-56 Vict., Cap. 14.

CHAP.
VII.

Lieutenant Governor and confirmed by the Governor General, as the case may be, the Governor General in Council, subject to the approval of the Secretary of State, may delegate the right of nomination (or to be more accurate, the right of making recommendations of persons to be nominated) for a whole or part of the appointments to other bodies, has been at once availed of. Regulations for giving effect to this delegation have been laid down, as to which the procedure adopted for Bengal and Madras may be taken as illustrations of the arrangements everywhere introduced by them.

In Bengal, thirteen of the twenty members of the Legislative Council are to be nominated by the Lieutenant Governor, of whom not more than ten are to be officials of the government; the nomination of the remaining seven is delegated as follows:—The municipal corporations of the cities and towns in the province will recommend two members; the district (rural) boards of the province will nominate two; one nomination each has been given to the Corporation of Calcutta, the Association of Merchants, and the University of Calcutta.

For the purposes of the election, the municipalities and district boards are grouped in eight divisions, corresponding with the geographical charges of the official Commissioners of Divisions into which the province is divided, and two groups of each class, or four groups in all, will elect one member each. A seat in the Council being held for two years, each group will thus get its turn once in eight years. The votes of each municipality are valued in an ascending scale according to its income, a municipality with an income of 5,000 rupees having a single vote, one with an income of 250,000 rupees and upwards, eight votes. The various district boards have all equally a single vote. Each municipality or district board, as the case may be, which takes part in the election of the year, sends a delegate



to the appointed place of meeting within the division, where the election is carried out by ballot, repeated if necessary until some one of the nominated candidates obtain a majority of the whole number of votes. The candidates nominated must be residents in that part of the province for which the election is being held.

The procedure adopted in Madras is somewhat more simple. Here also the Governor makes thirteen nominations, of which not more than nine may be of official persons; the nominations (or rather recommendations for the nomination) of the remaining seven councillors have been made over: to the Corporation of Madras, Chamber of Commerce, and University of Madras, one each; while the Municipal and District boards throughout the province are divided for the purpose of the election into two groups respectively, each nominating one candidate. Each Municipality and District Board has only a single vote, without regard to size or income.

For the Council of the Governor General the nominations to four seats have been made on the recommendation of the non-official members of the four provincial councils; a fifth nomination has been given to the Calcutta Chamber of Commerce.

A similar distribution of nominations has been ordered for the other provinces, provision being everywhere made to ensure that the Government shall command at least a small majority. This is obviously a necessary rule; the conditions of party government being altogether absent, the non-official members are not in the nature of an opposition who can become responsible for the consequences of an adverse vote by being called on in turn to take up the government. Their functions are to advise in legislative matters only, and they are under no sort of responsibility or liability for the consequences of their opinions and votes. The nomination of non-officials being still

CHAP.
VII.

to a certain extent left to the head of the Government in the different provinces, admits of a selection being made of representatives of classes and interests (so far as representation in the proper sense can be secured), which may have been left out in the selections made by the delegations, a very necessary protection. The first composition of the legislative councils as now established is principally notable in that the delegated nominations have been almost all of lawyers, and, but for the reserved nominations, the interests of the agricultural community, who form a vast majority of the population, would be almost unrepresented.

In thus remodelling the legislative councils, a further step has been taken towards the introduction of a system of debating, permission being given to discuss the annual budget, heretofore permissible only when legislation affecting taxation was before the Council, and also, under strict rules, to use the right of interpellation as it is called, or of asking questions about things in general.

This expansion in size and functions of the legislative councils, the proposal for which emanated from the Government of India, and the details for carrying out which are all in accordance with their recommendations, is thus the first beginning of what may possibly hereafter develop into something of the nature of parliamentary institutions as obtaining in other parts of the world. The step taken may not be a wide one; the mode of regulating nominations rests with the Executive Government; the bodies to whom this partial nomination has been entrusted are themselves elected on a very narrow and exclusive franchise, and have shown so far very little appreciation of, or interest in, the duties of municipal corporations, while they are not in the least representative of the majority of the class whose affairs they have to deal with. But the beginning of such a movement must needs be cautious and the



scheme framed on modest lines. In a country where amongst the vast mass of the people the very notion of representation or elective government is still absolutely unknown, whose comprehension of such matters as the nature of government other than an absolute one, is as much below the knowledge of the least educated of the English people, as that of the latter falls behind the intelligence of a professor of constitutional law, the time is still far distant when representative institutions can be applicable. But so far as it goes the change appears to be all in the right direction, while the right of interpellation conferred by the rules should be of the greatest service to the Government, exposed as it is to constant attacks of a press, extraordinarily scurrilous and often openly seditious. Replies to questions put in the legislative councils will offer the Government the means which it has not hitherto possessed of exposing, not only current misapprehensions, but the wilfully false statements which form the staple matter of most of the vernacular newspapers. And it may be possible in this way to obviate the necessity which must otherwise sooner or later be imposed on the Government of placing some restriction on the press if the peace of the country is not to be subjected to the gravest risks. I venture to express the belief that the experiment—for it can hardly be called more than this—which will be watched with interest by all who desire the safe progress of India, may on the whole be regarded without misgivings, and with reasonable hope that it will lead the way to further advances in the same direction.

In connection with this subject a short account may be useful of the local institutions, the municipalities and district boards to which the election of a part of the legislative Councillors has been delegated, and

Municipal
and rural
District
Boards.

CHAP.
VII.

Municipalities.

which have been created and modified by various Acts, for the most part of recent date, of the supreme and local legislatures. There are altogether about 750 municipalities in India, a number which includes every considerable town and a good many small ones. The constitution of these municipalities varies greatly, from the large and public-spirited and practically self-governing corporations of Bombay and Calcutta, to small urban bodies the business of which is practically conducted by the magistrate and his officials, aided in little more than name by a few of the more respectable inhabitants nominated for the purpose. The total number of members of such corporations throughout India is about 10,000, giving an average of fourteen to a municipality. Of these the elected members (the electors also are very limited in numbers although on a low franchise), are rather more than one-half, and the officials about one-fourth of the whole. The incomes of these bodies amount in some of the smaller towns to a few hundred rupees only; the aggregate municipal incomes in all India amount to about $3\frac{1}{3}$ millions (Rx.), of which nearly one-third is realised in Bombay and Calcutta, and is derived in large measure (at the inland towns) from octroi duties levied on goods brought into the town, the most popular form of local taxation. Municipal government is of recent creation; the notable features of it are the growth of the elective system and the gradual reduction of the official and British elements. The whole urban population under municipal government is less than 16 millions, or about one-thirtieth of the whole population of the country, an indication of the fact that India is essentially an agricultural country. The incidence of taxation varies from about one-half of a rupee (sixpence) per head in Lower Burma to one-and-a-half rupees in Punjab and the Central Provinces; in the city of Bombay it is $6\frac{1}{4}$ rupees. On the whole local self-government in the towns shows signs of



healthy progress, but during the past ten years it has been found necessary to close some municipalities from the inability to obtain the services of persons willing to take an interest in the business ; the legal facilities created for municipal self-government are certainly not in arrear at present of the aspirations and wishes of the people.

The Local Board of each Indian district deals with the aggregations of villages comprised within it. The income of each district is collected and spent within it, and is derived from tolls, ferries, fees of various kinds, but mainly from a small cess on land. The total income of these boards in all India is a little more than two-millions (Rx.), of which about three-fourths comes from the land cess. These revenues, which are supplemented to a considerable extent by grants in aid from provincial funds, are applied for the most part to the repairs and maintenance of roads, usually of a simple and inexpensive kind, and valuable especially as feeders to the railways. Of late years sub-divisional boards have been formed in the larger districts—many of which are much larger than the average English county. These boards like the urban municipalities are in course of gradual development from an agency purely or mainly official, to bodies in a certain degree representative of the village communities. Altogether there are between thirteen and fourteen thousand persons serving on these boards, of whom about one-half are now elected. Small as are these numbers compared with the population they represent, they probably include every person of capacity or who wishes to take an interest in the business.



CHAPTER VIII

THE CENTRALISED DEPARTMENTS

CHAP.
VIII.

