

THE GOVERNMENT OF INDIA

THE most serious problem engaging the attention of British statesmen is probably the administration of the Indian empire. This problem, furthermore, is of such a character that perhaps no other political undertaking of modern times has attracted to a greater degree the notice of the civilized peoples of the earth. It was de Tocqueville who said that it was really the conquest and government of India that gave to Great Britain its place in the eyes of the world.

Much of Great Britain's foreign policy during the past century and a half has been shaped with a view to maintaining the integrity of British India. Herein is found a reason for its resolute stand against the French in India during the Seven Years' War; for Napoleon's defeat in Egypt, in 1798, by British forces; and for the wholesale purchase, in 1875, of Suez canal bonds from the extravagant khedive. Great Britain's Indian policy formed a not unimportant cause of the Crimean War; it has been the key to Anglo-Russian relations in Asia, down to the convention of 1907; and the Anglo-Japanese alliance of 1905 can be traced, indirectly at least, to concern for India. India still remains, as has been aptly said, the corner-stone of the British empire.

In the course of an address, at the Delhi durbar, in 1903, Lord Curzon, then governor-general of India, discussed the question of the British administration of India. "To have won such a dominion," he declared, "is a great achievement. To hold it by fair and righteous dealing is a greater; to weld it by prudent statesmanship into a single compact whole will be, and is, the greatest of all." Mr. Roosevelt, shortly before he relinquished the presidency of the United States, said: "The successful administration of the Indian empire by the English has been one of the most notable and most admirable achievements of the white race during the last two centuries."

Whatever may be the opinions held by individuals as to the justification and wisdom of British rule in India, all are agreed

that Great Britain has had, and still has, on her hands a peculiarly serious and difficult undertaking in attempting to direct the destinies of 300,000,000 people, several thousands of miles distant from London. At the present time, India is attracting special notice because of the manifestations of seditious unrest among many of its inhabitants and because of the recent reforms which the British have introduced.

The government of this great dependency has been evolved gradually and with much labor. Before attempting to describe it as it is today, it seems desirable to outline briefly the form of government that prevailed prior to 1858, at which time India came under the direct rule of the British Crown.

Political history before 1858¹

The history of British India falls, as a leading authority on Indian affairs has observed, into three periods.² From the beginning of the seventeenth to the middle of the eighteenth century, the East India Company was a trading corporation exercising certain military powers. It existed on the sufferance of the native powers and in rivalry with the India companies of Holland and France. During the second period, approximately a century in duration, the British company secured and consolidated a considerable dominion, shared its sovereignty in increasing proportions with the Crown and gradually lost its mercantile privileges. The third and final period dates from the Mutiny of 1857, at which time the remaining powers of the East India Company were transferred to the Crown. A notable feature of the early history of British India is that the tide of conquest never turned against the company. After a province had once been taken under its direct administration the company was able to insure peace to its inhabitants. It followed from this circumstance that the building-up of the system of

¹ For the history of British India prior to 1858, the reader is referred to the following works: Sir G. Chesney, *Indian Polity*; Sir C. P. Ilbert, *The Government of India*; Sir W. Hunter, *The Indian Empire*; Sir John Strachey, *India, Its Administration and Progress*; *The Imperial Gazetteer of India* (1907 ed.), vol. iv; Sir A. C. Lyall, *Rise of the British Dominion in India*; and *The Rulers of India Series*.

² Sir C. P. Ilbert, *Government of India*. This volume has been characterized by President A. L. Lowell as "by far the best work on the public law of India."

government proceeded almost without interruption from the time of the company's earliest conquests.

Prior to 1773, and while the East India Company was in full authority in India, the ultimate control of the Indian dependencies, comprising the appointment of the officials and the dictation of policy, lay with the Court of Directors and the General Court of Proprietors in London. During this period the affairs of the three principal settlements or "presidencies," as they were called, in Bengal, Madras and Bombay, were in each case administered by a president and a council composed of the senior civil servants of the company.¹ So long as the ostensible business to be conducted consisted of trading operations, this system served its purpose tolerably well. But the situation was entirely changed soon after the middle of the eighteenth century. By Clive's victory at Plassey, in 1757, and the grant to the company by the Mogul emperor, in 1765, of the fiscal government of Bengal, the company became a sovereign power and was forced to exercise the functions of government. The system of administration by unwieldy councils of merchants at the presidency towns became totally inadequate as soon as the company was called upon to rule an oriental empire. This fact, in conjunction with various other contributory causes, led to a special investigation into Indian affairs by the House of Commons and, shortly after, to legislation.² It was during the administration of Lord North that Parliament passed the regulating act of 1773 "for the better management of the affairs of the East India Company as well in India as in Europe." This act was the first statute distinctly recognizing the company as fulfilling other functions than those of trade.³ It was the first step, moreover, in the transfer of the government of British India from the company to the Crown.

