



CHAPTER XXVII

THE RELATIONS OF THE GOVERNMENT OF
INDIA WITH THE INDIAN STATES, 1858-1918

THE relations of the Government of India with the Indian states offer questions of extraordinary difficulty for the historian, especially in the period covered by the present chapter. The position at the outset in 1858 is full of ambiguities, the available information is most imperfect, and the existing treatises either confuse arguments drawn from treaty-rights with others drawn from moral considerations or attempt to show that the relations ought to have been international in character as between independent European states. Lee-Warner's well-known volume, *The Native States of India*, an admirable exposition of the government's standpoint about 1900, is an outstanding example of the first; and Nicholson's *Scraps of Paper*, a characteristic specimen of the second. Both are concerned rather to prove a case than to lay bare and analyse the facts.

Indeed from the beginning the facts are strangely elusive. In what did the paramountcy of the Company consist and what were its foundations? The enquirer of 1858 would have found that within seven-eighths of the 600 odd states with which the Company's government was in actual or potential contact, its relations were not and had never been defined. All these states were tiny and many of them insignificant. No treaty or agreement had ever been necessary. They lay under the shadow of their great neighbour, and carried out such orders as they might receive from it. Nor did their existence represent any new phenomenon in Indian politics. Every Indian conqueror had found himself embarrassed by the difficulties of administering the great extent of India, and had always left more or less undisturbed great numbers of local chiefs who thus fell into dependence without ever undergoing the rigours of conquest. Their position had always depended on the attitude and might of the dominant power; and what they had been under the Moghul emperor they continued to be under the East India Company.

With the remaining eighth the Company's relations had once been defined by a series of treaties. The contents of these documents varied greatly. One class—the treaties with Baroda, with Mysore, with Oudh—gave the Company wide powers of interference in the internal affairs of the state, besides transferring to the Company the control of external relations. Since the occasions of interference would assuredly be selected by the Company and not by the state, such



princes were undoubtedly dependent. With a second class—the Rajput states, for example—treaties had been made vesting in the Company the whole control of external relations, entitling it to demand in the event of war the whole resources of the states, but stipulating at the same time that the princes should be absolute rulers within their own territories. Chiefs so bound clearly enjoyed nothing like international status, but equally clearly retained wide sovereign powers which according to the letter of the treaty they could exercise as they pleased. A third class is illustrated by the Nizam of Hyderabad, who originally entered into treaties with the Company on at least equal terms. At the close of the century, however, he was reduced by his inferiority of power, especially as compared with his Maratha neighbours, to accept the Company's military protection, in return for which he surrendered control of his foreign policy, and engaged if necessary to assist the Company with a specific (not unlimited) force. No clause in his treaties deals with the matter of his internal authority, which when the earlier treaties were concluded was regarded as unquestionable.

These treaties all have one peculiarity which marks them out from most of the documents familiar to the European diplomatist. Most European treaties relate to states not indeed of equal power, but of equal rank. They rarely cede any element of sovereignty. Territory may be neutralised and guaranteed, a succession may be guaranteed, even in the case of Greece a constitution may be guaranteed. But even in the last case which went near in principle to the Indian treaties, the sovereignty of the guaranteed constitution remained unimpaired. The nearest European parallel seems to be offered by the treaties which Prussia concluded with the other German states after defeating Austria in 1866. But time was not given to develop these agreements as time developed Indian agreements. But no prince can accept a foreign garrison, which remains under the orders of a foreign state and constitutes the only reliable military force in his dominions (and this was the case with the Nizam), without losing a great deal more than the control of his foreign policy. Whatever his treaties may declare, he has ceased to be master in his own house, and the effects of such agreements must in fact always prove extensive, however moderate their actual terms may be, for the prince's sole remedy is to denounce his treaties, engage in a desperate war, and place himself yet more completely at the mercy of the other party than he was before. What was true of the Nizam was *a fortiori* true of the other princes who passed more formally under the Company's tutelage. In fact, while European treaties have normally constituted a settlement of past questions, the Indian treaties much more often have formed a point of departure; the first have generally recognised and defined existing conditions, while the second have by their very signature created a new situation. In form the relations between the Company



and the Indian states seem to follow the international practice of Europe; but in substance they follow much more closely the lines of a constitutional development. This confusion of form and substance, of theory and practice, has produced many of the uncertainties and difficulties with which the study of the subject is beset. Again, the language of the treaties is often inconsistent. The Gaikwar's treaty of 1817, regarding an exchange of territory with the Company, speaks of the transfer "in sovereignty". One might suppose from this that the Gaikwar enjoyed sovereign status in the Company's eyes. A letter from the governor of Bombay in 1841, even explicitly acknowledges the Gaikwar to be "sole sovereign" of his territories. But this view is scarcely reconcilable with the fact that the Company not only managed his external relations, but possessed a formal right of interference when it judged proper in his internal management and a formal right of being consulted in the choice of his principal minister. Such controlled powers amount to something appreciably lower than sovereign status. In these circumstances a wide latitude of interpretation had been introduced. In the Company's eyes one fundamental purpose of the treaties had always been the protection of the respective states, usually undertaken by the Company on specific financial conditions. Financial disorder within a state would therefore threaten to undermine a vital condition of the promised protection, and was normally held by the Company's government to justify interference alike when the treaty was silent on the point of internal management and when it contained an express stipulation against interference. Again, in some cases the Company had specifically agreed to protect the prince not only against external attack, but also against rebellion. Such obligations were considered to involve a right of internal interference whatever might be the other provisions of the treaty in question. Frequently we find the Company's government following the practice of advising certain princes on the choice of their chief minister, at Baroda, for instance, where it was a treaty right, and at Hyderabad, where it was not. After about 1834 also the Company made a practice of insisting that no succession should take place without its sanction and approval. The ground for this would seem to consist, not in any inheritance from the Moghul Empire which indeed the Company never claimed, but in the need of securing the succession of rulers who would not persistently evade their treaty obligations.

However, in this matter of constructive rights claimed under the treaties, there had been little uniformity of policy. The attitudes of successive governors-general might differ completely. Dalhousie, for instance, was rigidly consistent in his view that the treaties should be observed to the letter. When urged, for example, by the resident at Hyderabad to interfere actively in the Nizam's internal administration, he repudiated wholly the doctrine that the Government of India



was responsible for the good administration of the state.¹ But this strict stand upon the treaties was singularly dangerous to the states themselves. Many states were financially mismanaged, and the financial clauses always were precise. States which had been created by force of the Company's arms, states which had been conquered and regranted, states which had been dependent on the Peshwa when the Peshwa was overthrown by the Company, were restricted from adoption in case of a failure of natural heirs either by the explicit clauses of their treaties or by the traditional need of sanction which the Company inherited with the Peshwa's other political rights. The net result was that the position of the Indian states was reduced by those who desired above everything to avoid annexation, while their very existence was threatened by those who adopted as their guide strict diplomatic right.

The position in 1858 was therefore exceedingly indefinite. Beside the rights vested by treaty in the Company, there had arisen under no sanction but that of superior power on the one side and reluctant acquiescence on the other a body of precedents relating to successions and to interference in the internal administration of the states. Together these constituted the Company's paramountcy, undefined, undefinable, but always tending to expand under the strong pressure of political circumstances. The process, as has already been suggested, was a constitutional, not a diplomatic development. The princes who in the eighteenth century had been *de facto* sovereigns but *de jure* dependents, had become *de facto* dependents though possessing treaties many of which recognised them as *de jure* sovereigns.

The change of government in 1858 offered a great opportunity for the removal of these anomalies. What was needed was discussion and definition. But the need seems to have been completely overlooked. At a moment when it was the fashion to describe the Indian states as breakwaters on which the Mutiny had dashed in vain,² it would have seemed perhaps unwise, certainly ungracious, to insist on the princes' formal recognition of the changes that had taken place after the earlier treaties had been made, and to define precisely their position and obligations. No attempt was made to simplify the ambiguities of the situation. The treaties were confirmed *en bloc*, first in the new Government of India Act, and then in the proclamation announcing the policy which the crown would follow. This meant plunging yet deeper into the embarrassment arising from the inexperience of early negotiators and the looseness of oriental political terms. The dilemma remained unsolved. The representatives of the crown, like the representatives of the Company, would have to choose between giving treaties a literal effect (which in the past had invariably led to misgovernment, disorder, and annexation) or giving them such a con-

¹ Fraser, *Memoir of J. S. Fraser*, p. 291.

² But cf. Durand, *Life of Sir H. M. Durand*, II, 222.



restrictive interpretation as would materially affect some of them, but would at the same time promote the main purpose of all, the maintenance and protection of the states themselves, in a growing closeness of union with British India.

The language of the early viceroys shows conclusively that they never hesitated about the course they meant to follow. Canning writes that the Government of India is not debarred

from stepping in to set right such serious abuses in a native government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a native state when there shall be sufficient reason to do so. This has long been the practice. We have repeatedly exercised the power with the assent, and sometimes at the desire, of the chief authority in the state; and it is one which, used with good judgment and moderation, it is very desirable that we should retain. It will indeed, when once the proposed assurance [against annexation] shall have been given, be more easy than heretofore to exercise it.¹

Canning's successor, Elgin, is equally explicit.

"If we lay down the rule", he says, "that we will scrupulously respect the right of the chiefs to do wrong, and resolutely suppress all attempts of their subjects to redress their wrongs by violence, ... we may find perhaps that it may carry us somewhat far—possibly to annexation, the very bug-bear from which we are seeking to escape."²

In short, both Canning and Elgin assumed that the act and the proclamation only confirmed the treaties in so far as they were actually operative in 1858.

This assumption was accompanied by a measure that was more welcome to the princes than any other that could have been devised, except perhaps a decision to revert to the chaos of the eighteenth century. "We desire", ran the queen's proclamation of 1858, "no extension of our present territorial possessions." This marks a great contrast with the Company's later policy "of abandoning no just and honourable accession of territory". The change was so important that it was resolved to signalise it by a declaration of more than ordinary solemnity. In the recent past several states had been annexed under claims arising from the "doctrine of lapse", on a failure of natural heirs. Such claims were for the future emphatically renounced. In 1860 a number of sanads, commonly known as "sanads of adoption" were issued to the leading princes. The Hindu chiefs were informed that adoptions on a failure of natural heirs would be recognised and confirmed, and Muslim rulers that any succession which might be legitimate according to Muslim law would be upheld. The significance of this was that the states were to be perpetuated as an integral part of the Indian system. They were no longer mere transitory governments awaiting the political chances which would permit and justify their gradual extinction. It is clear that neither this most formal

¹ Quoted *ap. Lee-Warner, Native States of India*, p. 164.

² Walrond, *Elgin's Letters and Journals*, p. 423.



disavowal of annexationist policy nor its most scrupulous observance could affect the individual rights of the princes. But it is equally clear that the new policy afforded them a strong reason to acquiesce in constructive interpretations of their treaties, and so tended to strengthen that element in their relations with the crown which was sanctioned rather by usage and sufferance than by any documentary engagements.

The first and most general consideration suggested by a review of the half-century following the Mutiny is that the abandonment of annexation was in fact accompanied by an ever-growing closeness of control from the time of Canning to the close of Curzon's administration. In part this development was less the result of conscious policy than of changed conditions. The development of communications, the building of railways, the construction of telegraph lines, and the growth of the public press, accompanied by an ever-rising standard of administration in British India itself, all made for an increased degree of interference in the territories of the princes. Incidents which in the Company's time would have passed unreported or only have become known to the Government of India months after their occurrence, came to its notice at once, when perhaps it was still possible to intervene with effect, while the changing temper of the time converted into "atrocities" actions which a former generation would have contemplated with resigned regret. Interference would therefore have increased in frequency even if the current view of political obligations had remained quite unchanged. But the tendency was strengthened by a growing disposition to extend the process of constructive interpretation. It will be most convenient first to illustrate the actual policy followed by the Government of India, and then to discuss the basis on which the policy was raised.

One new element emerged from the direct relations, established for the first time in 1858, between the princes and the crown. "There is a reality", wrote Canning in 1860, "in the suzerainty of the sovereign of England which has never existed before, and which is not only felt but is eagerly acknowledged by the chiefs."¹ No personal loyalty could be expected towards a corporation of merchants, despite the qualities of their government and the characters of most of their governors-general. But towards Queen Victoria it was expected. "Allegiance to Her Majesty",² "loyalty to the British crown",³ such are the new phrases that appear. In a legal sense such terms had much the same force as the "subordinate co-operation" of the earlier documents. But the underlying sentiment had changed, and though changes of sentiment cannot possibly alter legal rights they may deeply affect political conduct. The princes were no longer looked upon as rulers driven by force into an unequal alliance. They had

¹ Quoted *op. Lee-Warner, op. cit.* p. 317.

² Instrument of Rendition, Aitchison, *Treaties*.

³ See any of the sanads of adoption.



became members of the empire, and the new position was accepted not unwillingly. The visit of the Prince of Wales to India in 1875 was made by all but one notable state the occasion of eager demonstrations of welcome; and when in the following year Lytton held his great durbar to announce the queen's assumption of the title of Empress of India, the leading Maratha prince rose immediately after Lytton's speech to salute the queen under the old Delhi title—*Shah-inshah Padshah*.¹ The Company had never attempted to bestow honours on the princes. In its time the Nawab Wazir of Oudh had been encouraged to assume the independent title of *Shah*; but in form the act had been his own. But now a change was made. Titles were bestowed. In quite recent times the additional title of "His Exalted Highness" was conferred on the Nizam. In 1861 the order of the Star of India was founded and bestowed on many of the leading princes. This was a very different matter from the interchange of orders between crowned heads. And while the obligation of loyalty to the crown has been repeatedly and publicly asserted, it has also been repeatedly and publicly admitted by the princes themselves. Even the modern lawyer, seeking painfully to disentangle the legal rights and duties of the princes from a mass of conflicting documents and questionable practice, concludes emphatically that loyalty is owed, though he would find it hard to justify his opinion save by a constructive interpretation such as he so gravely reprobates.² Relations in fact have come into being not envisaged in the treaties concluded by the Company.

In the field of external relations (until very recent times) less change has appeared under the crown administration than in any other. From the first the control of foreign relations was so essential to the maintenance of a general peace and so indispensable an accompaniment to promises of external protection, that the treaties commonly lay down the Company's right of control in unmistakable language. Nor did the development of events produce here any general conflict between the treaty rights and the political needs of the Government of India. In the case of Kashmir however difficulties did arise. When that territory was granted to Gulab Singh in 1846, the Pamirs inspired the government with no political terrors. The Russian advance in Central Asia had been directed on and through Persia, and the extension of Russian authority from Orenburg to Tashkent was as yet undreamed of. Article 5 of the treaty with Gulab Singh therefore merely declared that any disputes with neighbouring states were to be referred to the arbitration of the British Government and that its decision was to be accepted.³ Nor was any resident appointed to the new state. A verbal promise is stated to have been given to Gulab Singh that no such appointment should be made.⁴ This sounds

¹ Roberts, *Forty-one Years in India*, II, 97.

² Sir Leslie Scott, *op. Report of the Indian States Committee* (1929), p. 73.

³ Aitchison, *op. cit.* XI, 264.

⁴ Panikkar, *Gulab Singh*, p. 132.