BEFORE describing the system of district administration carried on throughout the country, in the efficiency of which the interests of the people are mainly concerned, and on which the security and efficacy of the British Government in India is mainly dependent, some account of the centralised departments may first be given.

Departments under the Supreme Government.

It has already been explained that the Government of India retains the direct control of various branches of the Civil Administration, the business of which is distributed among the following departments:—

Finance
Depart-
ment.

I.—*Finance and Commerce*:—Under the administration of the Financial Member of Council, whose functions correspond with that of the English Chancellor of the Exchequer, the Secretary of the department holding a position analogous to that of the Secretary of the Treasury. The head of the executive department of finance and account is the Comptroller and Auditor General, in whose office all the accounts of the country are brought together and compiled, who is responsible for the proper working of all the account departments throughout India, and is also the final authority for the disposal of all departmental or inter-provincial differences of account. The Comptroller General is also the



Currency Commissioner, and in this capacity exercises the functions which are performed for the British Government by the Bank of England.

CHAP.
VIII.

The civil accounts of each province are dealt with by an Accountant General, with one or more deputies and assistants, who also conducts the detailed audit of all the civil expenditure. The proceedings of the Accountant Generals are supervised by travelling Inspectors who report to the Comptroller General. The Accountant General exercises twofold functions. As the representative of the imperial finance department he is responsible for the accounts of receipts and expenditure of the imperial revenues within the province—which form by much the larger part of the whole; as financial adviser to the local government he has charge of the purely provincial accounts of the province, as to which it may be observed that one of the difficulties peculiar to Indian accounts arises from the necessity for keeping these two kinds of receipts and expenditure separate and distinct, and of deciding upon the proper incidence of claim and charges between the two. The Comptroller-General is the referee in disputed cases, an appeal lying from him to the Government of India. The whole body of Accountant Generals, and their deputies and assistants, form a graded Accounts Department, whose promotion therein and transference from one province to another are regulated by the Finance Minister on the recommendation of the Comptroller General. But the provincial office establishments, although imperial, are localised, and the members of it are not generally liable to be moved about from one province to another. The department is partly officered, especially in the higher posts, from the Civil Service, partly from officers appointed direct to it in England by the Secretary of State, and partly from selected officers of the provincial establishments promoted to the higher branch.

CHAP.
VIII.

Mints.

The two mints of Calcutta and Bombay are under the Finance Department. The coinage being of silver, with the very large subsidiary copper coinage required to meet the conditions of the country, a much larger coinage of pieces is needed than in a country like England which employs a gold currency, and where the economy of metal coins has been carried to a great point of refinement. In consequence the establishments and machinery of the Indian mints are on a much larger scale than those of the English mint. The customs, excise, salt, opium, and stamp departments, although dealing with the imperial revenue, are administered by the Local Governments concerned, under the supervision of the Finance Department of the Government of India.

Post Office.

The Post Office, an imperial service under the Finance department, is administered by a Director General; under him come the Postmaster Generals of provinces, either civil servants or departmental officers advanced for good service, who form one body for the purposes of promotion, and are available for transfer from one province to another. The Indian postal rates are the cheapest in the world; a letter can be sent from one end of the country to the other, from Peshawur to Mandalay (three thousand miles) for half an anna, value a halfpenny. The postal service, which has had the good fortune to be administered by a succession of very able men, is remarkably efficient, and in respect of the facilities afforded is in some respects in advance of the English post-office. It is now self-supporting, bringing in a small revenue.

Revenue
and Agriculture
Department.Survey
Department.

II. *The Department of Revenue and Agriculture*, which deals with the business denoted by its title, administers also the following departments:—

Survey of India Department. This carries on three great branches of survey. (1) The Great Trigonometrical Survey, or general measurement of the country. This



has been practically completed within India, but is now being carried on to the extensive regions on the north west frontier and in Burma which have recently come under British rule. (2) Various Topographical Surveys, among which may be mentioned more detailed surveys of the territories in Burma and Baluchistan, above referred to, of tracts already surveyed on larger outlines. At the present time extensive surveys are also being carried out for demarcating the tracts set apart for forest operations, while the changes which the great rivers of India make in their annual floods, washing away great tracts of country in one direction and throwing up new islands and banks in another, give constant occupation to the Survey Department. (3) The Revenue Survey, for recording superficial areas and tracts as the basis of land revenue settlements. The business of surveying, in connection with the development of this great country, is one that necessarily has no definite limits. At the present time, an extensive and protracted series of operations is being carried on of tidal movements along the coasts of India, and for determining the differences of sea level at various points.

The Survey Department is organised at present for these various purposes in twenty-five parties. The whole service, which is presided over by a Surveyor General with three Deputy and three Assistant Surveyor Generals, comprises a staff of forty-five superior officers, of whom the majority belong to the Royal Engineer Corps.

A small staff of geologists attached to the government of India have been engaged for many years in a geological survey of India, whose services, apart from the scientific results achieved, have been especially valuable in the discovery of the Indian coalfields now in course of being turned to account, with economic advantage to the country which can hardly be overrated.

Geological
Survey.

A systematic Archæological Survey of the historic

CHAP.
VIII.Forest De-
partment.

and architectural memorials of India has also been for some years in operation; the researches of this department are so well known to all who take an interest in the subject as to need no detailed reference here. The Marine Survey of the Indian Seas is carried on by the Indian Marine, a branch of the service under Military (Marine) Department of the Government.

Forest Department.—Until the middle of the century the Indian forests were subject to no care or supervision, with the result that in those parts of the country whence timber could be brought to market, a wasteful spoliation of them was carried on by private speculators. In other parts the firing of grass in jungle tracts to prepare the ground for crops caused a wholesale destruction of timber, while in some of the Sub-Himalayan tracts the denudation of the mountain slopes, by the impetus given to floods, wrought great injury to the plain country at their base. About forty years ago a remedy began to be applied to this waste, and through the exertions of the very able and energetic officer charged with the duty, Sir Dietrich Brandis, and his successor Dr. Schlick, the process of destruction has been arrested, and a very efficient system of forest conservancy and improvement established throughout the country, under which the Indian forests already give a surplus of about three-quarters of a million (tens of rupees), and afford promise of becoming a prominent item of public revenue. The management of the forests in each province rests with the Local Governments, but the superior officers form one graded service for the purpose of promotion and employment; the establishment is recruited from the Royal Indian College at Coopers Hill. A general supervision of the whole operations of the department is conducted by the Director General attached to the Government of India.

Civil Vete-
rinary De-
partment.

A Civil Veterinary Department has recently been established, officered from the Army Veterinary service,



THE CENTRALISED DEPARTMENTS

CSL
161

CHAP.
VIII.

which furnishes the professional instructors for a veterinary college at Lahore, at which the native veterinary staff of the Bengal cavalry receive their training; the other officers of the department are distributed among the different provinces as advisers to the local governments in dealing with cattle disease and the improvement of cattle breeding, a small superintending staff being attached to the Government of India.

Home Department.—This department, which with that of Revenue and Agriculture is administered by the available civilian member ¹ of the Governor General's Council, deals with all the business coming up to the Government of India other than the special affairs already detailed and public works, and is the general medium of communication with the provincial governments and Secretary of State, as well as the department in which all business relating to the Government collectively is dealt with, as for example rules for the conduct of business between the departments. The only branch of the civil administration directly administered by the Home Department is the Medical Service, the head of which is the 'Surgeon-General with the Government of India.' The Indian Medical Service, which is a military body in its constitution, supplies the medical staff to the regiments of the native army and shares with the British Medical Staff a proportion of the superior administrative medical staff of the Indian army, British and Native. The portion of the Indian Medical service so employed is under the orders of the Commander-in-Chief. But a large part of it is distributed among the different provinces for the exten-

Home De-
partment.

Medical
Depart-
ment.

¹ The Council comprises five ordinary members, of whom one must be a lawyer, and not more than two may be other than Indian officials. The present military member not being in this category, the other three must belong to the civil service, of whom one has charge of the finance and another of the public works department (the appointment of a member for public works purposes being in abeyance), leaving one member available to administer both the home and revenue departments. The double charge, however, is not more arduous than any of the other single charges.