By this act the authority of the Courts of Proprietors and Directors was retained. In India, however, certain far-reaching changes were instituted. A governor-general and four councilors were nominated to administer the presidency of Fort

¹ Imperial Gazetteer of India, vol. iv, pp. 6, 7.

² Chesney, *Indian Polity* (3d ed.), pp. 36, 37.

³ *Ibid.* p. 37.

William (Bengal), and for the first time a supremacy over Madras and Bombay was accorded to that presidency.¹

Although various restrictions were laid upon the governors of the subordinate provinces, the isolated situation of the three presidencies rendered the control theoretically exercised by the Bengal government practically ineffective. The stormy administration of Warren Hastings, the first governor-general, brought to light the defects in the system of government, as constituted by the act of 1773. Reforms were introduced by Pitt's India Act of 1784. It aimed principally to put into the hands of the ministry the power to control the proceedings of the company. Up to that time the British government had but indirect and unsatisfactory means of access to the records of the company's transactions. This act established a board of control, to be appointed by the Crown, with authority to direct all operations relating to the civil and military government and revenues of India. By the creation of this board the home government of India passed nominally from the company to the Crown.² In reality, however, the act introduced a dual system of government, under which the Court of Directors, although subordinate to the supreme authority of the Board of Control, retained large powers, including the management of trade, the exercise of patronage and the initiation of business. The board was to consist of not more than six privy councilors, and its membership was gradually reduced below this number. The powers of the board came to be virtually exercised by its president, who may be regarded as "the lineal precursor of the secretary of state for India."³ With respect to the executive administration in India, the act of 1784 vested the control of each of the three presidencies in a governor and three councilors, including the commander-in-chief of the presidency army. At the same time, the authority of the governor-general in council (Bengal) over the other presidencies was somewhat extended. The system of government brought in by Pitt's India Act lasted, with certain minor modifications, until the abolition of the company in 1858.⁴

¹ Strachey, *India*, p. 45.

² Chesney, *Indian Polity*, p. 42.

³ *Imperial Gazetteer*, vol. iv, p. 34.

⁴ *Ibid.* pp. 15, 35.

By the act of 1773 the charter of the company was to expire in twenty years, subject to renewal for another term of the same length. At each subsequent renewal of the charter the privileges of the company were curtailed, particularly in the matter of trade, until it was transformed from a commercial organization to a purely administrative body. The Charter Act of 1813 withdrew from the company its commercial monopoly, except with regard to tea and the China trade. Twenty years later, the Charter Act of 1833 deprived the company of its mercantile functions altogether, from which time, until 1858, the company was a governmental agency holding its Indian territories in trust for the Crown. The anomalous character of this system was recognized, and it was felt that a change was necessary. Accordingly the Charter Act of 1853, in renewing for the last time the sadly mutilated privileges of the company, decreed that, instead of being fixed for twenty years as on earlier occasions, they should exist only "until Parliament shall otherwise provide." Four years later occurred the Sepoy Mutiny, which precipitated the abolition of the company and the complete transfer of the government of the Indian dependency to the Crown. The Asiatic empire, of which the Crown at this time acquired full control, had been ruled for nearly one hundred years by a private company under the general supervision of the ministry in London; and the traditions formed during that period seem to have continued, even to the present time, to influence the methods of public administration in India.

Shortly before the Mutiny the government in India had been placed under the general control of a central authority.¹ The act of 1833 had vested the direction of the entire civil and military administration and the sole power of legislation in the governor-general in council. By this act the governor-general in council of Bengal became for the first time the governor-general in council of India, although he still retained the direct government of the Bengal presidency.² In 1854 a lieutenant-governor of Bengal was appointed. This put Bengal virtually on an equality with Madras and Bombay and liberated the

¹ Imperial Gazetteer, vol. iv, p. 16.