Tashkent
Foreign
Police



possible, since at that time the only disputes likely to possess political importance were those which might arise with the still independent Sikh power. The Russian movements towards the North-West Frontier however introduced new problems and dangers. In 1873 Northbrook was very anxious to appoint a permanent resident but at that time the secretary of state was unwilling to overrule the objections of the state. The measure, however, was decided on by Ripon and Hartington in 1884 and carried into effect in the following year on the death of the old maharaja, Gulab Singh's son.¹ The claims put forward by the state were that it was independent and "outside the Indian political system".² The first of these was seemingly based on article 1 of the treaty by which the territory was transferred "in independent possession".³ The phrase is exceedingly vague, and is indeed more applicable to private ownership than political dominion; and whatever meaning it may carry is limited by the unqualified assertion of British supremacy in the last article. Any claim to independent status does not seem justified by the language of the treaty; while the further assertion seems entirely inconsistent with the article declaring that British adjudication on all external disputes should be final. The evidence on which Ripon and Hartington decided to appoint a resident has never been published; but the political character of the two men warrants the assumptions, (1) that they were not seeking a pretext for extending British authority, and (2) that the evidence before them appeared to them conclusive. It is in fact highly probable that Russian agents were busy in Kashmir, although they may not have been countenanced by the maharaja. So far the conduct of the government appears unexceptionable. The published evidence regarding the remainder of the story is too slender to permit judgment either way. In 1889 a quantity of correspondence reached the resident by a very questionable channel, implicating the maharaja in Russian intrigues. The Government of India, while refusing to take these documents very seriously, "accepted the maharaja's resignation" and set up a council of regency upon the ground of the maladministration of the state.⁴ Their action certainly rested on mixed political and administrative motives; and it seems unlikely that they would have done anything but for the importance of the external issues involved.

As in the control of external relations, so also in the matter of successions, the crown adopted in its entirety the position which the Company had occupied. The sanads of adoption issued by Canning in no way derogate from the claim that the Government of India is entitled to determine all successions. The existing practice was continued. Every heir on his accession was installed by an agent of the government; none was recognised as prince until he had been so installed. "It is the right and duty of the British Government", runs

¹ *Parl. Papers*, 1890, LIV, 231.

² Aitchison, *op. cit.* XI, 264.

³ *The British Crown and the Indian States*, p. 85.

⁴ *Parl. Papers*, 1890, LIV, 251 and 265.

Succession B



a dispatch of 1881, "to settle successions in subordinate native states. Every succession must be recognised by the British Government, and no succession is valid until recognition has been given."¹ The basis of this claim certainly does not lie in text of any treaty. Lee-Warner would relate it to the customary investiture under the Moghul and the Peshwa,² and the Company undoubtedly inherited the rights of the latter, though not of the former. But this would cover the cases of only a restricted number of minor chiefs. Another possible source might be the idea universally prevalent in Moghul India that engagements held good only for the lifetime of the parties concerned. In 1775 the majority of the Bengal Council had insisted on this as a ground for forcing a new treaty on the young Nawab Wazir of Oudh; and in 1803 Wellesley had sent to the new Nizam a formal declaration that his treaties continued in force. But most of the treaties are specifically extended by mention of heirs and successors. One must conclude, therefore, that the claim originated in a constructive interpretation of the treaties, reinforced, as time went on, by usage.

For a long time, too, the same attitude was adopted towards the armies of the states. From the earliest times the military forces of the princes had been regarded with suspicion or dislike. The first sentiment was more prominent in the Company's days, when the possibility of a hostile combination of the princes was a constant preoccupation of the governors-general. At a later period the second became more evident, on the general ground that excessive expenditure on military purposes diverted funds from more beneficial employment. But while the Company's servants might often advise, they seldom insisted on military retrenchment, and in this delicate matter they kept in general closely to the letter of the treaties. Indeed, the forces of the states were in general so irregularly paid, poorly organised, and ill-equipped as to offer no serious danger after 1818. In one case only was an Indian prince bound by treaty not to increase his armed forces above a definite limit. In 1844, after the battle of Maharajpur,³ Sindhia had agreed in future to limit his troops (exclusive of the contingent under British officers) to 9000 cavalry and infantry, and 200 artillerymen.⁴ In the 'sixties, however, Jayaji Rao Sindhia had made a hobby of his state army. "The army was his idol; its discipline his constant occupation; the only books with which he has any acquaintance are those connected with drill and military pursuits."⁵ He had made a practice of enrolling men nominally as police but in fact under military discipline, and keeping the whole continuously assembled at his capital, Lashkar. In 1867 he was desired to disband his military police as exceeding the force he was entitled to keep up, and to refrain in future from maintaining masses of men at his capital.⁶

Armies
of the
states

¹ *Parl. Papers*, 1890-91, no. 392, p. 13.

² Cf. vol. v, p. 579, *supra*.

³ *Daly, Memoirs of Sir H. D. Daly*, p. 267.

⁴ *Thornton, Sir Richard Meade*, p. 116; cf. *Daly, op. cit.*

⁵ *Op. cit.* p. 324.

⁶ *Aitchison, op. cit.* iv, 80.



But matters of internal management produced the most characteristic illustrations of policy under the crown. In Alwar, a Rajput state, a boy of thirteen succeeded to the *gaddi* in 1857. He fell so far under the influence of Muslim ministers as to have agreed to marry a Muslim lady. This so shocked the Rajput nobles of the state that they rose in rebellion, drove out the Muslims, and set up a council of regency. The change was recognised by the appointment of a political agent to advise and assist the council. A little later the raja became the head of a conspiracy to murder the president of the council and expel the resident. In 1863 he was formally installed as ruler of the state. But in 1870 he again provoked a rebellion against his authority. Mayo, the governor-general, first attempted to settle matters by the joint mediation of the raja of Jaipur and a British officer. When that failed, he intervened decisively, superseding the raja's authority by a board of management composed of the chief nobles of the state with the British agent as the president. With Alwar there was a treaty of 1803, by which the Company became "guarantee . . . for the security of his country against external enemies", and at the same time engaged not to "interfere with the country" of the raja.¹ This seems to be the most positive instance in which treaty terms have been overridden by moral considerations.

In 1865 the raja of Jabwa, one of the "mediatised chiefs"² of Central India, was fined 10,000 rupees and deprived of his salute for permitting a thief, who had robbed a temple founded by the chief's mother, to be mutilated according to ancient Indian custom. One hand and one foot were chopped off.³ None of the "mediatised chiefs" has powers of life and death. They must submit all sentences of death or imprisonment for life to the local political agent for confirmation.⁴

In 1867 the nawab of Tank was deposed, his son set up in his stead, the salute reduced from seventeen guns to eleven, and the territory of a dependent chief detached and placed directly under the local political agent for complicity in an affray in which fifteen relatives and followers of the dependent chief were shot down.⁵ The Tank treaty of 1817 guaranteed the nawab's territorial possessions, but contained no provision touching the internal administration.⁶

In 1892 the khan of Kalat was obliged to resign and was replaced by his son in consequence of having executed five women and a man, and mutilated two other men "in a most brutal manner" in revenge for a theft of money from his treasury, and for having "barbarously" slain his wazir and two members of the latter's family.⁷ The Kalat treaty in force had been concluded in 1876. It declared that the British Government would respect the independence of Kalat and

¹ Aitchison, *op. cit.* III, 322.

² Tupper, *Our Indian Protectorate*, p. 295.

³ *Parl. Papers*, 1871, I, 441 *seqq.*

⁷ Forrest, *Administration of Lord Lansdowne*, p. 51.

² Cf. vol. V, p. 571, *supra*.

⁴ Aitchison, *op. cit.* IV, 7.

⁵ Aitchison, *op. cit.* III, 241.



protect the state against external attack, but that the resident would endeavour to compose any disputes that might arise between the khan and his sardars, and that in these matters the khan would abide by the decision of the British Government.¹

But the outstanding example of interference by the Government of India was certainly the deposition of Malhar Rao Gaekwar in 1875. As the procedure adopted was unusual, and as the action of government has since been stated to have aroused the distrust of many of the princes,² the matter evidently deserves statement and discussion. British relations with this prince had been distinguished by a long series of troubles, intensified by the fact that in more than one instance the intellects of the rulers had been notably unstable. Malhar Rao succeeded to the gaddi at Baroda in 1870. His character even then stood low. He was believed to have been concerned in an attempted outbreak in Gujarat in 1857. He had been imprisoned in 1863 by his brother and predecessor for attempting to clear his way to the gaddi by poison. After his accession he had pursued the chief agents of the late ruler with singular vindictiveness, not by judicial process, but by extermination. They had been cast into prison, where they had perished mysteriously. After three years of his rule the inhabitants of the state were exhibiting such unrest that the Government of India appointed a commission to enquire into the nature of his administration. The commission consisted of three British officials and the late chief minister of the Jaipur state, in whom both his late master and the Government of India placed great reliance. The commission found a state of general maladministration calling urgently for remedy. Malhar Rao was then required to remove the principal evils disclosed within a period of eighteen months. Unluckily at this time the Baroda resident was a man wanting in acuteness and in tact, who certainly made matters much more difficult for the Gaekwar than he need have done. The viceroy, Lord Northbrook, was requested by Malhar Rao to remove the resident, and informed at almost the same moment by the resident that Malhar Rao had tried to poison him. The resident was replaced by an abler man, who found that no material progress had been made towards introducing the needed reforms; and investigations disclosed a *prima facie* case which the law-advisers considered would have warranted prosecution had the accused been an ordinary citizen. It was therefore determined to arrest the Gaekwar, to assume the temporary administration of the state, and to enquire further into the alleged attempt to poison the resident.³ A new commission was appointed for this purpose. It consisted of the Chief Justice of Bengal, another judge, one high political official, two ruling princes—Sindhia and Jaipur—and Sir Dinkar Rao. This was as independent a body as

¹ Aitchison, *op. cit.* XI, 215.

² *The British Crown and the Indian States*, p. 71.

³ *Parl. Papers*, 1875, C. 1252, pp. 3 sqq.



the Government of India could well have selected. It would have included three ruling princes instead of two, for Holkar was also invited to serve; but that prince found himself unable to do so. He, however, described the proposed commission as attesting "the forbearance and generosity of the British Government", deserving "universal applause".¹ These words were not, or at least should not have been, insincere. The selection of judges on the one side, of Indian princes on the other, marked in no uncertain way a desire that the accusation against Malhar Rao should be fully and candidly considered. Years earlier the queen had expressed a desire that in disputes with the Indian states some way should be found of acting so as to "relieve the government agents from the fearful responsibility of being sole advisers on steps implying judicial condemnation without trial".² This view was now being put into action, and it is noteworthy that the method adopted in 1875 is substantially the same as that laid down for future use in 1921. All the commissioners, after hearing voluminous evidence and the addresses of counsel, seem to have agreed that an attempt had been made to poison the resident by two of the residency servants who had been in communication with Malhar Rao. The English half went farther and found the Gaekwar guilty; the Indian half found the accusation not proven.³ In these circumstances the Government of India decided to take no further action on the poisoning charge; but it considered the presumptive evidence against Malhar Rao so strong, when coupled with his gross mismanagement of the administration, as to "make it impossible to replace him in power... In deference to the opinions and feelings of the native commissioners we should do no more than depose him and his issue, and place him under restraint in British territory".⁴ This was accordingly done. A young member of the family was selected as Malhar Rao's successor, and the administration of the state placed under a council of regency, with a most distinguished Indian administrator, Sir Madhava Rao, at its head. So far as the government's interference goes, the action seems well within the provision of the treaties themselves. The engagements of 1802, confirmed in 1805 and 1817, granted a right of intervention "should I myself or my successors commit anything improper or unjust". It can scarcely be argued that the protected, not the protecting, state was to be the judge of the occasion. Nor can the provision of the treaty be deemed nullified by the language of the Bombay governor in 1841 describing the Gaekwar as "sole sovereign" in his territories. Such informal statements cannot be taken as signifying more than the existing intention of the government not to exercise its treaty rights to the full; nor did the state appear to understand otherwise, for in 1856 the Gaekwar wrote to the resident, "This

¹ *Parl. Papers*, 1875, C. 1271, p. 90.

² The Queen to Sir Charles Wood, 23 July, 1859; *Queen Victoria's Letters*, III, 360.

³ *Parl. Papers*, 1875, C. 1252, pp. 859q.

⁴ *Idem*, p. 7.



government in every way is dependent on the governor-general". What is noticeable, here as elsewhere, is a deplorable laxity in regard to treaties. Sometimes they were to be enforced up to the very limit of constructive interpretation; sometimes (though rarely) government chose not to exercise its full rights and allowed its agents to use language quite at variance with the fundamental facts, thus greatly, needlessly, unwisely increasing the ambiguous position of the princes and multiplying the occasions of misunderstanding.

What seems in 1875 to have impressed the princes was, not the authority claimed by the Government of India, but the moderation with which it was exercised. Holkar, in the letter cited above, dwells on the satisfaction with which the decision to preserve, and not to annex, the state was regarded by himself and his fellows. He had used similar language to Daly, the resident, in 1874, saying, "The person for the time being is little; the state with its rights is the point for consideration".¹ In the Company's days, if precedents may be taken as a guide, Baroda would have been annexed and the state extinguished. The same would have been the fate of the hill state of Manipur. Thence in 1890 the raja was driven out. It had been the custom to support the ruler's authority and definite promises had been given to this effect. The home authorities had regarded this engagement as of dubious propriety.

"The position, however, ... imposes on you as a necessary consequence", the Company wrote to the Government of India in 1852, "the obligation not only of attempting to guide him by your advice, but, if needful, of protecting his subjects against oppression on his part, otherwise our guarantee of his rule may be the cause of inflicting on them a continuance of reckless tyranny."²

The obligation had, in fact, proved onerous; and the expelled raja had proved himself but an indifferent administrator. After a considerable delay, government decided to recognise and confirm the new raja, who was in fact the heir apparent, but to remove from the state the turbulent and ferocious chief who had brought about the revolution. But in attempting to effect this decision, the chief commissioner of Assam, and four other officers were seized, one was speared, and the rest were publicly beheaded. A strong British force was then sent; the chief and the new raja were captured and executed for murder; their acts were treated as acts of rebellion, not those of war; and the state was continued in separate existence. Lee-Warner rightly emphasises the significance of the contrast between the annexation of Coorg in 1834 and the maintenance of Manipur in 1891.³ Neither misgovernment nor attacks on the queen's forces and the murder of her officers were considered now as warranting annexation.

A yet more remarkable illustration of the same policy was afforded by the rendition of Mysore to Indian rule. For fifty years the state

¹ Tupper, *op. cit.* p. 117.

² *Parl. Papers*, 1891, no. 258, p. 3.

³ *Op. cit.* p. 183.

11A



had been managed by British officials under the direct control of the governor-general. The deposed raja had been refused permission to adopt a son. At one time it was very generally assumed that the state had passed permanently into British possession. Yet, when the old raja died in 1868, it was resolved that his adopted son should succeed to the government of the state if, when he came of age, he should be found qualified for the position. Accordingly he was installed as raja in 1881. The Government of India seized this opportunity of determining with precision what were the rights and duties of the state and of the paramount power respectively, and the instrument of transfer, dated 1 March, 1881, sums up what the government of the crown had come to regard as the ideal relationship between it and the subordinate Indian states. This modern document deserves comparison with the 1799 treaty which similarly sums up the views of policy held by Wellesley, in this matter the most enlightened of all the Company's governors-general. The present writer has discussed elsewhere¹ the change of outlook displayed by these documents. Financial stability was the main object of the earlier, good government the main object of the later. But in many ways the provisions touching the status of the ruler of Mysore are perhaps the most interesting. The word "sovereignty", for instance, nowhere occurs in the instrument of transfer except when referring to British sovereignty. The prince is to be "placed in possession of the territories" which he is "to hold possession of and administer". No succession is valid until recognised by the governor-general in council. The prince must "remain faithful in allegiance and subordination to Her Majesty". The separate Mysore coinage, long discontinued, shall not be revived. The military forces of the state "shall not exceed the strength which the governor-general in council shall from time to time fix". The laws and rules in force at the time of the transfer shall remain unchanged unless the governor-general in council approves. It is noteworthy that these limitations were imposed on one of the largest of the Indian states, covering nearly 30,000 square miles, with a population of almost five million persons, governed by a prince who was to be saluted with the maximum number of guns, and who therefore was reckoned, in spite of his curtailed authority, on the same level of dignity as princes far less restricted by treaty provisions. The rendition of Mysore is thus an outstanding example of the manner in which the crown's disavowal of any annexationist policy has been observed, even where territory had been for nearly two generations under British control; but it also affords the most striking instance on record of the contrast between the views of the crown and those of the Company of what should be the status of the Indian princes.