CHAP.
VIII.

sive medical duties connected with the civil administration. While so employed, and detached from military service, medical officers are entirely under the orders of the provincial government under which they are serving, but the arrangements connected with first postings to civil duty, and transfers from one province to another or to military duty, are carried out by the Government of India through the agency of its Surgeon General. This official, in respect of the business connected with the medical officers in military employ and the collective body, including promotions, is attached to the Military Department; in his office are kept the records of service of the whole Medical Department directly or indirectly under his orders.

The Medical Service is the only part of the army in which the presidential system is still maintained. Although separate presidential designations have been abolished, and all the medical officers of the Indian army now belong to one 'Indian' Medical Service, the administration of the Surgeon General with the Government of India does not extend to Madras and Bombay, which have their own Surgeon General, and where the medical officers are limited in the sphere of employment to those two provinces respectively. The arrangement is of course no longer defensible; the medical staff employed on civil duties in either Bengal or the North West Provinces is much larger than that in Madras or Bombay. The separation cannot be much longer maintained. Now that the unification of army administration is at last to be carried out in all other respects this artificial distinction in regard to the medical service is obviously unmeaning and absurd, while placing the officers serving in those provinces at a disadvantage; and would cause, if persisted in, a great deal of needless trouble and complication.

Telegraph
Depart-
ment.

Public works, the administration of which forms another department of the Supreme Government, will



THE CENTRALISED DEPARTMENTS

CSL
163

CHAP.
VIII.

be dealt with in a later chapter of this work. This department also administers the Telegraph Department (with a Director General at the head). This is a more appropriate arrangement than to place it like the Post-Office under the Home Department. The telegraph lines being carried in many parts through uninhabited forests and over wild mountain ranges, their construction and maintenance present greater difficulties than the transmission of messages.

Departments of the Provincial Governments.

The foregoing account deals with the branches of the civil administration which are administered directly by the Government of India. Each provincial government has also a corresponding organisation, controlled by a local secretariat. In the smaller provinces a single secretary's office deals with the business in all departments; in the larger provinces business is distributed between two secretaries, while Bengal has three.¹ The departments of customs, excise, assessed taxes, salt and opium, are all organised provincially, and administered by the local governments concerned, although the revenues collected by them are credited to the imperial exchequer. The opium department is organised in two agencies for the operations in Bengal and the North West Provinces respectively, but both are administered by the Bengal Government. The excise duty on the opium manufactured in the native states of Central India is collected by the Government of Bombay.

Provincial
Adminis-
trative
Organisa-
tion.

The police of India are organised by districts, a Police general control being exercised by the Inspector General of the whole force at the headquarters of the provincial government. The higher police appointments of district and assistant district superintendents,

¹ In all the provinces the chief engineer is also *ex officio* secretary to the government for the business of the public works department.

CHAP.
VIII.

and deputy inspector-generals (in the provinces where these are maintained) form a graded service for distribution and promotion, all British officers. This is the only branch of the service appointment to which until lately was still a matter of local patronage, now superseded by competition conducted in England. The provincial head of the police department is often a member of the covenanted civil service.

Jails.

The jail department is also mainly on a district organisation, each district having its jail under the general supervision of the magistrate. But prisoners undergoing long terms of servitude are collected in central jails, of which there is usually one for each of the divisional or commissioner's charges in which the districts of a province are grouped. The administration of the jails in each province is controlled by an inspector general attached to the local government.

Education.

Education, a branch of public business dealt with in the Home Department of the Government of India, is administered entirely by local organisation. Each province has its director of public instruction, and in most cases its government colleges and schools, with a staff of professors, masters, and inspectors of schools. The schools are divided into primary and secondary, represented in Bengal, where the business is on a larger scale than elsewhere, by nearly 70,000 of the one class and about 2,300 of the other. The greater part of these are government institutions or assisted by grants in aid; some of the largest and most flourishing of the latter are carried on by different missionary societies. In each of the larger cities and towns a high school or college is established, at which the education is carried up to the university standard, and there are various separate colleges or departments of colleges for special studies; of these the Sanskrit and Arabic Colleges at Calcutta, the Elphinstone College at Bombay, the Science College at Poona, the Muir College at



Allahabad, and the Sanskrit College at Benares may be specially referred to. At Calcutta, Madras, and Bombay there are state medical colleges, at which the subordinate staff of the medical services are trained, and a veterinary college has lately been established at Lahore. Universities have been established at Calcutta, Madras, and Bombay, and more lately at Allahabad and Lahore, examining bodies organised after the pattern furnished by the University of London, which confer degrees in arts, law, medicine, and engineering. During the year 1891-2 about 6,300 candidates matriculated in the five universities; but a great majority of these did not proceed further, and only about 1,300 students graduated in arts, law, and medicine.

The whole number of pupils under instruction throughout India in that year was nearly four millions, of whom one and a half millions were in Bengal—large numbers to deal with, but forming only a small proportion of the population. Of these again, by far the larger part were in the secondary schools, some of which are of an elementary kind, the instruction being given in the vernacular of the district, and in some cases not going even so far as reading and writing. The girls under instruction form only a minute part of the whole. The rate of school fees is throughout low, and the receipts are far from covering the cost of education. The whole expenditure on this head in India is about 30 millions of rupees, the fees amounting to less than 9 millions. The difference is met partly by local rates, partly by endowments, in making which many wealthy Indians have displayed conspicuous generosity; the balance of about 12 millions is a charge on the taxpayer.

The avidity with which the higher education put within their reach has been taken advantage of by the classes which throng the schools and colleges is a natural condition among a people always distinguished for acuteness of intelligence, and who had evolved an

CHAP.
VIII.

elaborate system of philosophy at a time when the Northern conquerors of Europe had not emerged from barbarism, and from that point of view must be regarded as a great success. But the system is open to two serious objections. The higher, as well as the primary education, is mainly gratuitous, and given at the cost of the general taxpayer. In India the bulk of the taxes are paid by the lower classes, especially the cultivator of the soil, the poorest of the poor. That these should be contributing to the cost of educating a wealthier class above them is indefensible. In the next place, the system of education is for the most part wholly literary, stimulating the unpractical side of the Indian character instead of remedying its defects. The educated classes of Indians, the Brahmins, have always been literary, and nothing else; the literature handed down from generation to generation for hundreds of years—modern Indian literature there is none—consists of a dreamy and unprofitable philosophy, or a mere travesty of history in the guise of extravagant fables, compared with which the myths of legendary Greece are sober narrative. The Indian displays great aptitude for pure mathematics, but none for its applications to science; the Indian university examination system plays up to this weakness. The encouragement given in English universities to the study of abstract science, suitable enough for the too practical Englishman, whose life is to be devoted to practical work, is peculiarly inappropriate for the Indian, who has no intention of handling any instrument but the pen. This unsatisfactory state of things arises from the traditional claim of the Brahmanic class, handed down from time immemorial, to a monopoly of education and clerical employment. And it is perhaps natural that a department which deals only with education, and not with its results, should be inclined to foster this tendency, and to encourage the taste of this class for purely literary



studies. But the teaching most needed for India is in physical science and technical art. In this last respect the Indian artisan displays remarkable aptitude whenever he gets the chance. In many railway workshops the whole of the machines are run by Indian workmen, who are found to possess all the skill and nerve required for the business; but this is the class which never finds its way into the colleges, while the students from the latter hardly ever turn to any practical or scientific occupation. The universities now send forth their hundreds—soon to become thousands—of graduates a year, the vast majority of whom look only to employment under Government or to the law for their livelihood. This unhealthy condition increases from year to year, and threatens to become a serious evil; we are artificially creating an ever-increasing class of hungry and discontented, because unsuccessful office-seekers. It is this class, educated at the expense of their poorer and uneducated countrymen, which fills the ranks of the vernacular press, the tone of which, with a few honourable exceptions, is scurrilous and mendacious to a degree unexampled in any other country, habitually and with uniform persistency misrepresenting the actions and intentions of the Government, and striving to foment disloyalty towards it, and hatred of the English in India. The higher education, of which this is one result, should at least be given at the expense of those who get it. Secondary education, on the other hand, especially in the vernacular languages, needs to be widely extended; so far the number of those who come under its influence are the merest fraction of the people. Still greater, perhaps, is the need for a widely diffused technical education. A beginning has been made in this direction, but a strong and sustained impulse will be needed from above to overcome the inertia of the present system, the tastes and preference for the showy and unpractical of both teachers and pupils.