² Strachey, India, p. 46.

governor-general from the immediate administration of Bengal or any other particular portion of the country. Thus, by degrees, the governor-general in council came to be the supreme government authority in India, concerned with the general supervision of the various local governments in their administration of the provinces.¹

The act of 1858 applied almost solely to the Indian administration as carried on in England: the government in India was conducted largely as before.² Even the changes effected in England were in form rather than in principle. The sovereign took the place of the company as the source of authority, and the powers of the Court of Directors and of the Board of Control were vested in a parliamentary secretary of state with a council. A reason is to be found herein for the continuity that has marked the conduct of the government of India during the past century and a half. No new political experiment had to be tried in 1858 when England undertook the direct control of the country. Profiting by the experience of the preceding century, the British wisely continued, in the main, to make use of the existing administrative machinery. The government of India today is the fruit of a slow but natural and uninterrupted evolution which had its beginnings in the days of the East India Company.

The essential provisions of the Government of India Act of 1858 are still in force, despite many changes that have been introduced by subsequent legislation.³ In describing the existing system of administration, attention will be directed in the first place to the home government, or ultimate authority, after which an attempt will be made to outline the leading features of the government as found in India. This will be followed by a reference to the reforms recently introduced under Lord Morley's leadership. Further changes have been recommended in the recently published report of the Royal Commission upon Decentralization (1909), and certain of these will be mentioned.

¹ Chesney, *Indian Polity*, p. 116.

² Strachey, *India*, pp. 47, 48.

³ *Ibid.* p. 66.

The home government in England

Since 1858 British India has been administered under the direct authority of the sovereign, as already stated, and through the secretary of state for India. This minister is the constitutional adviser of the Crown on all matters pertaining to India. He is appointed like other British secretaries of state. He has inherited the authority and the duties which were formerly vested in the Board of Control and in the East India Company, and he possesses the power of giving orders to every officer in India, including the governor-general, and of directing all business relating to the Indian administration that is transacted in the United Kingdom.¹ Every official communication dispatched to India must be signed by him or, in his absence, by some other secretary of state; and every communication from India must be addressed to him. Many of these extensive powers and duties are exercised and discharged by the secretary of state alone, on his personal responsibility. Other acts can be performed by him only in consultation with his council; and for some of these, mainly relating to financial matters, the concurrence of a majority of the council is required.² The secretary of state may act without consulting his council in all matters where, by statute, he is not expressly required to act as "secretary of state in council." In accordance with constitutional practice, the secretary of state, as a minister of the Crown, is amenable to criticism in either house of Parliament; and since he is always a member of the cabinet, that body also is responsible for the conduct of his department.

The Council of India, as constituted by the act of 1858, consisted of fifteen members, who were to hold office during good behavior. Subsequent legislation has considerably amended the constitution of this council. At the present time, all the members are appointed by the secretary of state for a term of seven years, and in exceptional cases they may be reappointed for a further term of five years.³ The number of members in

¹Imperial Gazetteer, vol. iv, pp. 36, 37.

²*Ibid.* p. 37. Report of Royal Commission upon Decentralization (Cd. 4360), p. 7.

³Statesman's Year Book (1910), p. 116.

the council is now limited to not less than ten nor more than fourteen. At the beginning of the year 1910, there were thirteen members, of whom two were distinguished native Indians.¹ The policy of appointing Indian gentlemen to seats in this council was first adopted by Lord Morley, as secretary of state for India, in 1907. At least nine members of the council must have served or resided in India for ten years and must not have left India more than five years previous to the date of appointment.² The object aimed at, with respect to the composition of the council, is to give to the secretary of state, who ordinarily is a man with little personal knowledge of the details of Indian administration, the help of a body of experts.

The powers of this council are less extensive than those enjoyed formerly by the Directors of the East India Company. The council has no initiative: it can give no opinion on questions, even though they may be universally discussed, until they are laid before it by the secretary of state.³ Every official communication proposed to be sent to India (unless it falls under either of two reserved classes presently to be explained) and every order proposed to be made by the secretary of state relative to India must either be submitted to a meeting of the council or else must be placed in the council room, for seven days, for the perusal of members before being issued. Likewise, the council has a similar right to see every official communication received from India, except such as are marked "secret." In financial matters, as already mentioned, and in a few other less important cases, the secretary of state can take no action without the consent of a majority of his council.⁴ The act of 1858 provided:

The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State

¹ Government Statement of Moral and Material Progress in India during the Year 1908-09, p. 1.

² Statesman's Year Book, 1910, p. 116.

³ Strachey, India, p. 67.

⁴ Report of Royal Commission upon Decentralization (Cd. 4360), p. 7.

in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council.