To this most important aspect of the present subject we must shortly return. But it should be noted that other points of general policy are

¹ *Sketch of the History of India, 1858-1918*, pp. 179 sqq.



CSL

illustrated by the instrument of transfer. Of these telegraph and railway development is one of the most important. Articles 14 and 15 provide for the free grant of all land needed by the Government of India for these purposes, for the inclusion in the British telegraph system of all telegraph lines that may be constructed, for their working (in the absence of special agreement) by the British telegraph department, for the exercise of plenary jurisdiction within all land made over for railway construction. These provisions correspond with the terms of special agreements made with a number of other states, and represent the policy of developing these services throughout India as a whole. In a like manner article 18 proscribes any action affecting the salt and opium monopolies of the Government of India without its assent. In the matter of salt Lytton concluded important agreements with the Rajput states for the acquisition of the main sources of salt in India,¹ while the general policy of restricting exports of opium, first accepted by the government of Lord Minto, has obviously affected the revenues of the opium-producing states.

P-1

These points have a special interest of their own. They illustrate the growth of a community of interests in India as a whole, reflected in the field of policy by the appearance of that tendency which Lee-Warner aptly described as "subordinate co-operation". While communications remained in their mediaeval condition, the resultant limitation of trade and intercourse hindered the development of common interests. It was possible still to regard the interests of individual states and of British India itself as little interdependent, and consequently to adopt towards the states the former policy (again to quote Lee-Warner) of "subordinate isolation". As time passed, and the influence of developing communications became more evident, this became more and more impracticable. A uniform railway and telegraph system, for example, would manifestly be more beneficial, not only to British India, but also to the states, than a variety of gauges, rates, and regulations. Such ideas inevitably tended to carry the conception of paramountcy beyond the political into the economic sphere, and the uniformity achieved in the new economic relations reacted upon the diversity of the old political relations.

P-2

Between 1858 and 1906 there were then numerous causes at work tending (in defiance of all confirmations) to hasten the decay of the Company's treaties. The establishment of personal relations with the crown, the rising standards of administrative propriety, the growth of common economic interests, multiplied points of contact, occasions of influence, opportunities of interference, the scope of control; while the guarantees against the old danger of annexation disposed the princes to acquiesce in this development of policy and so to enlarge the extra-diplomatic element in the paramountcy of the crown. Hence arose the tendency (within limits which it is hardly possible at

P-3

¹ Cf. Aitchison, *op. cit.* III, 189.



present to define) to ignore treaty stipulations where important considerations were deemed to be at stake. This operated, seldom by way of any formal breach of treaty rights, but by assuming authority nowhere granted by treaty, or by extending authority admitted by treaty in one state to others which had not accepted such conditions. A series of rules began to appear by which the Foreign Department invariably determined certain questions. The absence of princes from their states offers an illustration of this tendency. A custom had sprung up for Indian princes, desirous of travelling beyond the limits of their states, especially to Europe, to seek the approval of the government. This had originated naturally enough in the clauses precluding them from entering into any relations with another state save through the agency of the Government of India. Some, however, began to form a habit of residing for long periods of time in London and other European capitals, where their occupations, if free from political taint, were liable to criticism on other grounds. To Curzon, "who took to government as other men take to pleasure",¹ this neglect of their duty seemed an intolerable offence. He therefore issued a circular, which found its way into the newspapers, laying down the views of government.

"Repeated absences from India of Native Chiefs", he observed, "should be regarded as a dereliction and not as a discharge of public duty... the visits of such princes and chiefs to Europe should only meet with encouragement in cases where... benefit will result from the trip both to the chief and to his people... where such permission is... granted, ... it should be understood that so far from constituting a ground for the early renewal of the request, it is a reason against it; and... a suitable interval should elapse between the return from travel and a fresh application for leave."²

There had, in fact, been imported into the relations with the Indian states a moral factor alongside of the old political considerations. Curzon's speech at Gwalior in 1899 voices this in no uncertain manner.

"The native chief", he said, "has become by our policy an integral factor in the imperial organisation of India. He is concerned not less than the viceroy or the lieutenant-governor in the administration of the country. I claim him as my colleague and partner. He cannot remain *vis à vis* of the empire a loyal subject of Her Majesty the Queen Empress, and *vis à vis* of his own people a frivolous or irresponsible despot. He must justify and not abuse the authority committed to him; he must be the servant as well as the master of his people."³

It is significant that this declaration of administrative morality should have coincided with a marked inclination to tighten the reins of control. Much as seventy years earlier the Company's aversion to annexation yielded before the reflection that the extension of British rule would mean also the extension of educational and missionary influences, so in 1899 the duty of securing an improved administra-

¹ *The Times*, 31 January, 1921.

² Ronaldshay, *Life of Curzon*, II, 91.

³ Raleigh, *Curzon in India*, p. 217.

NR
Curzon

W
Curzon



in the Indian states had come to outweigh the duty of observing the letter of treaties framed in earlier days. A new attitude had indeed come into vogue. The Foreign Department came to stress certain provisions of certain treaties, to lay emphasis upon the conditions imposed on certain states, to regard what had been done in one state as a good precedent for what in like circumstances might be done in any of the others. Nor did the practice invariably work to the disadvantage of the states. Down to the close of the nineteenth century, for instance, there had lingered on queer survivals of oriental diplomatic custom. An agent sent publicly by one state to another had ever been housed and clothed, fed and paid, at the expense of the state which received him. The practice, perhaps, originated partly in the oriental traditions of unlimited hospitality, partly in the universal claims of Eastern kings who never willingly acknowledged any other temporal dominion than their own and little liked the sight of those whom they could not regard as their own servants. This tradition had been accepted by the Company's government when it first entered into close relations with Indian princes; it had maintained the *vakils* whom the *Bonsla*, or the *nawab wazir*, kept at Calcutta, and had suffered the princes to pay allowances to the residents whom it sent to them. This no doubt explains the immense popularity enjoyed by the political service among the Company's servants of the period. The revolution in the Company's position transformed this primitive system of relations. Gradually the princes' *vakils* ceased to be received at the headquarters of the government, and the Company's residents depended on the salaries of the government that employed them. But a number of advantages of various kinds and varying amounts—known technically as “*easements*”—had continued; and just as Curzon laid down rules regarding visits to Europe, so also in this matter of political perquisites. In fact the relations with the princes were being regularised, while the principle of “reading all Indian treaties together”,¹ so as to produce something like a coherent body of rules, strengthened the process. This was definitely laid down by Curzon in his speech at Bahawalpur in 1903. The ties between the Indian princes and the British crown, he then said,

have no parallel in any other country of the world. The political system of India is neither feudalism nor federation; it is embodied in no constitution; it does not always rest upon a treaty; it bears no resemblance to a league. It represents a series of relationships that have grown up between the crown and the Indian princes under widely differing historical conditions, but which in process of time have gradually conformed to a single type.²

This certainly represents the practice of the Foreign Department under Curzon's vigorous, if unwise, control. The objections on the part of the Indian states are evident enough, for the policy casts doubt upon the validity of individual treaties. Yet in the circumstances of

¹ Lee-Warner, *op. cit.* p. 256.

² Ralceigh, *op. cit.* p. 226.



the case it would have been singularly difficult to avoid. Almost all the treaties belonged to a world which had completely passed away, and in which the Company's predominance had been new, uncertain, questioned. They no longer corresponded with the political facts, and some general rules of conduct towards the Indian states were indispensable. Even Sir Leslie Scott found himself unable to avoid general formulas for which assuredly no universal treaty obligations can be found. "The rights and duties arising from paramountcy", he says, "are uniform throughout India."¹ He elsewhere defines paramountcy as arising "out of the agreed cession of... attributes of sovereignty".² Yet there are numerous small states that have never formally made any such cession. They are, it seems, bound by the cessions that other states have made. And yet, if for instance the little state of Janjira is bound by the cessions made by Hyderabad, why is Hyderabad not bound by the cessions made by Mysore? The fact seems to be that constructive interpretations and practice based on use and sufferance could not be excluded from a consideration of the princes' rights and duties, nor could any real limit be set to their application beyond the line drawn at any moment by political expediency, failing that general revision of the treaties which is still awaited.

Certainly no one considering the general course of events within the period covered by this chapter can deny that political expediency has materially affected the attitude of both parties, of the Government of India on the one side and of the states on the other, towards the question of treaty rights. In general down to 1906 the governors-general were steadily inclining more and more towards basing their policy on the maxims of general philanthropy, while their unquestioned power disposed them in the name of duty constantly to raise the limits of the expedient. At the same time through most of the period the princes were equally inclined to acquiesce. They had gained too much by the abandonment of annexation to oppose the accompanying growth of paramountcy. It was not until the close of the century that regulations such as Curzon's rules about visits to Europe excited their active opposition. Then, indeed, they began to question the validity of much that had been done, and to consider how much of it might be reversed. At almost the same moment the attitude of the Government of India began to change. The explanation lies less in any belated recognition of the princes' rights than in the fact that political movements within British India itself were beginning to dispute the right and authority by which India was governed. Assailed by the intelligentsia, the government looked round naturally for allies and helpers. In 1857 the princes had in general aided to resist the tide of the Mutiny. In 1907 they might aid to slacken the onslaught of political unrest. They were therefore to be cultivated rather than coerced. Seeing their rising value, the princes raised their demands, but not too much,

¹ Butler Committee Report, p. 70.² *Idem*, p. 64.



for they also were threatened by the same forces that the Government of India was seeking to dam back into constitutional channels. A new tendency had come into operation.

It is illustrated by two very remarkable developments, both of which may be traced back into the pre-Curzonian period. One is represented by the imperial service troops, the other by the abandonment of the century-old policy of the isolation of individual states. The distrust or dislike with which the state forces had been regarded has already been pointed out. Save for a brief period during the Mutiny, few governors-general had regarded the states, in their military aspect, save as potential, if unlikely, enemies. Even at the beginning of the twentieth century Kitchener's internal defence scheme took them into account as a source of possible danger.¹ This, however, was more the survival of tradition than the policy advocated by the Foreign Department. The Panjdeh war scare in 1885 had elicited a number of offers from the Indian states, especially from those near the North-West Frontier, of troops for service against Russia if need should arise. General military opinion was averse to anything of the kind. But the secretary of the Foreign Department, Mortimer Durand, strongly favoured the idea of utilising the state forces. He discussed it with the lieutenant-governor of the Panjab, with the governor-general, Lord Dufferin, with the commander-in-chief, Lord (then Sir Frederick) Roberts.² The upshot was the formation of the imperial service troops. These were bodies of men entirely under the control of the states which maintained them, trained under British officers specially lent for the purpose, and never under the orders of the commander-in-chief except when on active service. The first occasion of their employment was the Hunza campaign of 1893. They were differentiated from the contingents of earlier days by the voluntary nature of their maintenance, by their being entirely under Indian control and commanded by Indian officers, and by their recognition depending on their being kept up to an effective standard, always ready for service whenever called for. In 1914 they were 22,000 strong, maintained by twenty-nine of the states. In 1923 they had risen to 27,000.³ This represents, as Lee-Warner points out, the complete antithesis of Wellesley's policy of holding the Indian states in check by the bit and bridle of subsidiary forces.⁴ It even affords a notable contrast with the policy which had warned Sindhia in 1867 to disperse his favourite "toy".

The other development was at least equally significant. The commonest clause in the treaties had been that which forbade the states to enter into relations with each other or with any external power save

¹ Arthur, *Life of Lord Kitchener*, II, 135.

² Sykes, *Life of Sir Mortimer Durand*, p. 172.

³ *The Army in India and its evolution*, pp. 156-7.

⁴ Lee-Warner, *op. cit.* p. 185.



through the medium of the Company's government. The constant repetition of the clause had marked the importance which was attached to it. It had been the corner-stone of the Company's policy, and for many years it remained equally important in the eyes of the representatives of the crown. It was deemed essential to keep the states isolated one from another. Lytton was the first governor-general to propose the abandonment of these views. It is noteworthy that he was also the first governor-general to attempt to regulate the vernacular press. In one of those moments of true insight which from time to time visited him, he wrote to Lord Salisbury,

I am convinced that the fundamental political mistake of able and experienced Indian officials is a belief that we can hold India securely by what they call good government. . . . Look at the mistake which Austria made in the government of her Italian provinces. They were the best governed portions of Italy; she studied and protected the interests of the native peasantry; but, fearing the native *noblesse*, she snubbed and repressed it. . . .¹

He was exceedingly anxious, therefore, to transform the relations between the states and the Government of India. With this end in view he pressed for leave to announce, at the durbar in which the queen was to be proclaimed the Queen Empress, the establishment of an Indian privy council. This was to be limited, at first at all events, to the great chiefs, who were to consult with and advise the governor-general on matters of common interest. But the opposition of the home authorities proved too strong, and the proposal was cut down to the bestowal of an empty title, "Councillors of the Empress", on some of the leading princes.² The effect of Lytton's proposals, had they been carried into effect, would have been the establishment of co-operation, not only between the Government of India and the states individually, but also between the states collectively. This novel idea, as yet unsupported by the evident development of danger from within, would, it was still feared, give rise to common understandings and united pressure such as might embarrass the Government of India. In fact it was regarded with the same doleful apprehension as that with which forty years later distinguished publicists regarded the creation of the chamber of princes.³

No further step in this direction was taken till the government of Lord Minto. By then the Indian situation was much more favourable to a move, for political unrest had reached the point at which it could not be mistaken. The governor-general consulted the leading states concerning the spread of anarchist conspiracies; and his reform proposals included the revival of something like Lytton's earlier scheme. But again the project fell through, largely because in Morley's doctrinaire view the only effective remedy for the situation lay in political concessions.

¹ Lady Betty Balfour, *Lytton's Indian Administration*, p. 109.

² *Idem*, p. 111.

³ Sir Valentine Chirol, *ap. The Times*, 10 February, 1921.



the outbreak of war with Germany, however, displayed so strongly the decision with which the princes held to their position in the British Empire, that the adoption of the new policy was at last assured. Lord Hardinge "initiated conferences with the ruling princes on matters of imperial interest and on matters affecting the states as a whole".¹ The joint report of Mr Edwin Montagu and Lord Chelmsford recommended the establishment of a Chamber of Princes, and the formation of machinery for joint consultation between the governor-general and the Indian states on matters of common interest. In 1921 the chamber was inaugurated, bringing to an end a prolonged and most important phase of the relations between the states and the Government of India.

The best exposition of the attitude of the governors-general within the later and formative part of the period is contained in the speech which Lord Minto delivered at Udaipur in 1909. He fully renounced the tendency which the practice of the Foreign Department had exhibited down to the government of Lord Curzon.