CHAPTER IX

DISTRICT ORGANISATION

CHAP. IX.

Efficient
government
based on
decentrali-
sation.

THE different departments detailed in the foregoing chapter are organised for special purposes, necessary and important as part of the business of the State, but the members of which represent the Government only so far as their specific duties bring them into contact with the people. The business of these departments is conducted, so far as the higher officials are concerned, in English, and a man may serve a lifetime in them without learning to speak a consecutive sentence in any vernacular language. The Indians, other than his private servants, with whom he comes most in contact, are the English-speaking clerks of his office. So far as the people of the country generally are concerned, the government is represented by the district officers, the great body of officials who make up the bulk of the superior public service of the country.

The dis-
trict the
adminis-
trative
unit.

The district is the administrative unit, corresponding with the 'department' of France and other continental countries which have a centralised form of government. The headquarters of the district station is fixed at the principal town, where reside the group of English officials with their establishments who represent the government of the province, and form the medium of communication between it and the people.

Extent of
an Indian
district.

The number of districts in the different provinces varies in some accordance with their size and popula-



DISTRICT ORGANISATION

CSL
169

CHAP.
IX.

tion. Bengal, which is the most populous, and next after Burma the largest province of India, contains forty-seven districts, the North West Provinces with Oudh forty-nine, Burma forty-one, Punjab thirty-two, Bombay twenty-three, Madras twenty, the Central Provinces eighteen, Assam thirteen. The average size of a district varies considerably in the different provinces. Some of the Madras districts contain more than 12,000 square miles, a larger area than that of Belgium, and the average Madras district is a good deal larger than Yorkshire. In the North West Provinces and Oudh, which are densely populated, the district is somewhat smaller. In Bengal the districts vary in size from 1,200 to 6,000 square miles, and the average area is somewhat larger than that of Devonshire. The average population of a district is about one and three quarter millions in Madras, one and a half millions in Bengal, nearly two millions in the North West Provinces, three-fourths of a million in Bombay and Punjab.

The representative of the Government in each district is the officer who discharges the united but distinct functions of Collector and Magistrate. As Collector he is the agent of the Government for the collection of the district revenue, the principal item being derived from the land, of which, speaking generally, the Government is deemed to be the landlord or proprietor. His duties in this respect vary according to the nature of the tenures under which the land is held. In the greater portion of Bengal and a portion of the North West Provinces, the land has been leased for perpetuity in large estates at a fixed rent, under the arrangement known as the 'perpetual settlement,' effected by the government of Lord Cornwallis; and the ordinary business of the Collector in this connection is confined to receiving, at fixed dates, the sums payable by the landlords (zemindars), some of whose holdings are principalities in size, and furnish to them princely

Head district official the collector and magistrate. Duties of collector — in regard to land revenue;



revenues. A part of the North West Provinces also is under the zemindari settlement, made in perpetuity ; but generally the land revenue is determined by leases fixed for a term of thirty years, granted direct to the tenants, the community of each village usually taking a lease for its own lands. In Madras, while in a part of the province towards the north the zemindari system was established in the earlier days of our rule, the raiyatwari (or what may roughly speaking be termed the cottier) system obtains ; the settlement is made with each individual holder of a field or fields, and in some districts the separate leases granted by the Collector number many thousands. The raiyatwari system obtains largely in Bombay also, and in the Central Provinces, as well as in Burma. In Punjab the system is generally similar to that of the North West Provinces. But the Indian land tenures present almost every kind of variety even in the same province, a result of the political convulsions to which the country has been subjected, combined with the antiquity of its institutions and the extreme conservatism of its people. The Collector's court is the office of registry, where are recorded all leases, and the particulars of all landed rights and transfers of land with which the Government is concerned. Besides performing these duties as Government land-agent, the Collector is also vested with certain judicial powers in executing the claims of Government against defaulters, and in determining claims which arise of tenants holding from Government against their under-tenants for arrears of rent—on the principle that, since the Government exacts punctual payment of its own rents, it is bound to afford its tenants the means of obtaining their rents in turn. He superintends the partition of estates, and regulates the distribution of the Government assessment among the different subdivisions. He has also in certain cases to assume direct management of the landed property of minors holding land



DISTRICT ORGANISATION

CSL
171

from Government, acting in this respect in a capacity resembling that of the English Court of Chancery, in regard to the wards in his district.

CHAP.
IX.

The rent from land constitutes the principal source of Indian revenue, and its realisation is the subject which principally engages the Collector's attention. He is also the fiscal representative of Government for receiving all other descriptions of revenue levied from his district, acting as superintendent of excise, and assessor of the income, licence, or other personal taxes. Further he is the government treasurer, as well as the banker for the different public departments, which keep their public moneys in his treasury, and make all payments by means of cheques on the Collector. In addition to these specific duties, he has charge of the local funds for public works and other purposes appertaining to the district.

other
kinds of
revenue;

as district
treasurer.

In his capacity of Magistrate the same official is the general representative of government within his district. With him rests the responsibility for peace and order being maintained, the superintendence of the police, and the management of the jail. It is to him that all classes of the people look for aid in times of disturbance, and by him would be initiated any proposals needful for cases of emergency, as well as, at all times, for the improvement or well-being of the district. In addition to these general responsibilities, the Indian Magistrate has extensive judicial as well as ordinary magisterial functions. As his name imports, his court is the tribunal for first investigation of all criminal cases; but only those involving a heavy punishment are committed to the court of session. The rest he finally disposes of himself, his powers extending to a sentence of two years' imprisonment, and fine of 1,000 rupees. This arrangement is derived from the system originally established by Lord Cornwallis in Bengal, which was gradually extended to the

Duties of
magis-
trate:
general—

magis-
terial—
judicial.

Reason
for junc-
tion of
the two
offices.

CHAP.
IX.

other regulation provinces, as they came under British rule, and under which the offices of district magistrate and judge were united in the same person; although, it should be observed, the district judge had at this time no criminal jurisdiction, the jail deliveries being made by a separate court of circuit. The Collector was a separate officer, whose establishment dates from the time of Warren Hastings, when the management of the revenues of Bengal was first directly undertaken by the English. Subsequently, the duties of the magistrate were separated from those of the judge (as part of a reconstitution of the system of judicature which need not be detailed here)—the former, however, being vested with the judicial powers above mentioned, in view to relieving the pressure of business which had arisen in the higher court. Thus it fell about, that the office of collector having a higher salary attached to it than that of magistrate, the course of a civilian's promotion came to be from magistrate to collector; and the former grade was usually held by officers of comparatively small standing and experience. To remedy this practical defect, the offices of magistrate and collector were eventually united in the same officer. In the North West Provinces, Madras, and Bombay, this amalgamation was carried out many years ago; in Bengal the change is of comparatively recent date.

Joint Magistrate.

The Joint Magistrate and Collector comes next in rank of the district officials. This officer has passed all the tests imposed by the regulations of the service; and, as his name imports, he has co-equal powers with the Magistrate and Collector in the hearing of all suits brought before his court. He acts, in fact, as the deputy of the latter, for the disposal of such portion of the various business of the district in all departments as the Magistrate may make over to him. In Madras and Bombay this officer is styled Sub Collector and Joint Magistrate.



DISTRICT ORGANISATION

CSL 73

An Assistant Magistrate and Collector, with the official status of Subordinate Magistrate of the First or Second Class, is usually attached to each district, also a member of what until lately was styled the covenanted civil service; in the first instance *in statu pupillari*, with limited powers, which are gradually extended, until, after passing certain examinations, he is vested with the full powers of a magistrate, and is eligible for promotion to the post of joint magistrate on the occurrence of a vacancy in the province. These examinations are held annually, at some central point in the province, by committees consisting of civilians of standing, and embrace the subjects connected with the business of the administration—especially the vernacular languages, the land tenures of the province, the procedure of the courts, and the laws and regulations of the country.

CHAP.
IX.

Assistant-
Magis-
trate.