The powers given to the council in controlling expenditure are not nearly so great, however, as they appear to be at first sight, since they can be exercised only in regard to the ordinary business of the administration.¹ There are two specially reserved classes of affairs which may be attended to by the secretary of state, entirely on his own responsibility and independent of the council. One of these includes all communications referring to such subjects as the making of war or peace, negotiations with foreign powers and relations with native states. Such dispatches were formerly required to be sent to India by the authority of the Board of Control and through the secret committee of the Court of Directors, and they are consequently still known as "secret" communications. The other class of papers which the secretary of state may attend to solely on his own responsibility are those which he may deem to be "urgent"; although he is required to put on record his reason for such decision.² No question, however, for which the consent of a majority of the council is necessary can be regarded as either "secret" or "urgent." The check provided for in the act of 1858, against any charge being "placed upon the revenues of India without the sanction of the majority of the Council," is to a degree rendered nugatory by the power possessed by the secretary of state to deal with certain matters by means of "secret" communications. A secretary of state may order, and has ordered, military operations to be undertaken by the Indian government, involving the expenditure of large sums of revenue, not only without the consent but without even the knowledge of the council.³ Such questions as an Afghan war or negotiations with China relative to the affairs of Tibet do not normally come before the council.

The act of 1858 further authorized the creation of what is commonly known as the India Office, which may be designated as the establishment or department of the secretary of state in

¹ Strachey, *India*, p. 68.

² *Imperial Gazetteer*, vol. iv, p. 37.

³ Chesney, *Indian Polity*, pp. 371, 372.

council.¹ The salaries, pensions and other charges of the India Office are entirely defrayed from the revenues of India. This is in harmony with the principle that India is financially independent of Great Britain.² Britain contributes nothing to the maintenance of her Indian dependency, which statement is equally true if reversed. All charges incident to the administration of India, whether for the India Office in London or for the government and army in India, are paid for out of Indian revenues.

In common with all other dominions of the British Crown, India is subject to the ultimate control of the Parliament in London. In general, the constitution of the government, both in India and in England, has been created and is regulated by acts of Parliament. Under ordinary conditions British legislation for India is confined to acts amending the political constitution and to acts empowering the secretary of state to raise money by loan.³ Despite the parliamentary control of Indian administration, however, the revenues of India are not under the direct authority of Parliament, except in a single unimportant respect, namely, that Indian revenues may not be applied to the payment of expenses of military operations beyond the Indian frontier without the consent of both houses, except in a case of sudden and urgent necessity.⁴ It is provided also that the Indian budget shall be laid before Parliament annually, together with a report showing the moral and material progress of India.⁵

The central government in India

Some account has already been given of the gradual development of the government in India from what, in the first instance, was the administration of the Bengal presidency alone. It has also been noted that the first statutory recognition of a definitive government for the East India Company's territories in Bengal was granted in 1773 by Lord North's regulating act, and that the act of 1858, transferring the government of India to the Crown, made no important change in the administration

¹ Imperial Gazetteer, vol. iv, p. 39.

² Strachey, India, p. 117.

³ Report of Royal Commission upon Decentralization (Cd. 4360), p. 9.

⁴ Imperial Gazetteer, vol. iv, p. 40.

⁵ Report of Royal Commission upon Decentralization (Cd. 4360), p. 9.

in India. Although the term "viceroy" has been commonly applied to the governor-general during the past fifty years, it is not recognized by law nor has it ever been employed by Parliament.¹ It originated in the well-known royal proclamation of 1858, wherein Lord Canning was referred to as the "first viceroy and governor-general" under the new régime.

The governor-general in council is responsible for the entire administration of British India and for the control exercised over the native states. The actual work of governing, however, is divided between the central government in India and the provincial governments. The central government (the governor-general in council) retains in its own hands all matters relating to foreign relations, the defences of the country, general taxation, currency, debt, the tariffs, posts, telegraphs and railways. Such matters of ordinary internal administration as the assessment and collection of revenues, education, medical and sanitary arrangements, irrigation and roads are attended to by the provincial governments; although even in these matters the central government exercises a supervisory control.² The provinces, furthermore, are required to present their annual budgets to the central government, which may modify the same when necessary. Every new appointment of importance has to receive its specific approval; and there is a wide field of appeal to the government at Calcutta from both officials and private citizens who may consider themselves aggrieved by the action of a local government.³ Even the governors of Bombay and Madras, who, like the viceroy himself, are English noblemen appointed directly by the crown, possess restricted powers and are subordinate to the governor-general in council.⁴ The executive government of India, as constituted at present, consists of the viceroy and governor-general and an Executive Council of six members, one of whom, the commander-in-chief, is appointed as an extraordinary member.⁵ This council is a direct

¹ Chesney, *Indian Polity*, pp. 132, 133.