"I have...made it a rule", he declared, "to avoid as far as possible the issue of general instructions, and have endeavoured to deal with questions as they arose with reference to existing treaties, the merits of each case, local conditions, antecedent circumstances, and the particular stage of development, feudal and constitutional, of individual principalities."²

This "more sympathetic and therefore more elastic policy" admitted the existence of more than one type of relationship. Yet Lord Minto, too, recognised and declared the suzerainty of the crown as existent quite apart from treaty obligation. "The imperial government", he said, "has assumed a certain degree of responsibility for the general soundness of [the princes'] administration and would not consent to incur the reproach of being an indirect instrument of misrule." He maintained the need of interpreting the treaties in the light of actual fact, of established usage, and indeed of political expediency, but he drew the line of political expediency far below the level to which it had been forced by his predecessors. His attitude closely agrees with that of Lord Reading in 1922.³

Throughout the whole period, then, neither the claims of the crown nor the claims of the princes have really depended on the exact wording of the treaties. Both have fluctuated with the circumstances of the time. The crown, in two most important points, has receded from claims which it might have exercised. It has renounced annexation; it has forgone its right to deal in no other way than individually with the states. But, as against this, the states have become what they never were by treaty, parts of an empire. The problem has become constitutional rather than diplomatic. The suzerainty of the crown has

¹ *Butler Committee Report*, p. 20.

² *Buchan, Life of Lord Minto*, p. 298.

³ *Parl. Papers*, 1926, C. 2621, p. 19.



become by the weight of its power greater than the Company's paramountcy ever was. But this process has gone on unsupported by any formal recognition. The contrast between the political facts and any theory which both parties would agree to draw from the documents has become more pronounced. Under the pressure of this suzerainty the administration of the states has been improved and the position of the princes in a world of change been greatly strengthened. But this has been achieved by an illogical expansion of political right by that sense of moral duty which has been at once the strength and weakness, the inspiration and obsession, of modern British rule in India.



CHAPTER XXVIII

LOCAL SELF-GOVERNMENT

THE story of local self-government in British India reveals a long-drawn-out effort to retain what was good in existing institutions and to reinforce these wherever necessary by ideas which had been proved to be useful in England. As India was and is essentially a country of villages, places where, thanks to the space and air available and the cleansing power of the Indian sun and rains, disease in normal circumstances remained within reasonable bounds, the indigenous village customs were left undisturbed, but for congested areas like towns it was soon necessary to bring in the system of the West. Local self-government was imported from England and bestowed as a gift, first on the three presidency towns and later on the district towns, while the villages were allowed to retain their ancient customs. Yet it is in these villages, where the great mass of the people live, that there has existed for centuries a simple system of local self-government on which all real advance must be based. As the Decentralisation Commission has said in its report:

The foundation of any stable edifice which shall associate the people with the administration, must be the village, as being an area of much greater antiquity than the administrative creations such as *tahsils*, and one in which people are known to one another and have interests which converge on well-recognised objects.¹

Unfortunately, owing to the general political unsettlement which preceded the establishment of British rule in India, there had been a great decay in the life of the village community so that often it was hard to discern and call to life the various members of what had been an organic whole. The following pages will show the efforts to utilise what was left, for it was the business and policy of the government "to leave as much as possible of the business of the country to be done by the people themselves".²

The conditions of life in the towns, however, called for the early application of English methods of administration, and many attempts were made to transplant English municipal life into India. But, since this system was not an indigenous growth but a forced plant of foreign importation, it developed in India not like the English local government but somewhat like that in France, with local authorities looking rather to the wishes of the central authority than to what was desired by the local people and with the conduct of local affairs in the hands

¹ Report, p. 239.

² Resolution of Lord Lawrence, 14 September, 1864.

Intellectual
Fabric



of officials criticised and advised by local inhabitants rather than in the hands of elected representatives of the locality advised and helped by permanent officials who were their servants. Such a development was naturally disliked by the British government in England and by British officials in India, who often attempted to breed a municipal system like that known in England. These did not meet with any great success, partly because the English system was not suited to the situation in the country and partly because officials in India did not realise the real nature of government control in England.

The subject of local self-government in India naturally divides itself into two main sections, rural and urban. Each section, again, has two divisions which demand separate treatment. In the rural area the administration of the villages with their indigenous local self-government stands apart from that of the rural district, while among the towns the presidency towns of Bombay, Calcutta and Madras have a history quite distinct from that of the others.

VILLAGES

The following description of an Indian village taken from the *Imperial Gazetteer* gives a picture which is true for large parts of India.¹

The typical Indian village has its central residential site, with an open space for a pond or cattle stand. Stretching around this nucleus lie the village lands, consisting of a cultivated area and (very often) grounds for grazing and wood cutting. The arable lands have their several boundary marks and their little subdivisions of earth ridges made for retaining rain or irrigation water. The inhabitants of such a village pass their life in the midst of these simple surroundings, welded together in a little community with its own organisation and government, which differ in character in the various types of villages, its body of customary rules, and its little staff of functionaries, artisans and traders.

Such a description is not true of certain parts of India such as Bengal and Assam, and, even where it may be generally true, there is such an infinite variety of exceptions that the general application of a statement must be made and received with the greatest caution.

The chief functionaries were the headman, the accountant, the watchman, the priest and the schoolmaster, while the artisans included among others the smith, the potter and the washerman. The final word in the internal affairs of the village lay with the village council or *panchayat*, which settled matters by discussion carried on until general agreement was reached. The idea that the will of the majority should prevail or that votes should be taken does not appear to have existed.² Formerly the village officers and artisans were paid by grants of land or a share of the produce, but during Muhammadan rule, especially in its later phases, the village community greatly decayed and the remuneration of both officers and artisans, where

¹ *Imperial Gazetteer*, IV, 279.

² Matthai, *Village Government in British India*, p. 30.



these remained, largely took the form of cash payments. Sometimes the village council had disappeared, and in many places little trace of it could be found. Not that the rulers interfered with village life directly, for the relation between ruler and village was purely fiscal. So long as the revenue was paid to the proper official the villages were left to themselves. There was, however, in the exaction of all the revenue and perquisites that could be taken from the country, a tremendous pressure on the peasants which led to the decadence of village life.¹ Accordingly the British administrators had not to deal with a network of flourishing villages each with a healthy local life, but only with the remnants of the former system. Such as they were these remnants were utilised as the foundation of the new rule. Under settled and peaceful conditions, village life assumed a more normal course, and, as knowledge was gained with experience, many efforts were made to revive what was useful in the old village life with reference to education, sanitation, watch and ward, administration of justice and poor relief. In 1814 the court of directors of the East India Company wrote:

We refer with particular satisfaction upon this occasion to that distinguished feature of internal polity which prevails in some parts of India, and by which the instruction of the people is provided for by a certain charge upon the produce of the soil and by other endowments in favour of the village teachers, who are thereby rendered public servants of the community.²

They urged the government to protect and support these teachers. Sir Thomas Munro, protesting in 1824 against the proposal to absorb the village watch of Madras into the regular police, wrote: "No system for any part of the municipal administration can ever answer that is not drawn from the ancient institutions or assimilated with them".³ In 1821 Elphinstone in the Bombay Presidency declared: "Our principal instrument must continue to be the *panchayat* and that must continue to be exempt from all new forms, interference and regulations on our part".⁴ Such was the policy laid down at the beginning of the nineteenth century and followed by later administrators. The procedure may be illustrated by describing the organisation of the village watch and ward, an ever-present necessity, and the utilisation of the village system for special poor relief necessitated every now and then by the failure of proper rains.

The three original factors of village police organisation were the headman, the village watchman and the general body of villagers, all of whom are still utilised for the preservation of law and order. In Madras the village headman "must maintain law and order in his village, applying for assistance to higher authorities, if necessary, and

¹ Moreland, *The Agrarian System of Moslem India*, chap. viii.

² Howell, *Education in British India*, p. 6.

³ Matthai, *op. cit.* p. 141.

⁴ *Idem*, p. 168.



reporting to them the occurrence of crimes and the movement of criminal gangs".¹ In Bombay the police *patel* or headman has like duties to perform, while in the Panjab and the United Provinces for the reporting of crime use is made of the *lambardar* or representative of the landlords of the village. The administrative reports of Burma commend the police work done not only by the village headmen but also by their wives, one of whom arrested an armed robber in her husband's absence. The watchman was in olden times practically a servant of the headman, usually belonging to one of the menial castes, who lived on the outskirts of the village, and performed general service for the community. The importance of his services and position has been continually recognised by British officials from Lord Hastings who in 1815 described them as "the foundation of all possible police in the country",² right up to the present time. The Police Commission of 1902-3 emphasised the necessity of maintaining the village watch as part of the village system.³

It is necessary also from the people's point of view; even if the expensive establishment required could be maintained, it would be vexatious and intolerable to the people. Constant interference by the police, constant espionage of village life, constant visits of officials of the lowest grades constitute an intolerable burden to the people.

In spite of frequent attempts on the part of the regular police to get these watchmen entirely under their control, the policy of the government has been, while making them work in harmony with the regular police, to preserve their connection with the headmen by making them responsible to the district magistrate through that functionary. They are paid either by monthly salaries or by the old custom of assignments of land and grain-fees, and in making new appointments to this service hereditary claims are always respected. In Bengal where village headmen did not exist and where the village watchman was either a servant of the landlord or under the control of the regular police, continual efforts have been made since 1870 to create a local village council to collect the pay of the village watchmen and to control them as village servants. The scheme at first met with little success, as the council members objected to being responsible for the pay, and the regular police found that they could get no help from either council or watchman. Changes were made in the law to give the magistrate and police more control, but with little improvement to the system, until finally in 1919 the Village Self-Government Act gave the council a proper status and dignity and definitely placed the village watchman in a position subordinate to that authority. Apart from the headman and the village watchman, whose duties are prescribed by statute, the general body of villagers at times show themselves ready for special organised efforts. This readiness has been utilised by the regular police to form effective bodies to repel the

¹ *Imperial Gazetteer*, iv, 281. ² *Matthai, op. cit.* p. 141. ³ *Commission Report*, chap. iii.



attacks of bands of robbers. Such village defence parties have functioned in most provinces and proved especially useful in Bengal in combating and capturing robbers, even when armed with firearms.

The relief of the poor has in normal circumstances been left mainly to individual charity, which in India is accepted as one of the principal duties of ordinary people. So universal is the acceptance of this duty that ordinarily there has not arisen the necessity for state relief of the poor which is so common a feature of Western countries. At times, however, owing to the failure of the rains on which the harvests depend, large masses of the population are faced with unemployment and there is a sudden and great contraction of private charity. It is now the accepted policy of the state to intervene to save the people from starvation and at the same time to preserve in them to the fullest possible extent the spirit of self-help. This policy has elaborated a series of famine codes, the product of successive commissions of enquiry to report on the results of previous famines and to formulate definite suggestions for prevention and relief. "There are few things in the history of Indian administration during the last thirty years in which the growth of scientific knowledge and the power of organisation have achieved a more conspicuous success than the prevention and relief of famines."¹ Such famines as do now occur are very different from those mentioned in the chronicles of the seventeenth century which were food famines in the strictest sense of the word, times when it was not a question of obtaining the means to pay for food but of getting food for all; famines accompanied by huge mortality and voluntary enslavement of the people.² At the present day, thanks to the excellent communications both within India and connecting her with the rest of the world, the very idea of a food famine has been banished from all but a few tracts still inaccessible to the merchant. It is necessary, however, to help large masses of individuals in want, and the old village organisation is employed to relieve distress throughout the area affected by the failure of crops. Famine relief is given in villages by distributing doles of grain, cooked food or money to poor persons unable to work or by giving wages in payment of work done on village relief works. For the administration of this relief a village council or *panchayat* is appointed, while full use is made of the headman, accountant, and watchman of the village. To these is added the village grain-dealer who is all-important as the local purveyor. Although in his capacity as money-lender this individual has been fiercely attacked in all ages, yet as the local storer of grain and the middleman between the producer and consumer, he is now recognised as one of the principal combatants of famine whose services should be enlisted by the state. The headman, aided by the village council, prepares the list of those eligible for gratuitous relief, while usually some of them

¹ Matthai, *op. cit.* p. 74.

² Moreland, *From Akbar to Aurangzeb*, chap. vii.



CSL

form the agency under which village relief works are carried out. The accountant keeps systematic records of the persons relieved or employed, while the watchman informs the needy where food or work may be had and helps to bring in cases too weak to walk. All through the period they are supervised, corrected and encouraged by the government official placed in charge of a circle of many villages, and under his leadership they have made it possible to give wide and economical distribution of state aid in times of famine.

Similar methods have been adopted to utilise the old village machinery for the extension of primary education and the dispensing of justice, but the illustrations given above will suffice to show how efforts have been made to utilise the self-government that was indigenous in the country. When the sphere of administration was enlarged from the village to the district, a new departure had to be made. Except in the collection of revenue there was nothing in the old system by which the villages were linked up with the higher authorities. New construction, not an adaptation of the old, was necessary. For district self-government ideas were imported, ideas with which the administrators had been familiar in their own country, and it was hoped that equal good would result from their planting in an Indian soil.

RURAL BOARDS

The present system of rural boards throughout India is the result of the resolution of Lord Ripon's government of 18 May, 1882, which was worked out and applied in various ways by the different provincial governments in India. Such diversity, a natural consequence of the great differences in the peoples and countries of India, was accentuated by the necessity of utilising as far as possible the organisation that already existed for carrying on the various works of local government, such as the construction and maintenance of roads, village education, etc. Such work, as is usual in India, had been started without legislation. In Bengal money was raised by regulations¹ which decreed that public ferries should be managed by the government for the safety and convenience of travellers, and that surplus proceeds should be used for the repair and construction of roads, bridges and drains. Local committees were appointed, with the district magistrate as secretary, to advise the government of the needs of each district and to see that the money allotted was spent properly. Although these committees had no legal power to raise funds, and their work was in strict subordination to the local government, they were of considerable use, not only in helping the local officials to realise what roads were of prime importance, but also in persuading the local gentry to subscribe for particular pieces of work. The funds available were so small, less than £50,000 in 1886 for 200,000 square miles of country,

¹ Regulation XIX of 1816 and VI of 1819.

Rural Relief
Boards
"A"
Appointment of
Local Committees
with initial powers
as per



that we find the government urging the committees to encourage local subscriptions in aid of the work.¹ In other parts of India money was raised usually by a cess, a small percentage of the land-revenue levied or paid voluntarily for expenditure on roads and education, this being the easiest and traditional way of getting any extra money required. The amounts to be paid were fixed when an assessment of land-revenue was settled, and, so long as they were used for obvious local improvements, these levies met with little opposition. In nearly all cases local committees were appointed, consisting of both officials and private persons, English and Indian, to help the district officer in distributing expenditure throughout the area. The needs of various parts were discussed and the money allotted. It was a type of local government suited to the conditions of the time that responsibility should rest on the district magistrate, who got others, interested in the needs of the district, to help him in the work.

In Madras and Sind² proceedings were soon taken to legalise these cesses and later in 1869 the Bombay Government was armed with a comprehensive enactment³ to provide for expenditure on objects of local public utility and to constitute committees for the proper administration of such funds. These bodies were formed not only for the district as a whole, but also for the *taluks* or subdivisions of the district, considerable sums being placed at the disposal of all these bodies. By the formation of local committees it was hoped that the people might become accustomed to take an interest in the administration of their own affairs and give that assistance of which the government stood so much in need in regulating and providing for local requirements and improvements. The director of public instruction had reported that the educational inspectors continued to make the most encouraging reports of the working of the local cess, and thought he saw his way to give primary education to the children of the cultivators.⁴ All the members of the committees were nominated with the local officials at their head while their proceedings were subject to review and control by the government. Local self-government had been put on a definite footing, not like that in England, but rather akin to that on the continent of Europe in its strict control by officials.