These members of the Indian (Covenanted) Civil Service, the Magistrate and Collector, the Joint Magistrate and Collector, and the Assistant, represent (with the superintendent of police and his assistant) the English element of district administration, five men at most to perhaps a million of people. Next to them comes the executive branch of the provincial civil service, the seniors of which are the Deputy Collectors, in number proportioned to the size and population of the district (almost always with magisterial powers also), all natives of India, and almost all Indians by race. Next below them is the Subordinate Civil Service, all Indians, the principal members of this being the officers, usually styled Tehsildars, in charge of the subdivisions (tehsils), into which the district is divided.¹ The Tehsildars, also, as a rule, have magisterial powers.

Native
district
officials

The office establishments in all departments consist almost entirely of natives of India.

¹ The designation of these officers varies in different parts of the country. In Bengal the officer corresponding with the tehsildar is a sub-deputy magistrate.



District
court-
house.

The central courthouse is of course at the headquarters of the district, and is generally placed a little outside the town, near the residences of the English officials. It contains a separate court for each of the officers above named, an office for the clerks, a muniment-room for the district records, and a strong-room for the treasury. The proceedings are conducted and recorded in the vernacular language of the district. The correspondence of the Magistrate and Collector with his superiors, and with the officials of other departments, is carried on in English. A Deputy Collector in each district has usually executive charge of the district treasury and accounts, under the general responsibility of the Collector.

District
Police.

Until within a few years ago, the Magistrate was also at the head of the police of his district, and it was his duty to apprehend criminals as well as to try or commit them. A radical change was made in this respect about thirty years ago, by the establishment of the new constabulary; the police force of each district is now under the control of a Superintendent, who, as well as his Assistant is an Englishman. With respect to the distribution and movements of the police, the preservation of order, and the repression of crime, the District Superintendent occupies a position of subordination to the Magistrate, who in this as in other matters is the head authority and representative of government within his district. In matters connected with the general organisation of the force—the pay, clothing, training, and so forth—the District Superintendent is under the orders of the Inspector General of Police at the headquarters of the provincial government.

District
jail.

The district jail is usually in charge of the District Medical Officer (who is styled the Civil Surgeon) under the general responsibility of the Magistrate. In this jail are confined all prisoners undergoing short sen-



DISTRICT ORGANISATION

CSL
15

CHAP.
IX.

tences. Those sentenced to long terms—that is, extending beyond two years—are removed to central jails, of which there is usually one to every five or six districts. Persons condemned to penal servitude for life are transported to Port Blair, a convict settlement at the Andaman Islands in the Bay of Bengal.

It has already been stated that the Collector is the assessor of the income, licence, or any other personal tax that may be levied. He has also usually the superintendence of the excise within his district. In some parts of India the sale of spirits is a government monopoly, and the manufactories of spirits are government establishments, leased out to contractors, who pay duty on the amount of spirit they distil. In other parts the business is farmed out, the right to manufacture and sell spirits within the district, or a portion of it, being sold by auction to the highest bidder.

Superin-
tendence
of excise,

A considerable part of the Indian revenue is derived from the stamp duties. Stamps are sold to the public by licensed vendors, who obtain their supplies from a depot kept in the collector's treasury.

and of
stamps.

Intermediate between the Government and the District Officer comes the Commissioner, a superior member of the civil service, who has the superintendence of (usually) from four to six districts, both as regards affairs generally, and the collection of revenue more particularly, as to which the Commissioner's office is a court of appeal from the decisions of the Collector, who is subordinate to the Commissioner in all business except that connected with the trial or commitment of prisoners to sessions in the magistrate's court. The Commissioner, whose office is the highest in the regular executive line, is thus the head of the administration in the extensive territory which constitutes his division, and the representative and embodiment of the government therein, in fact the highest representative of government with whom the inhabitants will ordinarily

The Com-
missioners
of Divi-
sions.

CHAP.
IX.

ever come in contact. In revenue affairs there is a further intermediary between the Commissioner and the Government in the form of a Board of Revenue, or a single officer exercising the powers of one—except in Bombay, where the Commissioner submits revenue business direct to the Government. In Madras, on the other hand, the office of Commissioner has never been introduced, and the Magistrate-Collector is in direct communication with the Board of Revenue in respect of revenue business, and with the government of the province about everything else. It should be added that the Commissioners, when first appointed, in 1829, under Lord William Bentinck's administration, were judicial as well as revenue officers. They replaced the provincial courts of session which had been established by the government of Lord Cornwallis, and held periodical jail deliveries in the various districts under their supervision. These judicial duties were eventually transferred to the judges of districts, who until then had exercised a jurisdiction in civil suits only.

District
judge.

This completes the list of the executive establishments. To turn now to the judicial department. The head judicial officer of the district is the Civil and Session Judge, a covenanted civilian, whose courthouse is usually established separate from, but in close proximity to, the collectorate. In this latter capacity he holds a monthly jail-delivery, for the trial of all prisoners committed by the magistrate or other officers having magisterial powers; he also hears appeals from the judgments of those officers. His powers extend to a sentence of fourteen years' imprisonment or transportation for life. Sentences of capital punishment must be referred to the High Court before they are carried out. On the civil side the Judge has a general superintendence over the course of proceedings in the numerous district civil courts of first instance. The lower class of



DISTRICT ORGANISATION

CSL
177

court is that of the Munsiff, for the original hearing of all suits involving amounts not exceeding one thousand rupees. Selected Munsiffs have jurisdiction in suits up to two thousand rupees. The higher class of court is that of the Subordinate Judge, a somewhat inappropriate title, his jurisdiction being greater than that of the District Judge, since it extends to all civil suits irrespective of the amount involved, whereas the judge's jurisdiction is limited to original suits not exceeding ten thousand rupees. Appeals from the Munsiff and Subordinate Judge, in small suits, are preferred in the court of the District Judge; appeals from the decision of the latter, and of the Subordinate Judge in cases exceeding ten thousand rupees in amount, are made to the Appellate Court of the province.

CHAP.
IX.

Native
judicial
officers.

The proceedings of all the courts are conducted and recorded in the vernacular of the district, the suitors being ordinarily acquainted with that language only; but the District Judge in all cases tried before him is required to take down a very full abstract of the depositions of the witnesses in his own hand, and to record his judgment in English. This abstract is in addition to the vernacular papers of the case, which contain all the evidence and other particulars in full detail. The record of every case is filed in the court where it was tried, available to be sent forward to the higher court if the case is appealed.

Proceed-
ings of
district
judicial
courts.

The chief seat of judicature in the four older provinces is the statutory High Court, situated at the capital town of each, the judges of which consist partly of civilians, partly of barristers selected either from the Indian or English bar, and partly of pleaders in the Indian courts, the minimum number to be chosen from each class being specified in the Act of Parliament constituting the court in each case. These judges are appointed by the Crown, and hold their seats during good behaviour. The High Courts have original juris-

The High
Courts.

CHAP.
IX.

Their jurisdiction and functions.

diction in the trial of European British subjects within the province (over whom the district courts have only a limited authority in criminal offences), and for offences committed by all classes within the limits of the capital towns as well as in civil suits arising out of transactions therein. One or two of the judges are usually wholly employed on this class of business, but the principal functions of the Court are performed on the appellate side. All capital sentences passed by district judges are referred to the High Court for confirmation before being carried out, and appeals are heard in it from the decisions of a district judge on the civil or criminal side, and in civil suits from the courts of the subordinate judges. The High Court has also a general superintendence over the procedure and conduct of the various courts of the province.

Bar of district and high courts.

The bar of the district courts consists of certificated pleaders whose qualifications are tested by examinations conducted under the orders of the High Court. The bar of the High Court consists of pleaders, native and English, and barristers-at-law. The bar may plead either in the vernacular or in English. Interpreters are employed in the High Court to translate the evidence of witnesses and the vernacular papers attached to the cases appealed, for the information of such of the judges as may not be acquainted with the native languages. The appellate court, as a rule, deals solely with the written record of the case, and admits not fresh evidence.

Free use of appeal permitted.

The system of Indian law provides for a very free use of the right of appeal in both criminal and civil cases. Every case tried in the lowest civil court, that of a Munsiff, can be appealed to the Judge's Court of the district, while all suits involving more than a certain sum can be carried in appeal from the District to the High Court, and others can be appealed finally to the Judicial Committee of the Privy Council in London.