² *Imperial Gazetteer*, vol. iv, pp. 16, 17.

³ *Ibid.*, p. 17.

⁴ Ilbert, *The Government of India*, pp. 190, 191, 221-225.

⁵ *Memorandum on Results of British Rule* (Cd. 4956), p. 2. *Statesman's Year Book*, 1910, p. 117.

descendant of the first governor-general's council of four members, provided for by the act of 1773. The councilors are appointed by the Crown, on the advice of the secretary of state; and while some of the so-called ordinary members are drawn from the Indian services, others are appointed direct from Great Britain.¹ Three of the members of the council, for instance, are required to have been for at least ten years in the service of the crown in India—a rule which insures at least a partial membership of experienced administrators acquainted with the peculiarities of the Indian situation. The usual tenure of office of a member of the government in India is five years. This limit is not imposed by statute nor by the process of appointment; it rests solely on custom. The origin of the custom is ascribed to the short-lived act of 1773, which limited the term of office of the councilors to five years.²

The form of the central government in India has undergone a notable modification during the past century, as is shown by the change that has occurred in the character of the viceroy's Executive Council. The council was originally a consultative board, to which all sorts of questions were submitted and in which all questions submitted were decided by majority vote. The governor-general presided and initiated all business; and it was under his direct orders that the secretaries of the various departments carried on their duties. From such a beginning the council has evolved into what is now virtually a cabinet, by which business is carried on as in European states in separate departments.³ This process of transformation has been both natural and simple. Since the time of Lord Cornwallis, appointed governor-general in 1786, the viceroy has been legally authorized to override the majority of his council and to act on his own responsibility in matters of serious moment. The circumstances, however, which prevailed during the régime of Warren Hastings and gave rise to that enactment have not recurred, and this special power has hardly ever been exercised.⁴ Under the board system introduced by Lord Cornwallis, the

¹ Report of Royal Commission upon Decentralization (Cd. 4360), p. 10.

² Ilbert, *The Government of India*, p. 47.

³ Chesney, *Indian Polity*, p. 127.

⁴ *Imperial Gazetteer*, vol. iv, pp. 18, 19.

members of the council exercised no individual responsibility; they acted merely as advisers, offering opinions on the matters put before them. A departure from this system was brought about by the appointment of special members for law and finance. With the extension of territory which occurred during Lord Dalhousie's rule as viceroy, accompanied by a natural increase in the amount and complexity of business to be transacted by the central government, it became practically impossible for the Executive Council to deal collectively and efficiently with all the business referred to it.¹ The burden was rendered heavier by the events of 1857. Accordingly, shortly after the Mutiny, the then governor-general, Lord Canning, abolished the practice of submitting ordinary business to the council and introduced a beginning of the present system, under which each member takes the management of one or more departments of the administration, and only the more important affairs are dealt with by the governor-general or the council collectively. This procedure was legalized by the Indian Councils Act of 1861, which contained a clause authorizing the governor-general to make from time to time "rules of business" for the convenient dispatch of business.²

Under the system thus inaugurated there has since been developed the cabinet form of administration, in which the members of the council correspond to ministers in charge of distinct departments. Their ordinary duties are rather those of administrators than of councilors. The departments of the government are: foreign, home, revenue and agriculture, legislative, finance, public works, commerce and industry, army and military supply. The governor-general himself generally administers the foreign department. The commander-in-chief, who takes part in the deliberations of the council as an extraordinary member, has charge of the army department. The legislative department is, at the present time, under the control of an eminent Hindu barrister, who is the first native Indian to occupy a place in the governor-general's Executive Council. His ap-

¹ Imperial Gazetteer, vol. iv, p. 19. Strachey, *India*, pp. 56-59. Chesney, *Indian Polity*, p. 123.

² Report of Royal Commission upon Decentralization (Cd. 4360), p. 10.

pointment was made possible by the recent reform measures introduced by Lord Morley. The foreign department, which is under the direct administration of the governor-general himself, transacts all business connected with external politics, with frontier tribes and with native states in India. It also controls the general administration of three minor provinces. Relations with the native states are both complex and important, for there are in India nearly 700 such states, having an area of approximately 770,000 square miles and containing a population of 70,000,000.¹ The various other departments are concerned with those questions and activities which, in general, might naturally be expected to appertain to them.