The next phase was inaugurated by the financial reforms of Lord Mayo in 1870, whereby each province was to bear a part of the growing state expenditure, and the need for organising local self-government was clearly laid down in the resolution of 14 September, 1870.

The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions, and for the association of natives and Europeans to a greater extent than heretofore in the administration of affairs.

¹ Ferry Fund Resolution, 12 September, 1856.

² Act VI of 1863 (Madras Council), VIII of 1865 (Bombay Council).

³ Act III of 1869 (Bombay Council).

⁴ Proceedings, Bombay Legis. Council, 5 February, 1869.

Within the next year there was great activity in the various provinces to place local government on a proper local footing, acts¹ being passed which legalised existing cesses, adding to them in some cases and in Bengal even bringing them into existence. As Bengal had so far escaped all cesses, it raised a cry of indignation at the proposal thus to raise funds for roads and education. So great was this that the secretary of state directed² that the cess should raise only what was needed for roads and thus a great opportunity for finding funds for primary education was lost. Even so there were protests³ by Indian members of the legislative council that no more roads were necessary, although the famine in Orissa had recently shown the absolute necessity of extending the means of moving food from one part of the country to another. The result was that the proceeds of the cess could be utilised only for roads, while in the other provinces expenditure was distributed over communications, education, public health, and general improvements in the districts. Committees similar in constitution to those in the Bombay Presidency were formed for the districts throughout India, but nothing was done to develop self-government in smaller areas. There was thus by 1881 throughout British India (except Burma) local government by nominated district committees, consisting both of officials and private persons, controlled in all matters by the government and with an official president or chairman. Much was done by these bodies to improve communications, construct schools, dispensaries, etc., and the districts reaped considerable benefit. The system, however, had no connection with any previous Indian system of administration, but was the work of official hands. Local funds were raised to supplement what was given by the central government, and proceedings were controlled by persons who looked to that government for orders rather than seeking to carry out the wishes of the people of the district. The vitality of such bodies depended almost entirely on the officials who, although in a minority on the committees, practically controlled their proceedings. In co-operation with these officials private persons in several instances did excellent work but in many cases meetings were poorly attended, and the administration of affairs rested with the district officer aided by his official staff. The hope of relieving that officer in his work of local administration had not been fulfilled, while the extra funds available had greatly increased the scope of his activities.

In 1881-2 a determined effort was made to turn these district committees into something more consonant with English ideas. It was proposed at first that the local administration should be concentrated in the hands of one committee for each district with subordinate committees for the subdivisions, the district or subdivisional officer

¹ XVII, XVIII, XX of 1871, IV of 1871 (Madras).

² Proceedings, Bengal Legis. Council, 25 March, 1871.

³ *Idem*, 3 June, 1871.



presiding and being responsible for the executive side of the work. At least one-half of the members of these committees were to be private persons nominated or elected as might seem best. This did not represent much advance on the state of affairs then existing, but by the resolution of May, 1882, a further step was made towards more liberal ideas, and it was recognised that the districts were too large for effective supervision by private persons. It was suggested that the new boards should have a large preponderance of non-official members, chosen wherever practicable by some system of election, and where possible the chairmanship and control of the executive should vest in the hands of private persons and not of government officials. It was desired that the smallest administrative unit—the subdivision—should ordinarily form the maximum area to be placed under a local board. The jurisdiction of the primary boards was to be so limited in area as to ensure both local knowledge and local interest on the part of each of the members. Internal control by officials over the boards was to be relaxed, but outside control was to be maintained by requiring sanction for certain actions and by retaining the power of intervention in case of neglect or default, this power extending in the last resort to the suspension of the delinquent board. It is curious and significant that control by an auditor empowered to surcharge was not mentioned, although this had been definitely provided in the English Public Health Act of 1875 (s. 248).

The legislation that followed in the train of this resolution showed the greatest diversity with only a partial observance of the instructions issued. The new proposals were too drastic a change from existing conditions to be accepted with confidence, and the various provinces, while acting on the resolution, were nowhere prepared to follow it completely. All, except Burma, accepted the principle, but all asked that its fulfilment might be gradual. Some attempts were made to base the system on the existing indigenous self-government in the villages, and this at first obtained the fullest support from the higher authorities. In addressing his council on the Local Rates Bill for the Central Provinces in November, 1882, the governor-general remarked: "I think it very desirable that here as elsewhere, where there may still remain indigenous institutions of local self-government, that they should be made use of to the utmost possible extent".¹ By this bill the basic electorate was composed of the village headmen who were grouped together to elect members to the subordinate local boards which in their turn elected the majority of the district council.² The district officer was carefully excluded from the chairman's office but the ordinary district remained as the main unit of administration, an area much too large to be known or even interesting to the private members of the board, a defect that was to prove fatal to genuine local self-government on the English model. A little later the same

¹ Proceedings, India Legis. Council, 2 November, 1882.

² I of 1883.

Indirect
election
by headmen
members of
sub-district
2
electorates
of districts
Council

council legislating for the Panjab and the North-Western Provinces and Oudh departed still further from the principle of utilising indigenous materials and practically retained the system already in vogue in the provinces, save that a certain elective element was introduced.¹ The district officer remained in charge of the administration of the district council or board, while the subordinate bodies for the subdivisions had no independent power, little money to use, and only the most uninteresting routine work to supervise.

As has been noted above, the Bombay Presidency led the way in the attempt to stimulate local interest in rural improvement, but, owing to the necessity of concentrating on the construction of good roads throughout the districts, administration was completely centralised and the local bodies had little if any power over expenditure.² New legislation, however, in 1884 established again the subdivisional boards with an electorate somewhat on the lines of that in the Central Provinces, and placed at their disposal a portion of the cess and certain fees. The chairmen remained official, but owing to the powers given to the subordinate boards there was a greater diffusion of work in the different parts of the districts.³ Madras went a step further on the path towards decentralisation by taking for its primary boards committees or *panchayats* for the larger and more prosperous villages, in many of which voluntary sanitary associations already existed. The duties of the *panchayats* were to clean up the village and in some cases to maintain roads and provide a water supply. Their funds were found from a house-rate, which could in the last resort be imposed by the governor if the villagers themselves insisted on preferring insanitary conditions to the payment of rates.⁴ The subdivisional or *taluk* boards were armed with considerable powers and funds, while the district board exercised administration over the whole district. There was thus a real association of the people with the work in connection with communications, education and sanitation at all stages, but the chairmen of the *taluk* and district boards remained official, so that, except in the village unions, executive power remained that of the local government and control was exercised from within rather than from without.

More striking is the story of the Bengal Local Self-Government Act, by which a provincial government started to carry out the principles of the 1882 resolution but was thwarted by the secretary of state. Mr Macaulay in introducing the bill in January, 1883, referred to the great progress that had been made in the last twelve years in education, the making of roads, etc., but admitted that little had been done to develop local self-government. The district committees established

¹ XIV and XX of 1883.

² Proceedings, Bombay Legis. Council, 25 August, 1883.

³ Act I of 1884 (Bombay Council).

⁴ Act V of 1884 (Madras Council).



1871 had not proved satisfactory, as the areas were too large for such bodies to manage. It was therefore proposed to utilise to the utmost existing and well-established institutions and base local self-government on village committees which would form the "executive hands" of a local board constituted for an area not greater than a subdivision. He urged that there was no necessity for a district board, but the necessary supervision could be provided by a central board for the whole of Bengal.¹ While the sanction of the secretary of state to these proposals was awaited, some test elections for village committees were held, and found to give excellent results, as the mode of election, viz. calling the villagers together and letting them choose their own representatives after discussion and not by silent votes, suited the genius of the country. These interesting and bold proposals, however, were vetoed by the secretary of state, who desired that the powers of control should be conferred on a district committee presided over by the district magistrate.² Both the local government and the Government of India urged that the proper position of the magistrate as the controlling authority of the district was outside these boards, and again put up a scheme of subdivisinal boards with control by the divisional commissioner. But the secretary of state would have none of it and insisted on the establishment of district boards. He wrote:³

If the plan which I have sketched out were adopted, the government would be able with due regard to the public interest to leave even more in the hands of the local bodies than it could with safety when trusting only to the supervision of the magistrate acting apart and without the advantage of constant intercourse with the members of a district committee.

The result was the act of 1885 and a system by which the district magistrate controlled the work throughout the district, the needs of which were known to him better than to any other member of the board, as his duties took him all over the countryside. The district board fulfilled the secretary of state's desire for efficiency, for it was efficient in getting work done, but there was little if any development of the English form of local self-government and no utilisation of the "existing and old institutions in the villages". Great was the change from the spirit of the 1882 resolution, in which Lord Ripon had declared:

it is not primarily with a view to improvement in administration that the measure is put forward and supported. It is chiefly desirable as a measure of political and popular education. His Excellency in Council has himself no doubt that in course of time as local knowledge and local interest are brought to bear more freely on local administration improved efficiency will in fact follow.

These high hopes were hardly justified by the actual working of the various systems of local government which they had inspired. The

¹ Proceedings, Bengal Legis. Council, 20 January, 1883.

² *Idem*, 9 February, 1884.

³ *Idem*, 14 March, 1885.



boards were neither local nor popular, and the machinery of an election system inspired no enthusiasm. A popular will outside the village was unknown, and inside was accustomed to find expression in discussion until a unanimous decision was reached. The hope that it would be generated by polling booths was disappointed, for the elected representatives could hardly be said to embody a popular will. Generally the elections excited little interest and a large proportion of the vacant seats were filled without contest. Even when sitting on the board, the representatives of the people were mainly apathetic and prepared to leave such matters to the disposal of the presiding district magistrate. Further the districts were units much too large to be managed by any single representative body. The elected representatives knew the immediate vicinity of their respective villages and the headquarters of the district but were ignorant of the rest of the area. The subdivision itself was too large an area for an elected body to manage. The result was that the work of the local bodies was not spontaneous but actuated by the directing energy and knowledge of the district officer who was known to men from all parts of the district. In the circumstances it was essential that he should remain in control of these large local bodies, and, even after they had been working for a quarter of a century, the Decentralisation Commission was of opinion that the district officer should remain at the head of the board.¹ Even if the outside control of the local bodies had been increased by giving the auditors, as in England, the power to surcharge individuals for the misapplication of funds, it is doubtful whether the services of the district officer could have been dispensed with, as there was so little vitality in the new bodies.

An example of this lack of vitality may be found in the fact that these bodies showed little enthusiasm for any attempts to increase their incomes from those sources which were under their own control, such as public ferries, cattle-pounds, tolls, etc. The greater part of their funds came from local cesses assessed and realised by government officials. Had it been their duty to collect this money for themselves, their income would have been much more attenuated and very little could have been done to improve life in the districts. As it was, the district boards, with the exception of those in Madras, kept the lion's share of the funds for their own work and starved the subordinate boards, leaving them only enough to carry out works of a petty and routine nature. It was little wonder that these bodies became completely apathetic and in most parts of India were condemned as useless. The contrasting progress of the subdivisinal boards armed with substantial powers and funds, and of the village unions in Madras realising their own rates, showed clearly that the system elsewhere was at fault, as it had not been built up from the bottom. A comprehensive overhaul was necessary, for the attempt to transplant from

¹ Report (1909), para. 795.



England rural self-government had not been a success. It is now to be seen how similar efforts fared in connection with the presidency towns of Bombay, Calcutta and Madras.

PRESIDENCY TOWNS

In the presidency towns the Western ideas of local self-government have had a comparatively long trial, as they were introduced by a statute¹ of George III which gave authority to the governor-general to appoint justices of the peace in these towns and empowered these justices to appoint scavengers and watchmen and to levy a rate to pay them on owners and occupiers of houses and ground. Earlier English law was followed, a previous statute² of the same monarch being cited as a precedent. It is significant that although the English statute is closely followed in constituting the local body, the clause appointing a person to collect the rates and keep accounts, and providing punishment in the event of his negligence, is omitted. This omission to provide for the strict supervision of public money, the backbone of English local self-government, occurs again and again in the history of Indian municipal government. It is one of the facts that help to explain the lack of success in transplanting this English institution to the soil of an oriental country.

The statute was passed none too soon, for Grandpré could write of Calcutta in 1790 that the public drains were regarded as the natural receptacles for all refuse and filth, that carcases were left to rot and putrefy in the streets, and that jackals had for two nights preyed on a human corpse thrown down at his gate.³ Little change was made in the next thirty or forty years, but gradually regular establishments grew up. The body of justices was supposed to control the staff for the collection of the rates and an engineer in charge of the roads and conservancy. In all cases, however, the money collected was inadequate for the work to be done and the sanitation of the rapidly growing presidency towns was indescribably bad.

Between 1817 and 1830 spasmodic attempts were made in Madras and Calcutta to undertake special works paid out of the lottery funds, and much was done with this money in laying out these towns, the roads or drains on completion being handed over to the justices to maintain out of their assessments. Even for the maintenance work the funds never sufficed, and the provincial governments supplied the balances required. In Bombay alone was an additional tax—that on carriages and carts—successfully levied, the proceeds of which were spent on the roads. The justices as a body did not take much interest in their work, and their power was gradually concentrated in the hands of the chief magistrate, who was helped in Calcutta by

¹ 33 Geo. III, c. 52.

² 7 Geo. III, c. 42.

³ S. W. Goode, *Municipal Calcutta*, p. 10.



the superintendent of police to collect the taxes and to supervise the work of conservancy—a Herculean task. No trace of popular government is apparent, while there was a general fear of imposing taxation adequate for the work required and of realising rigorously the rates imposed.

The first comprehensive attempt to tackle the situation was made by "The Fever Hospital and Municipal Improvement Committee", which from 1836 to 1849 overhauled all the departments of Calcutta, laying bare the noisome defects in conservancy, and even extracting Rs. 14,000 from a highly placed official who could not explain a deficiency in the accounts. During this period began some efforts to get the residents to take more interest in the work of the town, as their co-operation was found essential. Accordingly the acts, XXIV of 1840 for Calcutta and XXII of 1841 for Madras, while widening the purposes to which the municipal assessment might be applied, gave powers to the inhabitants of the different divisions of the towns to ask for the control of the assessment and the collection of taxes. This first attempt to induce co-operation failed, as the residents had no desire to participate in the disagreeable tasks of collecting and administering public funds.

Bombay found its own solution in Act XI of 1845 which concentrated the administrative power in the hands of a Conservancy Board, on which were two European and three Indian justices, elected by the body of justices, with the senior magistrate of police as chairman. In Calcutta, however, experiments continued to be made to enlist the help of the people by direct election, but the elections were a farce and gave opportunity for the grossest abuses. The result was to discredit completely the elective system for years to come and to put a stop to the efforts of the government to make the public partners in the management of the town.

A fresh attempt to grapple with the sanitation of the presidency towns was made in 1856 when Act XIV (for the conservancy and improvement of the towns of Calcutta, Madras and Bombay) and Act XXV (for the better assessment and collection of rates) were passed. The proceedings of the council show that the various points in the bills were fully debated, the members always referring to the English statutes for guidance, but also again and again deferring to such Indian opinion as was expressed. Some change had to be made, as it was admitted on all hands that the existing system had failed and that the election of the commissioners could not be entrusted to a direct vote. Thus Sir James Colville did not suppose there was any town in the world of equal size and opulence in such a disgraceful state of darkness as Calcutta,¹ while Mr Peacock emphasised the importance of drinking water and drainage compared with lighting.²

¹ Proceedings, India Legis. Council, 6 December, 1856.