Appeals in criminal cases can be carried from the court of the magistrate to that of the Sessions Judge and again to the High Court. This freedom of appeal has been deemed to be a necessary condition of the constitution of the Indian law-courts. The inferior social condition of the native judicial officers of the lower courts and the imperfect training of all the judges in earlier days; the total absence, so far as the district courts are concerned, of the restraint exercised in European countries by an honest and highly trained bar, and by the criticism of an intelligent press—rendered a supervision over the proceedings of the Indian law-courts from some higher authority especially desirable. A district court is never visited by any one except the suitors; the only record of the proceedings is contained in the judge's own report; and therefore the only check afforded on them is the review of the record on appeal by the higher court. Under these conditions, a free right of appeal is necessary to ensure the suitor a reasonable chance of obtaining a remedy; but the exercise of this right, and the complicated procedure enjoined by the regulations, render Indian lawsuits extraordinarily protracted and expensive; and it would be difficult to say whether the litigious character now manifested by the people in those parts of India where British law-courts are established, is a cause or an effect of those institutions. Certainly, the apparently capricious way in which the judgments of each court often appear to be upset by the next above, which renders the final issue of a lawsuit a matter of uncertainty until the highest court of appeal is reached, in a degree unknown in any other country in the world, is calculated to promote a spirit of reckless gambling in law, among a people to whom most forms of excitement are not available. At any rate, if the Indian system of appeal was favourable to the rich suitor who failed to obtain justice in the first trial, it as often as not barred the road for justice

CHAP.
IX.

Its good

and bad
effects.

CHAP.
IX.Small
cause
courts.

against the poor man, who practically was without a remedy at law until the introduction of small cause courts. These have long been established in the three presidency towns, with a jurisdiction over suits not exceeding 1,000 rupees, and limited to the class of cases which can be dealt with by the English county courts, and similar courts have been gradually established in every considerable town throughout the country. The judges are chosen, in the presidency towns from the European and native bar of the High Court, and elsewhere usually from the native judiciary. In the majority of cases, however, the office of judge of a small-cause court is held in conjunction with some other judicial office, but with separate records and procedure. The fees of these courts are moderate, the procedure simple, and no appeals are permitted from their decisions, except in special cases and under certain narrow conditions. Altogether, the introduction of these courts is one of the greatest improvements in legislative procedure which has been conferred upon the country.

Higher
grades of
civil ser-
vice dis-
tributed
in two
branches,
executive
and judi-
cial.

It will have been understood from this account of the district administrative system, that the official training of the civil servant up to a certain point is the same for all. It begins with his first appointment as an assistant magistrate and collector, and he continues to be employed on both magisterial and revenue duties until he reaches the position of joint magistrate and collector. In no other way could a better or so complete a knowledge of the people and their institutions be obtained. The great mass of the people being engaged in agriculture, most of them as owners in whole or part of land, a thorough knowledge of the complicated systems of Indian land tenure is the first qualification needed for efficient administration. This, which is needed equally by the judge as by the executive officer, can best be gained in the district revenue courts, while the conduct of the magisterial courts gives the needful ex-



perience in the criminal law, and an officer can become fit either for the charge of a district—and the efficient administration of the district is the first condition for the proper government of India—or for the exercise of higher judicial functions, only by training in the two kinds of business, the land revenue and the criminal law. On reaching the grade of joint magistrate and collector the civilian has, for further advancement, to make his final choice between the executive and judicial lines, electing either to remain in the administrative line and succeeding to the charge of a district, when the appointments of commissioner of a division (or group of districts) and to the board of revenue are available; or passing on to the office of district judge, with the prospect of eventual preferment to a seat on the high court of the province. Still higher appointments are the Lieutenant Governorship of a province or a seat in Council, but these, the prizes of the service, are practically monopolised by the secretaries to the different governments, whose services, if involving less real responsibility, bring them more prominently under the notice of the dispensers of patronage than are the administrative officers scattered about the country.

It will also be understood from this account that by much the greater part of the civil service is engaged on district work. The men attached to the special departments and offices outside the regular line are the exceptions, but exceptions which the tendency of the times is to increase, as with the greater complexity of modern government the necessity is assumed to arise for creating new departments to deal with technical business. To the extent to which this goes on, and men are withdrawn from district-work to duties in offices at the headquarters of the different governments the business of which is carried on in English, the efficiency of the administration as an instrument for keeping the government in touch with the people necessarily suffers. The

The civil service employed mainly on district administration;

CHAP.
IX.important
of all
duties.

increasing acquaintance of the educated Indians with the English language operates in the same direction to diminish the necessity for a thorough familiarity with the vernaculars, and there is always a tendency among those in high places to forget that if a few thousand Indians can speak English, there still remain the millions whose thoughts and feelings can be arrived at only through the medium of their own tongue. A man may gain credit and preferment as a secretary who has forgotten what he once knew of the language and sentiments of the people, and can scarcely converse with even a native gentleman, much less with a peasant. And in the distribution of honours and preferments it seems to be too little borne in mind that the men who are actually administering the country, the magistrate-collectors each ruling over his million or million and a half of people, for whose well-being he is mainly responsible, and to whom he is the embodiment of the government, are really doing more important work than the office men at headquarters whose services come more immediately into view, still more than the irresponsible officials in England who to the advantages of well-paid and easy duty in a good climate may add whatever a large share of the titular honours bestowed for public service may be deemed to be worth. Yet if arduous duties carried on in a bad climate, with little relaxation or leave, receive but scant recognition, nevertheless the district officers and the superior officers who rise from their ranks are the mainstay of Indian administration. Of late years the tendency has been to overweight this class with an excess of multifarious duties arising out of the ever-increasing central departments at the headquarters of the provincial government, and with calls for reports and returns upon every conceivable description of public business. And the further this is carried, and the more the district officer is tied to his desk, the less efficient



and Bombay the same statutory powers as had been given by the Act of 1773 to the Government of Fort William [Bengal], for their respective territories, and a similar system of Regulations was introduced by those Governments accordingly. In 1833, when the Government of Bengal became the Government of India, the power of the Governments of Madras and Bombay to frame Laws and Regulations was withdrawn, and the Governor General in Council was empowered to frame Regulations, henceforth termed Acts, for all parts of India, the Council being strengthened (as has been already mentioned [p. 118]) by the addition of a fourth councillor, for the business of making Laws and Regulations only. This arrangement lasted until 1853, when a Legislative Council of India was created by the addition to the Executive Council of a certain number of councillors for legislative purposes only. [The particulars of this measure, and of the subsequent changes in the composition of the Legislative Council and of the establishment of similar provincial bodies have been given in Chapter VII.]

The Regulations and Acts of the Government of India, which have thus the same statutory force in that country as have Acts of Parliament in the United Kingdom, provide, among other matters, for the establishment of courts of justice, and while determining the composition and jurisdiction of the various courts, and the functions of many departments of the administration, prescribe also the course of procedure to be adopted in the prosecution of suits. No code of laws was promulgated in the first instance. The course of justice was to be made conformable to the customs of the country, and to the precepts of the Mahomedan and Hindu law, so far as they could be ascertained and (on the criminal side) were not altogether repugnant to European ideas; and various enactments were passed from time to time, modifying those laws, altering the degrees of

CHAP.
X.

Certain
districts
exempted
from their
operation.

penalties, declaring certain offences to be penal, and so forth. The bulk of the Regulations, however, had reference to the procedure of the civil and fiscal courts; they supplied by law a definitive procedure, which in England and elsewhere has been slowly developed in the practice of the courts through many centuries; and their result was to create artificially, and *per saltum*, almost as complicated a procedure as in countries of older civilisation has been brought about gradually by the accumulated pedantries of ages, and, under which the issue of an Indian lawsuit came to depend as much on the observance of nice and tedious formalities as on the merits of the case.