The Executive Council ordinarily meets once a week, but special meetings may be called at any time. In case a difference of opinion arises with respect to any matter, the vote of the majority prevails, subject of course to the power of the governor-general to overrule the council in exceptional cases.

India possesses also a Legislative Council, which within certain strictly defined limits has plenary power to legislate for all persons, courts and places within British India.² By the Indian Councils Act of 1861, the earlier legislative body provided for under the acts of 1833 and 1853 was remodeled, and the governor-general, for purposes of legislation, was authorized to nominate certain additional members to form, with the Executive Council, a larger Legislative Council. Of the additional members, one-half were to be persons not in the service of the government.³ By the same enactment the powers and functions of this council were carefully defined and the authority of the Crown and Parliament effectively safeguarded. The same act established provincial legislative councils, whose powers of legislation were limited to such local affairs as the government in India might decide not to deal with in the central council. The Indian Councils Act of 1892 enlarged all these legislative bodies, supreme and provincial; introduced tentatively an elective element; and provided for interpellations and for discussion of budgets. These reforms resulted from a conviction

¹ Imperial Gazetteer, vol. iv, p. 21.

² *Ibid.* p. 133.

³ *Ibid.* p. 131. Strachey, India, pp. 48, 49.

that the time had arrived when the administration might gain much advantage if public opinion could be brought to bear upon it more directly. This act and the regulations made thereunder introduced a trace of representation into the general administrative system of India. To give the central Legislative Council an elective as well as a representative character, it was provided that nominations to five of the seats be made on the recommendation of the Calcutta chamber of commerce and the non-official members of the local legislative councils at Madras, Bombay, Calcutta and Allahabad. The remaining seats were to be filled by the governor-general with regard to the due representation of the different classes in the country.¹ The elective principle was present, therefore, only in the most shadowy form, inasmuch as the governor-general nominated all the members of the council. The only elective element in the scheme consisted in the fact that he nominated five members on the recommendation of unofficial bodies. The viceroy, moreover, was empowered to refuse to follow any recommendation if the individual in question was deemed to be dangerous to the government. That a serious effort was made to secure the representation of the native population is shown by the fact that, of the twenty-four persons comprising the governor-general's legislative council in 1904, eight were natives of India.²

The powers of the Legislative Council, as determined by the act of 1861, were considerably enlarged by the amending act of 1892. By its permission was granted to discuss the annual budget, subject to the proviso that no member should use the privilege to propose any resolution or to divide the council. Nor was the council empowered to interfere with acts of Parliament. Its own enactments, on the other hand, might be disallowed by the sovereign, acting through the secretary of state.³

The expansion in the size and functions of the various Indian councils, the proposal for which emanated from the government in India, was the beginning of what is likely to develop into

¹ Ilbert, *The Government of India*, pp. 110-121; 337-348.

² *Imperial Gazetteer*, vol. iv, p. 132.

³ Report of Royal Commission upon Decentralization (Cd. 4360), p. 10.

something resembling parliamentary institutions.¹ A much longer step in the same direction was taken by Parliament through the passing of the Indian Councils Act of 1909. The number of members in the viceroy's Legislative Council has been more than doubled; and although the official majority is still to be retained therein, the elected element has been greatly increased. In passing this enactment Parliament adhered to the policy, adopted in the act of 1892, that representation by classes and interests is the only practicable method of embodying the electoral principle in the constitution of the Indian councils. As constituted by the recent act, the central Legislative Council consists of sixty-eight members, of whom thirty-six are official and thirty-two non-official.² Special provision is made for the representation of Mohammedans. The act of 1909 further confers on the various councils increased powers. Members may divide the council when the financial statement, or budget, is under discussion, and may embody their suggestions in the shape of recommendations.³

The provincial or local governments

British India, or that portion of India under the control of the governor-general in council, is divided into eight large and five minor provinces, each of which is administered, in subordination to the central government, by its own local government.⁴ A common notion held in the Occident, that somehow or other the secretary of state for India and the viceroy and his council carry on the actual administration of India, is misleading. The eight chief provinces, on the contrary, may be compared, in area and in population, to the leading countries of Europe, and they further have their own separate and, in a measure, independent governments. Good or bad administration in India depends to a greater extent on the provincial government than on the authorities in Calcutta or in London.⁵

¹Chesney, *Indian Polity*, pp. 151-153.

²Regulations for giving effect to the Indian Councils Act, 1909 (Cd. 4987), sec. i, pp. 1-5; sec. xi, pp. 1, 2.

³*Ibid.* sec. x, pp. 2-5.