² *Idem*, 13 December, 1856.



Special acts were passed for the appointment of three commissioners in each town and the difference in development of each begins to appear. In the Calcutta act¹ were special provisions for gas-lighting and for the construction of sewers. In Bombay² power was given to levy town-dues, a profitable source of income, while the town was made to pay part of the cost of the police force and to set aside money to repay the government the cost of constructing the Vihar waterworks. For the first time an attempt was made to deal with the conservancy of the large towns on the lines that had proved successful in England, but with this fundamental difference that the scheme was not a natural growth as in England, but an importation, which could be worked only by the help of officials appointed by the government.

However, many defects soon became evident. For example, responsibility was divided among the three commissioners; residents were not associated in any way with the administration; there was no power to raise the necessary funds, while proper audit control was completely lacking. The towns remained filthy, and the complicated conservancy system of Act XIV existed only on paper. Each province, now armed with legislative powers, sought its own solution of the problem.

In Calcutta the justices were again³ vested with the general control of municipal expenditure while executive power was concentrated in the hands of their chairman appointed by the government, his position being further strengthened by his being commissioner of police. Provided with funds by the raising of the house- and water-rates, Sir Stewart Hogg seized the opportunity of taking up on a proper scale the combined system of drainage and water supply, which made possible the vast strides in sanitation apparent at this time. But the hundred and twenty justices formed a clumsy body to supervise a strong and active commissioner, and there were many wrangles between the two parties. Still the improvements effected made them averse to any constitutional change till ten years later.

Although Bombay had larger available funds than Calcutta, the three commissioners had been unable to work together and financial chaos had been the result. There was no check on accounts, no contracts for works, while three and a half lakhs were unaccounted for by one officer. The condition of the sanitation of the town was dreadful and the death-rate was rising rapidly. By the act⁴ of 1865 the justices were constituted a body corporate, with control over the budget, but all executive power was concentrated in the hands of a highly paid government official. In view of the financial scandals of the late régime, a special controller of accounts was appointed, who was to be independent of the chairman and whose signature was necessary for any expenditure. With the appointment of Mr Arthur Crawford as

¹ XXVIII of 1856.

³ VI of 1863 (Bengal Council).

² XXV of 1858.

⁴ Bombay Municipal Act of 1865.



municipal commissioner and Dr Hewlett as health officer, the work of sanitation was pushed on vigorously, and the whole administration tightened up.

Madras at first did not alter its constitution, as the justices had been found to take little interest in municipal work, and they could not afford to appoint a highly paid official as in Bombay. Even with fresh taxation they could only maintain the existing services and no drainage scheme could be attempted. Later on, however, legislation¹ was passed to associate the people with the administration by dividing the town into eight wards, with four councillors appointed by the government for each. Executive power was concentrated in the hands of the president and fresh sources of income were found in liquor-licence fees and tolls on goods entering the port.

In the decade 1865-74 great improvements were made in Calcutta and Bombay, thanks to the funds available and the vigorous personalities of the executive heads, but many flaws existed in the constitutions of the towns. Improvements were effected in the legislation of the next decade, when financial control over the executive was strengthened and the modern system of election of representatives directly by ratepayers came at last to stay. In each of the towns half the councillors were elected, but the executive remained in the hands of an official nominated by the government. Control over this official was financial, steps being taken to introduce some sort of continuous audit or supervision either by paid auditors or by representatives of the corporation.

A start was made in Bombay, where there had been great popular agitation against the commissioner on account of his enforcement of taxation and of pushing on the works necessary for conservancy without having the full support of the justices. The controller of expenditure appointed under the act of 1865 did not control,² as he had in practice become a subordinate of the commissioner, while the justices, five hundred in number, were much too numerous to constitute any detailed check of finance. After much controversy the corporation was reduced to sixty-four members, sixteen nominated by the government, sixteen elected by the resident justices, and thirty-two elected directly by the ratepayers. The executive power was concentrated in the hands of the commissioner, but provision was made for the weekly audit of the accounts by the town council, a standing committee of the corporation, and for a monthly audit by paid auditors.³ This constitution stood the test of experience and remained in force with some additions and improvements till the end of the period under review. Bombay was thus the first to solve satisfactorily the problem of successful local self-government, not on a

¹ Act IX of 1867 (Madras Council).

² Proceedings, Bombay Legis. Council, 27 March, 1872.

³ Bombay Municipal Act of 1872.



model of the English system, but in a manner evolved by and for itself a strong executive officer controlled rigidly in financial matters by a committee answerable to the corporation, half of whom were directly elected by the ratepayers.¹

In the meantime various acts had enlarged the powers of the Calcutta corporation, mainly in connection with the provision of a proper supply of filtered water. The bringing-in of a consolidating act² was the opportunity to revise the clumsy constitution of one hundred and twenty justices *vis-à-vis* a strong commissioner, neither side possessing clearly defined powers. Direct election by ratepayers was introduced, two-thirds of the seventy-two members of the corporation being thus appointed. Salutory provisions for the payment of interest on municipal debt and for the formation of a reserve fund were made and special attention was paid to drainage, water supply, and conservancy. Waterworks and sewers were constructed on a large scale. Refuse and sweepings were taken outside the town, and the practice of throwing corpses into the river was at last stopped. In 1882 a large portion of the suburban area was added to the town, as only thus could efficient water supply and drainage be given to those places which had become increasingly liable to disease and were a perpetual menace to the health of Calcutta. The opportunity was taken to reconstitute the "town council", a body formed in imitation of the Bombay body of that name, to increase to fifty the number of commissioners elected by the ratepayers, and to make obligatory the expenditure of two lakhs on drainage-works and the improvement of congested areas. The government remitted the annual charge of almost three lakhs for the police, and this money was applied to the improvement of the new area. No move however had been made to strengthen the executive, and experience was soon to show the necessity for reform in this direction. Sanitary conditions became so menacing that the government had to intervene, and in 1899 it passed a new act which put definite limits to the interference with the executive by the corporation and large committees. Although the executive was supposed to be centred in the chairman, it was subject to the limitations put upon it by resolutions, not only of the corporation as a whole, but also of the committees dealing with subjects like water supply, town improvement, roads, buildings, conservancy, etc. The corporation and these committees, being large bodies unsuited to deal with details of administration, good government was an impossibility, as the members would insist on discussing every little point of the work, so that prompt action could seldom be taken.

Under the new act³ only half the commissioners were elected by the ratepayers, the remainder being appointed, four each by the Bengal Chamber of Commerce and the Calcutta Trades' Association,

¹ For a full description see Masani, *Evolution of Local Self-Government in Bombay*.

² IV of 1876 (Bengal Council).

³ III of 1899 (Bengal Council).



two by the port commissioners and fifteen by the local government. The powers of the corporation were confined to the fixing of the rates of taxation and to the performance of general functions—laying down policy, etc., subjects which can be efficiently performed by a large body. The executive was vested in the chairman, while between him and the corporation was interposed a general committee consisting of the chairman and twelve commissioners, four elected by the ward commissioners, four by the other commissioners, and four appointed by the local government. This committee was empowered to decide matters too detailed for the decision of the corporation but too important to be left simply to the decision of the chairman. The reconstituted corporation directed its efforts to the punctual collection of rates, the completion of the drainage system, and the improvement of the water supply. Experience showed that there was plenty of driving power in the corporation and that the revised constitution had fulfilled its object of preventing action being strangled by debate. Great strides were made in the health and improvement of the town, but it was not popular government, and little interest was taken in the elections.

Madras still suffered from lack of funds, the taxation per head being in the 'seventies about a fifth of that in the other presidency towns. There was no adequate water supply, no proper system of drainage, and no funds to provide the one or the other. Indian members of the legislative council protested against the need of drains and declared that the population could bear no more taxation. The state of the town with its rising death-rate finally convinced them that something had to be done. In 1878 the elective system was introduced, sixteen out of the thirty-two members being elected by the ratepayers, but the president and the two vice-presidents were salaried officials appointed by the government.¹ The corporation had power to deal with the budget and the raising of loans, but the detailed scrutiny of accounts was left to two official auditors who maintained a continuous audit. Fresh taxes were imposed to carry through the much-needed work of drainage and water supply as far as funds would allow, but neither could be made really satisfactory or complete. A further extension of the elective system was made in 1884² when twenty-four members were elected by the ratepayers, and the long struggle over the water supply and drainage still continued. Like Calcutta, the city of Madras lies in a plain far from hills, so that drainage presents a problem of peculiar difficulty, while large capital was required to bring good water from such a distance. As Madras had not developed into a great commercial centre, like Bombay or Calcutta, there was always a shortage of funds and continual efforts to find new sources of taxation. In 1904 a new municipal act³ was passed on the lines that

¹ Act V of 1878 (Madras Council).

² Act I of 1884 (Madras Council).

³ Act III of 1904 (Madras Council).



has proved successful in Calcutta. The number of commissioners elected by the ratepayers was reduced, while special representation was given to the commercial interests in the town. The separate functions of the corporation, standing committee, and the chairman, were clearly defined, while the provisions for continuous audit were maintained. Armed with this new constitution and large grants from the government, Madras at last tackled its problems of water supply and drainage on a comprehensive scale and started to deal with its congested areas.

In the end all three towns, although by devious routes, found ultimately the same solution for municipal administration, namely a limited electorate, elaborate provisions for audit, a large corporation with full control over finance, and a strong executive centred in a government official, who was left much freedom of action within well-defined limits. It was not local self-government as known in England, or indeed in Europe, but a curious hybrid that solved the elementary problems of water supply, drainage and conservancy, and was later able to give these towns most of the amenities of modern cities. The control of the government was mainly through the person of the official who was in charge of the executive. Apart from this it was limited to making comments on the annual and audit reports. If a corporation failed to carry out certain statutory duties, the government had the power to step in and have them done, but there was no power of control over these bodies like that vested in England in the person of an auditor armed with the power of surcharge. In its place are most elaborate systems of audit and supervision but nothing of the simple direct discipline of enforcing responsibility for public money by touching the pockets of those who either misuse it or neglect to realise it on behalf of the public.

DISTRICT TOWNS

In Moghul times municipal administration, where it existed, was in the hands of the *kotwal* or town-governor, who also combined the duties of magistrate and police officer. An autocrat, who could do as he pleased so long as the imperial government remained stable and received the necessary revenues, the *kotwal* maintained a few simple municipal services for the benefit of traders, as his income depended on the flow of trade into the town.¹ When the British took over the administration of the country, it was only natural that the officials and the people should sit down together to decide how funds could be raised to pay a conservancy staff or a night-watch, who should be responsible for the supervision and payment of the staff, etc. Leading merchants, householders and landlords in concert decided how the money should be raised, whether by house-rates, town-duties, tolls

¹ Moreland, *India at the Death of Akbar*, chap. ii.



or otherwise. They drew up an assessment list and appointed a man to collect the money. Such a body, with the magistrate at its head, was so powerful that nobody thought of opposing the demands of the tax collector so long as these were reasonable—a committee of the above description would not impose oppressive taxes—while all had the satisfaction of a conservancy staff to clean up the town and of hearing the night-watchman on his rounds in the dark. In some such way municipal committees, without any legal sanction and without any rules, started in the old commercial centres and political capitals of India. Similar methods were employed for the larger villages, which, when they contained administrative headquarters, soon began to exhibit features characteristic of the town rather than of the village. Such action has been known even in recent years and was easy to take, as it suited the people who were ready for concerted action but had a dread of putting themselves definitely under a new law. This process can be illustrated from various parts of India.

In the Panjab, before the days of British administration, there had been levied a tax—a handful—on all goods coming into the town. After annexation the British officials continued this levy in many places, devoting the proceeds to the maintenance of a police force and then to improvements in the town. For the supervision of the latter municipal committees, the members of which were often chosen by the different communities, were called together and assisted the officials in this work.¹ The Panjab was a province of many towns, which varied from large commercial and political capitals like Delhi, Lahore, Amritsar, Peshawar and Multan, to big agricultural villages. Municipal life grew naturally, suiting itself to the diversity of local conditions, depending for guidance on the local officials. In the Administration Report of 1855-6 it was noted that drainage existed in all cities and elaborate projects had been formed for Lahore, Amritsar and Ambala, the cost of which would be "chiefly defrayed in the most spirited manner by the citizens". Although a few places availed themselves of the general municipal act (XXVI of 1850), the great majority were without legislation till Act XV of 1867 was passed. This was a brief measure enacted as an experiment for five years, reserving wide powers to the lieutenant-governor and leaving to the local committees the choice of their own form of taxation. Expenditure from the municipal fund was to be applied first to the maintenance of a police force and then to the making and repair of roads, drains and tanks, and to the provision of lighting, poor-houses, market-places and education.

In Bombay Presidency, on the other hand, great use was made of Act XXVI, so that by 1856 it was in force in 336 "towns". To bring it into force the local people had to petition the government for its introduction, and the government, after giving the necessary sanction,

¹ Proceedings, India Legis. Council, 14 December, 1866.



appointed the local magistrate and others to form a local committee, which had power to propose taxes and carry out improvements in the town. Apparently in this province the district officers had little difficulty in finding half a dozen people in a town to forward a petition on which action was taken to bring the act into force.¹ This act was naturally vague in its provisions and so the greatest diversity of customs and rules grew up under its nominal control. A peculiarly fruitful field was found in the large villages of the Satara district, where in pre-British days there had existed institutions of a municipal type. By 1856 as many as 292 municipalities had been established in this district² but most of them existed only for a year or two. Bombay Presidency remained content with this act for some years, but legislated so that dispensaries and schools might be paid out of municipal funds, and later threw on them a proportion of the police charges. The application of municipal government to many of these "towns" was farcical, one mentioned in council when Act VI of 1873 was being considered having an annual income of only Rs. 88, most of which was used to pay an orderly.³ By the act of 1873 Bombay brought its legislation into line with that of the rest of India and classified its towns with a population of not less than 10,000 as "cities" and as "towns" those of not less than 2000. It put a large non-official element on the "city" boards and prescribed special conservancy work for these places. The "town" municipalities remained still in the hands of their presidents, the district officers, while even for the "cities" there were no elected members.

In Madras the people stoutly resisted the introduction of Act XXVI and none of the inhabitants could be persuaded to petition the government for its introduction. As elsewhere the necessity arose of some sort of municipal administration and voluntary associations were started in a few places. These the government recognised by making grants equal to the amount raised by private subscription. But the government did not long remain satisfied with this system, and passed Act X of 1865 so that funds could be raised for the police in the country towns and provision be made for the construction, repairing and cleansing of drains, the making and repairing of roads, etc. The government decided how much was to be raised in each town and then contributed a quarter of that amount, partly to help the local people and partly to prevent the local officers making too extravagant demands. There was a strong official element on each board, and even the private persons were all nominated and held office for one year only. By 1869 the act had been introduced into forty-four towns, being received with indifference in most places, and fierce opposition where strong religious feelings existed. In some places, however, "the interest of

¹ Proceedings, Bombay Legis. Council, 11 August, 1873.

² *Administration Report*, 1855-6.