But whatever might be the opinion held by the framers of these Regulations, of the benefits conferred by them on the body of the people, it was seen that for some at least of the races of India, so technical and complicated a procedure was unsuitable and pernicious. And accordingly many territories acquired from time to time were never brought under the Regulations, while others have been removed from their operation and placed under a more simple system. But the Acts of Parliament dealing with India all assumed the British portion of the country to be distributed among the Presidencies, within one or other of which all British territory was comprised, and were silent as regards any other territory not allocated to a Presidency, the administration of which therefore fell to be undertaken by the Government in virtue of the act of conquest or cession. The most important cases in point were those of the extensive tract in Central India, long known as the Saugor and Nerbudda Territories, annexed after the Maratha War of 1817; Assam and the tracts bordering on the Bay of Bengal, acquired from the Burmese in 1826; Sind, annexed in 1843; Punjab in 1849; Pegu in 1852; Nagpur in 1854; and Oudh in 1856. For all these additional provinces, simple codes were drawn up



DISTRICT ORGANISATION

CSL
183

must he become for the discharge of the primary and most important of his duties—the administration of his district, which can be properly conducted only by leaving him sufficient freedom and leisure to make himself thoroughly acquainted with all parts of it and its people.

CHAP.
IX.



CHAPTER X

THE NON-REGULATION PROVINCES

CHAP.
X.
Nature of
the Indian
Regula-
tions.

IN the foregoing account of the civil administration and of the duties of district officers, the system described is that obtaining in what are termed the 'Regulation' provinces—Bengal, the North West Provinces, Madras, and Bombay. The Regulations referred to, are, as has been explained in earlier chapters, the enactments of the Government which for many years constituted the body of public law. Statutory powers were first given by an Act of Parliament passed in 1773,¹ amended by an Act of 1781,² to the Governor General and Council at Fort William in Bengal, to 'make and issue . . . rules, ordinances, and regulations for the good government of the settlement.' It appears to have been tacitly assumed that the Act of 1773 gave also validity to all Regulations made previously to that year, but the matter was placed on a clearer footing in 1793, when the Bengal Government annulled all the Regulations promulgated by it up to that time, and began a new series of enactments, the first forty-eight of which, for the most part re-enacting in new form what had gone before, were passed on the same day (May 1) of that year. These and all subsequent Regulations, were extended to the North West Provinces on their annexation in 1801. Acts of Parliament passed in 1797, 1800, and 1807 gave to the Governments of Madras

¹ 13 Geo. III., C. 63.

² 21 Geo. III., C. 70.



THE NON-REGULATION PROVINCES

CSL
187

adapted to the circumstances of each, and the Regulations were applied to them only in respect of such particular localities and such special regulations as appeared suitable in each case.¹

CHAP.
X.

Thus the provinces of British India come to be divided into two classes—Regulation and Non-Regulation, the procedure of the law courts of the one being of a highly elaborate and technical kind, and in the other of a simple and summary form, but not necessarily less precise and definite, and very much more so than the native system which it replaced. Further, the administrative staff of the two was differently constituted. Successive Acts of Parliament prescribed that all civil appointments, from that of Assistant Magistrate and Collector upwards, should be filled from the covenanted civil service, a very necessary provision to prevent jobbery and the appointment of improper persons which would certainly have otherwise occurred in the earlier days of our rule: they further prescribed indeed that all promotion throughout the service should be regulated by seniority except only as regards the members of council, a restriction formally removed only in 1861 by an Act of Parliament,² which also legalised the appointment of other than covenanted civil servants to offices, such as that of military secretary to government, and others, as in the engineering and educational line, requiring special technical qualifications. But the law notwithstanding, for the non-regulation provinces, as each in turn came to be dealt with, there was organised an administrative staff, consisting partly of civil servants drawn from the regulation provinces by the prospect of more rapid promotion, partly of military officers withdrawn from their regiments, the only other agency extensively available, and to some small extent

Regulation and non-regulation provinces.

¹ For example, an Act of 1885 establishes the subordination of the law courts in Assam and on the Burma littoral to the Supreme Appellate Court of Bengal.

² 24-25 Vict., C. 54.



of officials, British and native, promoted from subordinate positions. Further, in all these non-regulation provinces a new designation was adopted for the district officers. The Magistrate-Collector was styled Deputy Commissioner. In the smaller provinces the Commissioner who came next above the District Officer was also the head of the administration, under the direct orders of the Supreme Government; to the larger provinces a Chief Commissioner was appointed, with one or more high officials to superintend the administration of the revenue and judicial courts, fulfilling in effect the functions discharged in the regulation provinces by the board of revenue and the supreme court of appeal.

Ambiguity
of the law
regarding
the non-
regulation
provinces.

Thus the non-regulation provinces differed from the regulation 'presidencies,' both as to the system of law under which they were governed, and the form and composition of the administrative agency. But the former had for a long time no statutory recognition. The Act of 1833 does indeed apply to 'the British territories in India, and to all other territories . . . now in the possession and under the government of the said Company,' but the implication conveyed by the wording of the Act throughout is that all these territories are comprised within one or other of the presidencies, and it would almost appear as if the drafter of the Act had been unaware of the existence of any territories not so comprised. The first explicit recognition of the existence of territories without the limits of a presidency, if even this reference can be so called, is contained in an Act of 1854,¹ which empowers the Governor General in Council to take under his direct administration any part or parts of the territories in

Effect of
Act of
1854.

¹ 17-18 Vict., C. 77. The professed primary object of the Act is to empower the President of the Board of Control to countersign the letters patent of Indian appointments in place of the Lord Privy Seal; it would appear as if the clause here cited was inserted as an afterthought.



the possession of the Company, and was introduced no doubt in view of the recent acquisitions of Punjab, which was being administered by a Chief Commissioner under the orders of the Government of India, and of Pegu, under a Commissioner. The Act thus gave legality to the administration established for the province of Nagpur, annexed in that year, and provided for the cases of other outlying provinces, as Tenasserim on the Bay of Bengal, Coorg in Southern India, and Singapur, which had been already for long in occupation. But it made no provision for the districts in various parts, which although not administered directly by the Governor General in Council, were yet removed from the operation of the regulations. A well-known case in point was the removal in 1855 from the operation of those regulations of the Santal District—a wild region on the north west frontier of Bengal, inhabited by a simple primitive people, who had been driven into rebellion by the exactions of the money lenders pressed through the agency of the law courts. This country was placed under a special commissioner (in subordination to the Bengal Government) who administered it under a code of simple character, adapted to the circumstances and understanding of the people affected, who ever since the change have remained peaceable and contented. The measure was carried out by an Act of the Legislative Council of India created in the previous year; nevertheless the validity of it appears open to question, in view of the fact that the administration of the tract in question was not undertaken directly by the Governor General in Council, but remained under the Lieutenant Governor of Bengal. At any rate, the law had never been repealed which prescribed that all civil appointments throughout India should be held by covenanted civilians only, and under which therefore the administrative constitution of all the non-regulation provinces,

CHAP.
X.

First statutory recognition of non-regulation provinces.

and a great many appointments of various kinds within presidential limits continued to be illegal.

The first specific statutory recognition of the non-regulation provinces is to be found in the Act of 1861,¹ which also gives retrospective validity to all legislation previously carried out by the Government of India in regard to them, and authorises the appointment to offices therein (and elsewhere under certain conditions) of other than covenanted civil servants. The non-regulation provinces thus came to occupy a definite and recognised position as parts of British India in addition to the presidencies. But the distinction between the two in regard to the laws under which they were governed—the latter under laws passed in the Legislative Council, the former under laws passed by the Government of India in their executive capacity, has since then been almost obliterated. By the Act of 1833 a commission was appointed to frame a body of substantive law for India, whose labours after nearly thirty years bore fruit in the presentation of a series of Codes dealing with various branches of the law. The Indian Penal Code, introduced in 1860, and the Code of Criminal Procedure which followed it in 1861, were made applicable, with slight local modifications, to the whole of British India. Other great Codes have followed, dealing with civil procedure, and codifying parts of the unwritten law, as in regard to succession and contract. A great many other Acts, as those creating or altering the mode of taxation, relating to emigration, to cantonments and to railways, are also for the most part of general application. Further, every province has been made the subject of special legislation by the Governor General's Council.²

¹ 24-25 Vict., C. 67, sec. 25.

² For example, various Acts passed since the annexation of Upper Burma are concerned with the establishment of laws and administration for that province. In 1890 four Acts were passed which placed the administration of the newly acquired province of Baluchistan on a regular footing.



THE NON-REGULATION PROVINCES

CSL
191

CHAP.
X.