⁴Report of Royal Commission upon Decentralization (Cd. 4360), p. 14.

⁵Strachey, *India*, pp. 6, 7.

The past fifty years have enormously multiplied the manifold duties devolving upon the various government authorities in India. The administrative, judicial, revenue and executive business to be performed has probably more than doubled.¹ Efficiently to transact this growing volume of business, it has been necessary, and will continue to be necessary in an increasing degree, to devolve power and responsibility upon the local governments, and from these in turn upon subordinate authorities. The tendency is perhaps best illustrated in the development during the last half-century of the Indian financial system. Formerly the absolute control of all the finances throughout India, even to the smallest detail, was in the hands of the Indian central government. The sanction of the governor-general in council was required before even "a messenger on a rupee a week could be permanently engaged."² A policy of decentralization was initiated in 1870 and developed between 1877 and 1882, which was intended to obviate the need for interference by the central government in the details of provincial administration and, at the same time, to maintain the unity of the finances in such a manner that each of the governments (central and provincial) should receive a due share of the increasing revenues to meet growing needs and should bear in proper proportion the burden of financial difficulties.³ Accordingly the central government transferred to the provincial authorities the entire management of certain heads of civil expenditure; allotted to each local government fixed grants, to pay for those departments or services; and gave to each local government full discretion to expend those grants to the best advantage, subject to budget rules and to the ultimate control of the secretary of state.⁴ Behind the control of the government in India, of course, is that of the secretary of state for India in council, who has laid down the principle that without his sanction no new office can be created which carries a salary of more than \$2000 a year, no serious departure can be made from the ratified budget

¹ Memorandum on Results of British Rule (Cd. 4956), p. 4.

² *Ibid.* p. 19.

³ Imperial Gazetteer, vol. iv, pp. 25, 26, 190.

⁴ Memorandum on Results of British Rule (Cd. 4956), pp. 19, 20.

estimates, and no new undertaking can be launched which involves large expenditures.¹ Similarly the provincial governments have been endowed with certain financial powers by the central government. Subject to certain conditions, they are empowered to create appointments and raise salaries up to an individual limit of 250 rupees a month.² This transfer of power has obviated many petty references to the central government.

Of the five minor provinces, Coorg and Ajmer are scarcely more than districts and are respectively administered by the British resident in Mysore and by the agent to the governor-general in Rajputana. A third province, the Andaman and Nicobar Islands, is practically a penal settlement.³ The chief commissioners of the two remaining minor states, the North West Frontier Province and Baluchistan, are agents to the governor-general in respect to political matters. The administration of these five lesser states is more directly under the control of the government in India, and especially of its foreign department, than is the administration of the major provinces. These smaller provinces, moreover, lack the financial powers which have been accorded to the larger provinces.⁴

The eight major provinces are the old presidencies of Madras and Bombay; the five lieutenant-governorships of Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma, and Eastern Bengal and Assam; and the chief commissionership of the Central Provinces. Madras and Bombay still retain certain vestiges of their early importance and independence. In each of these presidencies, the civil administration is vested in a governor in council, who is appointed by the Crown, whose powers and duties are regulated by act of Parliament,⁵ and who is usually a man of rank and experience; and in each, until recently, the council consisted of two persons, likewise appointed by the Crown, who must have served for at least twelve years in India

¹ Memorandum on Results of British Rule (Cd. 4956), p. 19.

² Report of Royal Commission upon Decentralization (Cd. 4360), p. 27.

³ *Ibid.* p. 14. Imperial Gazetteer, vol. iv, pp. 56, 57.

⁴ Report of Royal Commission upon Decentralization (Cd. 4360), p. 14.

⁵ Imperial Gazetteer, vol. iv, pp. 30, 31.

and who have always been selected from the Indian civil service. Lieutenant-governors are appointed by the governor-general, subject to the approval of the Crown. They must have served at least ten years in India. Chief commissioners stand upon a lower footing, being delegates of the governor-general in council, by whom they are appointed. In practice, however, the chief commissioner of the Central Provinces is intrusted with powers virtually as great as those exercised by a lieutenant-governor. The special restrictions imposed upon him are mainly in the matter of patronage. In provinces administered by chief commissioners there is no legislative council.¹