³ Proceedings, Bombay Legis. Council, 11 August, 1873.



the native commissioners was aroused and the act carried out with great heartiness".¹

In the Central Provinces and Oudh, Act XV of 1867, framed for the Panjab, was introduced into several towns, the elective system being adopted in many places from the first. The Jubbulpore committee led the way in boldly borrowing money on perfectly adequate security to carry out a large water supply scheme,² while in Nagpur great progress had been made without any legislation in cleaning up the town, driving streets through the worst areas, and laying the foundations of a good drainage system.³ Lucknow, a city that had been besieged and sacked, was in such a dreadful state that a "Conservancy Committee" was formed in 1858, which worked on the lines of Act XXVI, raised funds by means of long-established octroi, and generally cleaned up the city. The position of the committee was legalised by Act XVIII of 1864, an act ahead of the times, as provision was made in it for the annual election of nineteen out of twenty-five commissioners. Funds were raised by octroi, but the old tradition of imperial taxation remained as the divisional commissioner retained for general purposes a share of the takings, being by law compelled to give only one-third to the municipal committee. In the North-Western Provinces legislation was modelled on that framed for the Panjab the year before, save that the taxes were laid down and limited by law and that the proportion of official members on the boards was smaller.

In Bengal legislation was enacted to enable local officials to deal with the insanitary conditions of the towns, which were thought to be the reason for the widespread virulent epidemic in 1863. Act III of 1864, which governed the larger towns, followed the lines of the Calcutta Suburbs Act, with elaborate conservancy clauses. For the smaller places Act VI of 1868 gave the local magistrate power to tax for police and conservancy, and furnished him with a consultative committee which might advise him about assessments and local improvements. In both cases all the non-officials were nominated and control rested entirely with the magistrate. Taxation was strictly limited, being mainly a house-rate in the former act and in the latter a personal tax on the income of the inhabitants.

In Burma as early as 1853 two funds were started in Rangoon, one from the proceeds of the sale of the town and suburban allotments, which was spent on the reclamation of swamps, construction of roads, etc., and the other, a municipal tax imposed on each site, used to pay for the town police, conservancy staff, and regular repairs to roads, bridges, etc. In 1858, after consultation with influential local inhabitants, the municipal tax was extended to fourteen other towns. In

¹ *Report of the Committee on Local Self-Government in Madras*, 1882, pt 1, chap. i.

² *Proceedings, India Legis. Council*, 11 March, 1873.

³ *Administration Report*, 1862-3.



1861 there was some correspondence with the Government of India about the introduction of municipal committees, but the chief commissioner reported that, except in Rangoon, the people desired only to be consulted occasionally about the disposal of municipal funds, but not to have the actual management in their own hands. Finally, however, in 1874 the British Burma Municipal Act was passed and applied to seven towns. Under this act committees were nominated for each of these towns, the elective principle not coming into force till 1882. In addition to these seven towns there were in that year twenty-four other places in which town-funds were raised though not under any act, the funds being spent by the district officers with such advice as could be obtained from the town elders. The people of the lesser towns, where funds were raised, objected strenuously to any proposals that their towns should be constituted municipalities, as they feared that the establishment of a municipality would cause new and heavy taxes to be levied and would lead to restrictions on their freedom.¹

The start of municipal institutions was thus of diverse origin and of varying procedure. Only in Bengal could they be said to be a development of that in the presidency towns, where their power of taxation and the interference of the government were strictly limited by law. On the other hand, in the Panjab, Central Provinces and Bombay municipal laws were vague, there were no legal limits to taxation, and the local government had complete powers of control. Midway between these two cases came the towns in Madras, where taxes were prescribed and moderate limits imposed on taxation. It is noteworthy that municipal life flourished most in the second group, as the form of administration by a government official who consulted the leading people was a natural and liberal growth from the rule of the *kotwal*, while the system of octroi gave them easily and without oppression the funds necessary for the simplest amenities of town life. In almost all cases the members of the municipal committees were appointed on the recommendation of the district magistrate, so there was little responsible local government, although there was considerable association of the local people with the officials in the administration of the towns. Some slight extension of the system occurred in the 'seventies, mainly in giving municipal bodies power to deal more effectively with conservancy and water supply. Little was done, however, to introduce the system of elected representatives, and, where elections were held, they were not found to give satisfactory results. The better-class Indian disliked soliciting or being dependent on the votes of the crowd and much preferred to find his way to the committee by government nomination. Not that the seats were not prized. It was most agreeable to sit with the head of the district to discuss what ought to be done in the town, and there was keen com-

¹ *Memoranda submitted to the Statutory Commission, 1930, p. 453 (Burma).*



petition for this honour. These gentlemen did excellent and hard work in many towns, numerous tributes existing in the administration reports and elsewhere to the wisdom of their advice in sanitation and their usefulness in explaining new measures to their fellow-townsmen. Much was done to improve water supply, to promote public health and to provide for education. It was not, however, local self-government, but, as described by Lord Hobart, governor of Madras in 1874, government by "an oligarchy dependent upon a superior power which may control its action to almost any conceivable extent".¹

Into such an atmosphere came the resolution of Lord Ripon's government in May, 1882, insisting that government control over local bodies should be from without rather than from within. It was thought that sufficient control could be obtained if government sanction were necessary for by-laws, new taxation, and the raising of loans, and a final power left in the hands of the government to set aside resolutions that were *ultra vires* or even to supersede altogether a local body that habitually neglected its duties or abused its powers. These proposals were largely borrowed from the powers of control over local bodies in England, but again it may be noted that the most efficient and educative part of the English control was omitted, namely the power of the auditor to bring home to the individual members of the local bodies through surcharge their financial responsibility for the proper realisation and disbursement of public money. With the control thus proposed the greatest possible extension of the elective system was urged, so that the local townspeople might have the opportunity of learning to govern themselves through their own representatives, even though the elective system as tested by a few experiments had had no wide success. It was further urged that municipalities should be relieved by the provincial governments of the heavy police charges, as the local bodies had no control over the police, but that they should be given definite duties to perform in connection with education, sanitation, public health, etc., matters which should prove of the greatest interest to the people themselves.

Under this stimulus acts² were passed for all the provinces, making election compulsory for a large proportion—from one-half to three-quarters—of the municipal commissioners, and giving power for the appointment of an elected chairman. This power was not utilised to any great extent. Even when the power to elect the chairman was granted, the municipal commissioners often elected an official, usually the district officer, to this post. This not only indicated the friendly co-operation already existing between the officials and the people, but also the knowledge that the district officer could maintain their rights better than any elected non-official. On the whole, great

¹ *Report of the Committee on Local Self-Government in Madras, 1882, p. 9.*

² XV of 1883, XIII of 1884, XVII of 1884, XVIII of 1889, III of 1884 (Bengal Council), IV of 1884 (Madras Council), II of 1884 (Bombay Council).



Interest was not taken in the elections, only a small proportion of the voters exercising their rights, and many of the seats were uncontested. There were, of course, exceptions in all the provinces, but at the end of the nineteenth century it was generally held to be too soon to say that Lord Ripon's policy in introducing self-government had been a success. In some large towns, thanks to exceptional individual non-officials of strong personality, it had succeeded, but in most places it was still necessary for the local officials to help the private chairman in administration.

While most of the larger towns in the west and north of India were making good progress in providing wholesome water, proper drainage, lighting, etc., the need for much simpler administration for the small towns and large villages was met by leaving such places outside the ordinary municipal law. These were constituted "notified areas", areas in which only a few provisions of the municipal acts applied, but where, as they developed, other sections could be brought into force. Such places were administered by nominated committees with the local officials at their head.

Except in Madras and Bengal the executive of the towns remained largely official, as the election of non-official chairmen came very slowly and was by no means universal by 1918. In the Panjab in 1915 out of the eighty-three towns that had the privilege of electing their own chairman, only ten chose a non-official,¹ while in Bombay and the United Provinces the number of non-official chairmen was increased only by continual efforts on the part of the local governments. In many cases local factions and sectarian differences made the position of an elected private person untenable, while in others he had neither the time nor the staff to maintain administration at a reasonable level. Latterly several towns in Bombay and the United Provinces have tried the experiment of concentrating executive power in the hands of an experienced paid officer on the model that had been found to work well in Bombay city.

Octroi or town-duties, the main source of municipal revenues in Bombay, the Panjab, the United and the Central Provinces, had been in existence in some form or other from a very early period. Megasthenes and Strabo refer to them, while the *Ain-i-Akbari* records show that they were in force in the period of Muhammadan power and that the duty of collection was in the hands of the *kotwal*. These town-duties had been part of the imperial revenues, but at the beginning of the nineteenth century began to be utilised for municipal purposes. In the hands of energetic officers who wanted to carry out local improvements, desired by the residents in the towns, they furnished an easy means of finding the necessary funds. The East India Company, alarmed at the hindrance to trade that was caused by the numerous imposts, abolished the tax in Bengal and the North-Western

¹ Panjab Municipal Resolution, 1915-16.



Provinces in 1835, but acquiesced in its revival in the latter province and its use in the Panjab, Bombay and Central Provinces. The tax had many obvious advantages as a means of finding money wanted for municipal improvements. It was highly productive; it was borne by all, yet hardly felt by the townspeople; it grew with the prosperity and needs of the town and was paid apparently by others, the traders, who could well afford the *chungi* or handful from their goods, or the country people who had in return the privilege of using the town market; above all it was the old customary tax of India. The Government of India, which always had its suspicions about this tax, as it was contrary to the English tradition of local taxation and freedom of trade, wrote in 1868: "It is to little purpose that the imperial government reduces or abolishes customs duties in the interests of trade if municipalities are permitted to levy duties on articles of commerce passing through their limits. In all parts of India municipal taxation is largely on the increase and there is a growing tendency to overlook for the sake of small local improvements the real injury that is being inflicted upon important general interests".¹ For the next fifty years there was a continual struggle between the government and the municipalities, the latter always wanting more and more money for their development and finding it with least difficulty by an extension of the octroi system, while the former struggled to keep it confined to articles actually consumed within the towns. For the latter purpose elaborate systems of bonded warehouses and refunds for goods in transit through towns were utilised, but these did little to mitigate the evils of the octroi system that became more and more apparent as municipal administration improved. These were laid bare by the report of the municipality taxation committee of the United Provinces in 1909, who found that the advantages of the system were outweighed by the disadvantages, namely, the heavy cost of collection of the tax, the prevalence of corruption owing to the necessity of employing a large and poorly paid staff, and the delay and loss caused to all traders both by the imposition of the tax and the procedure for getting refunds. They recommended its replacement in the smaller towns by direct taxation and at the larger centres by a terminal tax, a system that had been found to work well at Cawnpore and to be no hindrance to trade. The change proved difficult, as there was the most vehement opposition to direct taxation. Even where this had been in existence for some time, it was found that the revision of assessments led to no increase in the rates, as a committee of elected commissioners seldom raised the assessments, although with the growth of the town there had been a large rise in the value of the properties concerned. Gradually, however, octroi was replaced by direct taxation in many of the smaller towns and elsewhere by terminal charges. The latter were collected without difficulty, but collections of the former were

¹ Proceedings, Government of India, 6 November, 1868.



assays in arrears, sometimes so great that the taxes themselves

In Madras and Bengal more progress had been made in the introduction of elected non-official chairmen, but, as in other places, they lacked an efficient staff. In the absence of octroi, they had the additional difficulty of being entirely dependent for their funds on the assessment and collection of direct taxation, whether in the shape of a rate or of a charge for services rendered. Seldom did the municipal executive dare to use their powers to make full and prompt collections of the rates assessed, while the periodical revision of assessments was undertaken in a half-hearted manner. Often insanitary conditions were preferred to a strict administration, with the result that progress towards a good water supply and proper drainage was spasmodic rather than continuous, depending as it did mainly on donations from the local government. Elections were keenly contested, not only at the polls but also in the courts, one-sixth of the elections in Bengal in 1915 being the subject of civil suits.¹ But the zeal for the public good seemed to grow weaker after the acquisition of a seat on the local authority. In some cases, it is true, the members of municipalities did excellent work. The majority, however, did not recognise the fact that as trustees of the public they were bound to see that public money was collected fairly and also spent to the best advantage. Government control had been reduced to the extent advocated in 1882, and was much less than that exercised in England by the Local Government Board over local authorities; but municipal bodies showed few signs of that healthy exercise of public spirit and enterprise to be found in those after whose fashion they had been created. In 1919 the government of Bengal observed:

One of the most noticeable features of the reports for the year is the reiterated and general complaint of the inadequacy of municipal funds to maintain any high standard of administration, combined with a general disinclination on the part of municipal boards to raise funds for the purpose.... Many boards have only elementary ideas of the duties and responsibilities of municipal administration. The incidence of taxation is below R.1 per head in more than one-fourth of the municipalities, and at this figure it is impossible to expect much in the way of civic amenities.²

From the above review it will be seen that British administrators were more successful in retaining and developing the indigenous local self-government of the villages than in transplanting urban and rural organisations to their appropriate habitats in India. After many experiments an efficient system was evolved for the presidency towns, thanks to the intimate intermingling of official and private elements in these corporations. In the smaller towns and districts, however, no great success was achieved in establishing a local self-government at once competent and capable of a healthy natural development.

¹ Bengal Municipal Resolution for 1915-16.

² *Idem*, 1918-19.

THE NATIONAL CONGRESS AND EARLY
POLITICAL LITERATURE

POLITICAL activity in India has been marked by a tardy beginning and very rapid development. For the first thirty or forty years after the decision to base higher education on occidental rather than on oriental literature, educated Indians were engaged in absorbing the new ideas. The first effects of the impact were noticeable in the religious field, causing the formation and growth of new sects, accompanied by a revival of orthodoxy. Higher education was so largely in the hands of missionaries that the earliest activities were directed towards examination of faith and consequently led to movements for social reform. In Bengal the Brahmo Samaj founded by Raja Ram Mohan Roy (1772-1833) was a theistic sect, the members of which supported the abolition of sati. While it was under the leadership of Debendranath Tagore a schism occurred. A young minister of the sect, Keshub Chundra Sen (1838-84) was dismissed and founded a new society, the main question in dispute being the toleration of Hindu usages and customs which appeared innocent.¹ Members of this pressed on radical social reforms in regard to marriage, female education and temperance. Sir Surendranath Banerjee in his autobiography² describes the great effect on young minds of public speeches on religious and social topics by Keshub Chundra Sen, on temperance by Peary Churn Sircar, and on the remarriage of widows by Pandit Iswar Chunder Vidyasagar. From ethics and social improvement the step to political activity was short. Works by the English liberals provided inspiration, and the affairs of Italy, and above all, the career and writings of Mazzini, quickened the imagination of young Bengalis, already enlivened by religious and ethical excitement.

At Calcutta there already existed a British Indian Association, chiefly supported by the landed proprietors to look after their interests. Sir S. N. Banerjee, who joined the Indian Civil Service in 1871 and was dismissed a year later, took up educational work and devoted much time to his students outside the class-rooms. In his own words his aim was "to kindle in the young the beginnings of public spirit and to inspire them with a patriotic ardour, fruitful of good to them and to the motherland",³ and his method was to lecture on Indian unity, the study of history, the lives of Mazzini and Chaitanya,⁴ and higher

¹ Max Müller, *Chips from a German workshop*, II, 63 (1895 ed.).

² *A Nation in the Making*, pp. 6-8.

³ *Idem*, p. 35.

⁴ Fl. 1485-1527. Founder of the modern Vaishnava sect in Bengal.



education in English. Pursuing his desire to awaken in the middle classes a more lively interest in public affairs, he helped to found the Indian Association in 1876. Within a year an opportunity came for extending political agitation in other parts of India. The reduction of the age limit for entrance to the Indian Civil Service (see chapter xx) was regarded as injurious to Indian candidates and delegates were sent first to Northern India, and later to the west and south, to arouse interest in a memorial praying for the raising of the limit and for simultaneous examinations, and to establish branch associations. Accompanying these legitimate movements was an undercurrent of dislike and antagonism which showed itself by scurrilous writings in the vernacular press charging the British government with injustice and tyranny.¹ In April, 1878, an act was passed for the better control of the vernacular press, and this measure and an act to limit the possession of arms led to further activity in criticism of the government and discontent with the opportunities available to Indians of controlling the direction of public affairs, as well as of obtaining posts in the public service.