Distinction between two classes no longer in force,

except as regards the administrative agency employed.

Variations of administrative system in different provinces.

Thus, the old distinction of regulation and non-regulation provinces has disappeared ; every province is subject to regulation, but some have been under regulations longer than others and are subject to more. The only distinction that remains is of a personal kind, the designation of officials and the composition of the administrative staff. In the four older provinces all appointments in the regular civil line are filled by members of the Civil Service only, while in the other territories subsequently added to the empire, as well as those withdrawn from the operation of the Regulations—as for example the South West Frontier of Bengal—this condition is not acted upon. This distinction will also soon be a thing of the past. It is to be still maintained so far that military officers will continue to be eligible for employment in the civil administration only in what were termed the non-regulation provinces, but in other respects the conditions of appointment to civil offices have recently undergone a radical and very important change, which forms the subject of the succeeding chapter. It may be just mentioned here that the judicial and administrative systems pursued in these provinces present considerable variations according to the degree of advancement to which each has arrived. In Punjab the difference from the system obtaining in the older provinces is slight. The district officer is still called Deputy Commissioner, but judicial duties have been transferred from him and the Commissioner to a judicial branch of the service comprising District and Divisional Judges, while in place of the Judicial Commissioner of the province, a Chief Court has been established, differing from the High Courts of the older provinces in that it has been created by the Indian legislature and not by act of parliament, and that the judges are appointed by the Government of India instead of by the Crown. In Oudh the same separation has been made of administrative and judicial duties ; but at the head of the

CHAP.
X.

Judicial service are two Judicial Commissioners, with power of reference when their decisions do not agree to the High Court of the North-West Provinces. In the Central Provinces two superior judges hold office, appeals going to a Judicial Commissioner. In Assam also there are two judges, but there is no Judicial Commissioner, appeals going to the High Court of Bengal. In Burma, where a more simple procedure obtains, the Commissioners of Divisions continue to be also Sessions Judges; the highest court is that of the Judicial Commissioner, one for Lower and one for Upper Burma, but the Recorder of Rangoon has local jurisdiction approaching to that of a High Court, and he has jurisdiction also over European British subjects throughout the province, appeals lying from his court to the High Court of Bengal. In the different native states the Agents to the Governor-General have the powers of a high court for dealing with suits between British subjects, or criminal cases in which these are concerned within their respective charges.

Amount of
judicial
business.

During the year 1891 about one and three quarter millions of civil suits were instituted in the various courts throughout the country, and about one and a half million persons were brought to trial, of whom about 200,000 were tried for serious offences—thief, housebreaking, cattle theft, gang robbery, offences against the person, and murder. Of those tried about one half were convicted. About ten per cent. of these cases were appealed; 427 persons were sentenced to death for murders committed throughout British India, including the wild uncivilised tracts recently brought within it.

Moderation
of
scale of
civil salaries.

A noteworthy point in connection with the staff of British officials which conducts the civil administration of India, is the moderate scale of pay which obtains throughout the service. We must not of course compare the Indian with the English civil servant; the one



is a clerk, the other an administrator. The Indian civilian does not undertake clerical duties except in posts corresponding, so far as the analogy holds good, with the very highest posts, as of under secretary of state or secretary to a department, to which the English civil servant can rise. There is no public employment in England of the kind which occupies the greater part of the Indian Civil Service; the only corresponding cases are furnished by the civil services of the Crown Colonies, and compared with these the Indian rate of pay is low, especially since the fall in the gold value of silver. The Lieutenant Governor of an Indian province receives about the same rate of emolument as the Governor of Singapore or Jamaica; the colonial judges, with comparatively trifling duties, are nearly as well paid as those of the high courts in India, who hear the appeals from fifty to seventy millions of people. The same contrast between relative responsibility and remuneration runs through the whole scale of offices. The present rates of Indian civil salaries were substantially fixed by the government of Lord Cornwallis a hundred years ago, since which time the duties in all departments have become greatly more onerous, while the value of silver has fallen one half, and with this fall there is an end of one great attraction offered by Indian service, the comfort and freedom from anxiety about money matters which largely made up for the drawback of exile in a bad climate. The substitution of what was then a very liberal scale of salaries for the scanty recognised emoluments Lord Cornwallis found in force, was an act of statesmanship which transformed the whole character of the Indian public service, and brought it to the high standard of purity and efficiency which it has ever since maintained. It will be an evil day for India when public servants occupying important posts, and exposed—if they were once open to the suspicion of entertaining the notion—to peculiar

And recent depreciation of them.



CHAP.

X.

temptations, come to feel as a daily pressing care the difficulty of making two ends meet. From the nature of the case the Indian official is without professional or commercial interest, and practically the only opening for his sons is in the public service, all the branches of which can now be entered only through competitive examinations. Education, therefore, is a heavy charge on his purse, especially as this is combined with the condition of finding a home for his children in England; while since the family income ends with his life, and he leaves no saleable goodwill or business behind him, it is peculiarly incumbent on him to save as well as spend. There are not wanting indications that the pressure of poverty, the difficulty of supporting a family, and the impossibility of laying by anything for their support, is already beginning to press heavily on the public service in all departments. The least evil effect of this will be the growth of a general feeling of discontent. And the restoration to the service of a scale of remuneration which shall be in substantial accord with the importance of the duties imposed on it and with what it has enjoyed in the past, is not the least difficult of the administrative problems with which the Indian Government must shortly be called on to deal.



no more appropriately placed, than a Neapolitan or a Greek if set down in charge of a district of France or Prussia. The rule of this class, so far as can be told, has been distasteful in every country except Bengal, the only one practically which has furnished candidates to the competition. The ruling classes of the Hindus, and still more markedly all classes of the Mahomedans, to whose power we had succeeded, have held altogether aloof from these competitions.

As a means therefore of obtaining a representation of the higher classes of Indians in the upper ranks of the public service, the competitive system failed. It could not be said that the pledge had been redeemed which was made in the Queen's proclamation, that Her Majesty's subjects, of whatever race or creed, should be freely and impartially admitted to offices, the duties of which they may be qualified, by their education, ability, and integrity, duly to discharge. And it might reasonably be objected that the test of fitness as above defined was not fairly applied, when the condition was attached that it should be undergone in Europe. The class of Indians, whom on the score of fitness for ruling their fellow subjects it was most desirable to associate with ourselves in the administration of the country, were just those whom this particular test would certainly keep out. And apart from the condition attached of residence in Europe, the test was of a kind particularly unsuitable for the selection of Indians. In the case of Englishmen, the presumption is fully justified by experience that there is no incompatibility between the possession of intellectual power and of the moral and physical qualities needed in the rulers of men; that these will be found just as largely present in company with mental endowments as in those who are less fully equipped in the latter respect. But this condition does not hold of the people of India, of whom it may certainly be predicated, that the classes

Its unsuitability to the case.

CHAP.
XI.

who crowd into our schools and colleges, and show an aptitude for acquiring the knowledge to be gained there as remarkable as gratifying to those who have fostered the development of education in India, belong for the most part to a section of the community who have never shown any capacity for rule, but have been from time immemorial a subject race, employed indeed in the public service, but never in positions of authority, and of whom it may be declared the people of the country at large would not wish to be ruled by them. A system of educational tests only, whether applied in England or in India, must have the certain effect of giving a monopoly of office to this class, to the exclusion of those whom it should be our aim to associate with ourselves in the administration, the natural leaders of the people whom they look up to and respect. The competitive system, therefore, even if by this means the introduction of Indians into the Civil Service had been distinctly contemplated, was in this respect a distinct failure. Even as a means of admitting any class of Indians, suitable or otherwise, to the higher public offices, the number who gained a place at the competition was so small as practically to leave the people of India still excluded. Meanwhile, the spread of higher education; the ability displayed by many Indians at the bar followed by the elevation of more than one successful lawyer to the bench of the High Courts, the highest tribunals of the country; the distinction others had obtained in commerce; and the integrity and good conduct generally exhibited in the native subordinate services, gave sufficient evidence of the claims established on every ground of justice and propriety for removing this bar against their further advancement, and redeeming the pledge given in the Queen's proclamation.

The means attempted to carry out this policy again took the form of a modification of the constitution of