A change in the government in England led to the resignation of Lord Lytton, who was succeeded as viceroy by Lord Ripon in 1880. His early announcement of projected advances in local self-government (see chapter xxviii) was welcomed by the Indian Association, and his repeal of the Press Act which had been condemned at the time of its passing by Mr Gladstone, greatly increased his popularity. During his term of office racial conflict was embittered by a controversy over limits to the jurisdiction exercised by Indian magistrates in cases where a European was charged with an offence. Lord Ripon's government introduced a bill² to extend this jurisdiction and a strong agitation was raised by non-official Europeans, especially the indigo and tea planters, who resided on estates often remote from the headquarters of police and magistrates and were particularly liable to be the subject of groundless or exaggerated charges. A counter resentment was stirred up in the minds of the Indian middle classes, who felt that a racial privilege was being perpetuated, and that a slur was cast on Indian magistrates. Sir Henry Cotton, who at the time was an official in Bengal, and who after his retirement joined the Indian National Congress, was of opinion that this agitation and the protests by Europeans against the policy of Lord Ripon tended more strongly to unite Indian national opinions than legislation on the lines of the original bill would have done.³

Another religious movement, the followers of which had a strong influence on political thought, was the Arya Samaj, founded by Dayanand Saraswati (1825 or 1827-83).⁴ Unlike the Brahmo Samaj,

¹ Sir George Campbell, *Memoirs of my Indian Career*, II, 314; and *Bengal Administration Reports*, 1874-5, and 1875-6.

² Known as the Ilbert bill.

³ H. J. S. Cotton, *New India*, p. 4.

⁴ Max Müller, *op. cit.* II, 167.



which evolved an eclectic faith, this new society based its creed on the Vedas, and claimed that these alone were the revealed scriptures and that they contained mystical references to all knowledge, even to the discoveries of modern science. Mme Blavatsky, the founder of the Theosophical Society, had been affected by Buddhism, and used this new doctrine in developing her cult.¹ While the Brahmo Samaj was mainly confined to Bengal, and the Arya Samaj to Western and Northern India, theosophy attracted individuals in all parts of India, and had its established centre near Madras. None of these spiritual movements had any direct political aims, but they brought together men who were seeking fresh interpretation of the old faiths, and who naturally passed thence into affairs of state. In 1883 the Bengal group of young political workers organised a national fund and held their first national conference attended by delegates from the principal towns. They were doubtless closely following affairs in Ireland, where the Irish National League had taken the place of the defunct land league in the previous October. A year later a small meeting in Madras, chiefly composed of delegates to the annual convention of the Theosophical Society, decided to organise committees to gather adherents for an Indian national union, and meet again for political discussions.² In 1885 the national conference met again at Calcutta, with delegates from Northern India as well as from Bengal, and simultaneously the national union held a series of meetings at Poona which constituted the first Indian National Congress, and absorbed the earlier institution. The promoters of both these gatherings made representative government their main objective, and announced their hopes that the conferences would develop into Indian parliaments. A congress resolution asked for a considerable proportion of elected members in the existing councils, for the creation of new councils in the North-Western Provinces and Oudh (now the United Provinces) and in the Panjab, for the right to discuss the budget and to put interpellations on all branches of the administration, and for the formation of a standing committee of the House of Commons to consider protests by legislative councils if they were overruled by the executive. The congress also desired to abolish the council of the secretary of state, to have simultaneous examinations in India and England to admit candidates for the Indian Civil Service, the age being raised, and to limit military expenditure. It deprecated the annexation of Upper Burma on the score of expense, and suggested that, if annexation took place, the whole of Burma should be administered separately from India, as a crown colony.

The meeting stimulated further political activity and organisation, and was repeated annually. An attempt was made to give it a representative character, but for some years the delegates could be chosen

¹ *Encycl. Brit.* 11th ed. xxvi, 789.

² Annie Besant, *How India wrought for freedom*, p. 1.



any association of any kind or indeed at any public meeting convened by anybody. A few Europeans became members, but their example has not had many followers. Muslims joined only in small numbers, and their sympathy as a community with the congress was weakened by a lecture delivered at Lucknow by the late Sir Sayyid Ahmad in December, 1887, while the congress was meeting in Madras.¹ Sir Sayyid, after a long career in the judicial service of the United Provinces, had devoted himself to promoting the study of English by Muslims, and had been a nominated member of the imperial legislative council. He was entirely free from religious prejudice, and had indeed exerted himself to reduce it, but he maintained that, in the conditions then existing in India, compliance with the demands made by the congress would injure the state. Competitive examinations, though suitable in English conditions, would in India lead to the selection of officials whose origin would make them unacceptable to the strongly conservative Indian with his pride in ancestry. Diversity of race and tradition created another problem, and domination by the Bengalis, who were likely to gain most of the posts, would not be submitted to by Muslims and Rajputs with their more warlike traditions. The second congress in 1886 had elaborated the previous scheme for representation in legislative councils, asking that not less than half the members should be elected, and not more than a quarter nominated non-officials. Sir Sayyid pointed out that in any ordinary system the Muslims would be in a minority, and, even if special representation were given to them, their backwardness in education and their comparative poverty would place them at a disadvantage. He asserted the loyalty of the Indian people and the comparative insignificance of those who wished for political power, and he questioned the authority of the congress to criticise military expenditure. In a later address he shrewdly doubted the willingness of Indians to tax themselves even if they had the power. Although the third congress elected a Muslim gentleman from Bombay as president, Sir Sayyid's advice was followed by most Muslims for twenty years, and was not appreciably affected by a resolution of the fourth congress that resolutions should not be introduced for discussion if one community strongly objected, or be passed if such objection became apparent during discussion.

A change in viceroys, Lord Dufferin having succeeded Lord Ripon at the end of 1884, meant no reversal of the general policy of meeting reasonable demands with a liberality confined only by restrictions which those best fitted to judge held necessary in the view of all interests. Lord Dufferin had previous experience in the near East of the ways of Eastern autocracy, and in Canada of the position of a constitutional governor-general in a dominion feeling its way to responsible government. His natural inclination to liberal measures was tempered by

¹ Sir Sayyid Ahmad, *On the present state of Indian politics*, Allahabad, 1888, p. 1.



the dangers of academic idealism impressed on him as an Irish landlord, who had managed his own estates. Only a year before he went to India he had drawn up a scheme¹ for associating the people more closely with the government in Egypt, which was in force for twenty years,² and has been copied by several constitution makers for India.

After two years' study of Indian conditions he recorded a minute (1886) which exhibits his insight into the real desires of the forward party, and his sagacity regarding the method for meeting them. He desired to make a careful examination of the demands,

... to give quickly and with a good grace whatever it may be possible or desirable to accord; to announce that the concessions must be accepted as a final settlement of the Indian system for the next ten or fifteen years; and to forbid mass meetings and incendiary speechifying.³

Soon after his arrival he had felt the desirability of reform in the legislative councils, and he now advocated changes which would give the viceroy the advantage of relying more largely upon the experience and counsels of Indian coadjutors, while the possibility of their having a party behind them would relieve the Government of India from its existing isolation.

Another period of two years passed before definite proposals were sent home (November, 1888), in a dispatch accompanied by a minute of Lord Dufferin. He had described in 1886 the risks to be incurred by introducing a representative element into the Government of India, but was prepared to liberalise at all events the provincial legislative councils, one of which, in the North-Western Provinces and Oudh, was created in that year. Supported by a committee of his executive council Lord Dufferin described his scheme as

a plan for the enlargement of our provincial councils, for the enhancement of their status, the multiplication of their functions, the partial introduction into them of the elective principle, and the liberalisation of their general character as political institutions.⁴

At the same time he deprecated the inference that the Government of India were contemplating, in the provinces, an approach to English parliamentary government and an English constitutional system. The Indian executive was directly responsible to the sovereign and to the British parliament and must remain so while Great Britain continued to be the paramount administrative power in India. Describing the British system of responsible government, he pointed out that it could not be introduced into an Indian province because the governor, if a vote was carried against him in his legislative council, could not "call upon the dissentients to take the place of his own

¹ Sir A. Lyall, *Life of the Marquis of Dufferin and Ava*, p. 43.

² *Idem*, p. 48.

³ *Idem*, p. 151.

⁴ Montagu-Chelmsford Report, paras. 67-8.



Special advisers, who are nominated by the queen-empress on the advice of the secretary of state". In proposing to liberalise the government, therefore, he insisted on the necessity of leaving "in the hands of each provincial government the ultimate decision upon all important questions and the paramount control of its own policy", by arranging that nominated members of legislative councils should outnumber the elected members, and that the governor could overrule his council when he felt it necessary to do so. He foresaw that even with these limited powers the elected members would be able to influence the policy of the government, and he felt that their presence in the council would be beneficial by enlarging the field of public discussion, while they would consider themselves "responsible to enlightened and increasing sections of their own countrymen".

The Conservative government in England declined to agree to any system of election on the ground that "it would be unwise to introduce a fundamental change of this description without much more evidence in its favour than was forthcoming".¹ Lord Lansdowne, who had now succeeded Lord Dufferin, supported his recommendation, and asked that at least the Government of India might be empowered to make rules for the appointment of additional members by nomination or otherwise, to include election where conditions justified its use. A bill was prepared in 1889, but not introduced till February, 1890 (House of Lords). From the papers which were simultaneously presented² all reference to a system of election was completely excluded, and the only portions of Lord Dufferin's minute, a state paper of the highest value, which appeared in them were his recommendations that the annual budget should be presented and discussed,³ and that non-official members should be allowed to ask questions. Lord Cross accepted these and was also prepared to increase considerably the number of nominated members in the councils, and the bill provided for all these matters.⁴ While the proposals met with no opposition in the House of Lords, the government was strongly pressed to allow some method of election, and to publish in full the dispatches and minutes. Lord Ripon asserted that Lord Dufferin's minute had been surreptitiously printed in India, and it was known that he favoured election. Lord Northbrook spoke eloquently in favour of it, while at the same time deprecating any approach to the British system: "India is a long way from having what is called a responsible government, namely an administration composed of men who possess a majority in the representative assembly".⁵ He was not opposed to a body like the congress, though he admitted that certain

¹ Montagu-Chelmsford Report, para. 69.

² Cd. 5950 of 1890.

³ Lord Mayo had proposed this for provincial councils twenty years earlier, but without success, *vide* Mr Curzon, Hansard, 28 March, 1892, p. 60.

⁴ Another clause was added to give provincial councils powers of modifying laws passed by the imperial council after 1861. See Lord Herschell in Hansard, 13 March, 1890, p. 669.

⁵ Hansard, 6 March, 1890, p. 63.



members were circulating papers which might be dangerous, and he deprecated the scheme of election which it had advocated. All those who supported him were agreed that details must be worked out in India owing to the complexity and variety of Indian conditions, and there was a disposition to avoid motions on the budget as leading to irresponsible discussion. Lord Salisbury laid stress on the deep responsibility on any government that introduced the elective principle as an effective agent in the government of India. He was careful to make no rash prophecy about the future and said: "It may be—I do not desire to question it—that it is to be the ultimate destiny of India".¹ But he pointed out that the idea was foreign to the East and its adoption had so far produced no tangible results in Turkey or Egypt. Representative government appeared to him admirable only when all those who were represented desired much the same thing and had interests which were tolerably analogous. Echoing perhaps the addresses of Sir Sayyid Ahmad, he laid stress on the radical and acrid differences between Hindu and Muhammadan, and he poured ridicule on the idea that a constituency for representing virile communities like Panjabis and Rajputs or even the ryots could be found in a body elected for making streets and drains. He held that the chief need was for a fuller representation of all interests.

Though the bill quickly passed through the House of Lords, it was never taken up in the Commons. Irish affairs, while they had been an incentive to the Indian politicians and their supporters in England, proved a deterrent to the government. Mr Bradlaugh had already introduced one Home Rule bill for India, at the request of the Indian National Congress of 1889. It provided an elaborate scheme of electoral colleges, with proportional representation, and a large number of elected members. After the withdrawal (5 August, 1890) of the government measure, he produced a more modest bill, leaving details to be settled by rules. Mr Balfour's Land Purchase Bill for Ireland was occupying public time, and, though the Indian Councils bill was revived early in 1891, the certainty of great pressure to make it more liberal deterred the government, and it was again dropped after several postponements, causing great disappointment in India. The president of the congress meeting of that year explained the dropping of the bill as due to the death of Mr Bradlaugh.

With the break-up of the Parnellite party and the death of its leader, preoccupation with the affairs of Ireland was less intense, and a fresh bill passed the House of Lords in February, 1892, with little comment, as it contained a clause wide enough to permit some degree of an elective principle, though not prescribing it. Lord Northbrook indeed said that he preferred to describe his object as "representation" rather than "election", which Lord Kimberley had advocated. Commenting on this Lord Salisbury agreed with the former.²

¹ Hansard, 6 March, 1890, p. 98.

² *Idem*, 15 February, 1892, p. 117.



Speaking with less derision of the local bodies, he said that the government wished to popularise them and to bring them into harmony with the dominant sentiment of the Indian people, and added:

But we must be careful lest, by the application of occidental machinery, we bring into power not the strong, natural, vigorous, effective elements of Indian society, but the more artificial and weakly elements, which we ourselves have made and have brought into prominence. It would be a great evil if, in any system of government which we gradually develop, the really strong portions of Indian society did not obtain that share in the government to which their natural position among their own people traditionally entitles them.

By a strange coincidence it fell to Mr G. N. Curzon to conduct this bill through the House of Commons, as under-secretary of state, and a quarter of a century later to draw up the final draft of a pronouncement which led to the tentative introduction of responsible government in Indian provinces. Like other spokesmen of the government, he described the bill as in no sense creating a parliamentary system.¹ No objection was raised to the proposals for discussion of the budget, and the right to put questions. The chief controversy was on the matter of election, and an amendment was moved by Mr Schwann to declare that no system would be satisfactory which did not embody this.² In committee he elaborated details which would have had the effect of fixing the number of elected members at between one-third and a half of the total membership, with election by ballot and not less than 2 per cent. of the population enfranchised.³ Though the government was not prepared to bind itself to such a definite scheme, it was clearly understood that the rules to be framed would recognise the principle of election. Sir R. Temple, who had had a wide official experience in India and had been governor of Bombay, suggested that the sixteen additional members of the viceroy's council should be chosen by the towns in which an elective system was in force for municipal purposes,⁴ and Mr Curzon indicated as bodies which would be suitable as constituencies the British Indian Association (which Lord Ripon had already used to suggest additional members for the discussion on the Bengal Tenancy Act), the chambers of commerce, the corporations of great cities, universities and various great religious associations. Mr Gladstone was satisfied that it was intended to have selection after election and deprecated a division on Mr Schwann's proposal to prescribe this in the bill, as it was not the business of parliament to devise machinery for the purposes of Indian government, though it was right to give those who represented Her Majesty in India ample information as to what parliament believed to be the sound principles of government.⁵ The premature claims of the congress to be accepted as representative were criticised by Mr Curzon in picturesque and illuminating fashion:

¹ Hansard, 28 March, 1892, p. 57.

² *Idem*, pp. 1301 *sqq.*

³ *Idem*, 28 March, 1892, p. 68.

⁴ *Idem*, p. 98.

⁵ *Idem*, p. 80.