Prior to 1909, Madras and Bombay were the only provinces provided with an executive council to aid the governor in his administration. The Indian Councils Act of 1909 increased the number of members of these two councils from two to not more than four²; it also empowered the governor-general in council to create a similar executive council to aid the lieutenant-governor of Bengal; and it provided that under certain conditions such a body might be instituted in any other lieutenant-governorship.³ Prior to this act, all the major provinces, with the exception of the Central Provinces, had legislative councils. By this act the number of members in these councils was more than doubled, and the elected element was also enlarged. Prior to 1909, the maximum strength of the Indian legislative councils (including both the central and the provincial councils) was 126 members: it was increased to 370. And in place of the 39 elected members provision was made for 135. In the old councils, furthermore, officials were in a majority in every instance; the act of 1909 established a non-official majority in every provincial council.⁴ This reform is one of far-reaching significance. It is a bold experiment, the results of which it is difficult to forecast. Nor has reform been confined to the con-

¹ Imperial Gazetteer, vol. iv, pp. 31-33. Report of Royal Commission upon Decentralization (Cd. 4360), pp. 14, 15.

² Government Statement of Moral and Material Progress of India during the Year 1908-09, p. 2.

³ *Ibid.* p. 2.

⁴ Regulations for giving effect to the Indian Councils Act, 1909 (Cd. 4987), sec. xi, p. 6.

stitution of the councils; their functions also have been greatly enlarged. In the future their members will take a real and active part in shaping the financial proposals for the year, and, in general, will have a greater share than heretofore in legislation of all kinds.

There are other features of the Indian administration, no less essential to administrative efficiency and to the welfare and progress of the Indian peoples, to which, in this article, it is possible only to direct the student's attention. The development of local self-government is based largely on a system which entrusts local administration to municipal and rural boards. At the end of the year 1909 there were such boards in 717 municipalities, containing a population of nearly 17,000,000 people, and in 709 rural districts and localities.¹ Contrary to the common belief that the administration of India is chiefly in the hands of Englishmen, the number of native officials is surprisingly large, and it is constantly increasing. The feudatory native states, which, as already noted, contain over 70,000,000 inhabitants, enjoy a large measure of administrative independence.

Especially noteworthy are the conclusions and recommendations contained in the report of the Royal Commission upon Decentralization, published in 1909. Among other changes the commission recommended: a further enlargement of the powers of the central and provincial governments in India, in respect to the creation of new positions and the raising of salaries; further decentralization of administration as regards forests, police and public works; an enlargement of the powers of the district collector, who, in the opinion of the commissioners, should be the recognized head of the district in all administrative matters; and the extension of the regular system of council government, as it exists in Madras and Bombay, to all the lieutenant-governorships.²

It may be said, in conclusion, that the reforms, both executive and legislative, introduced under the act of 1909 mark a

¹ Government Statement of Moral and Material Progress of India during the Year 1908-09, pp. 104, 105, 108.

² Report of Royal Commission upon Decentralization (Cd. 4360), pp. 297-311.

real advance toward the goal of intelligent self-government by native Indians. What will be the outcome of this grant of direct representative institutions is uncertain; but, in the words of an eminent British-Indian administrator, a stage has been reached in the relations between India and England "at which political reforms have become necessary," even if "the granting of these reforms may involve some falling away from that administrative efficiency which has been the Englishman's ideal."¹

The extension of Indian political reforms ought to be cautious and deliberate, for in India there is no notion of representative or elective government except among a relatively small number of educated men. For this reason, with the growth of a representative system of government the vast masses of ignorant and poverty-ridden people may conceivably suffer at the hands of their educated and ambitious fellow-countrymen. The landlord and lawyer classes in India have fattened upon the rack-rented and litigious cultivators of the soil. In the past it has been the disinterested British administrator who has defended the rights of the helpless masses. Tenancy laws, for instance, assuring to the peasants certain rights of occupancy and fair rents, have been passed by the government authorities in the face of determined opposition on the part of the non-official members of the councils, who usually have been of the landlord or lawyer classes. "I am under the strong opinion," said Lord Curzon, in the House of Lords, on February 23, 1909, "that as government in India becomes more and more parliamentary—as well may be the result—so it will become less paternal and less beneficent to the poorer classes of the population." But despite a possible decrease in administrative efficiency, which is not wholly certain, Great Britain is meeting the demands of its national conscience in seeking to develop self-government, which, exotic though it be, is believed by many Englishmen to be possible of cultivation in India.

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¹Arundel, *The Nineteenth Century and After*, May, 1909.

REVIEWS

The Interest of America in International Conditions. By A. T. MAHAN. Boston, Little Brown and Company, 1910.—212 pp.

In this little book Admiral Mahan has not proposed to himself a detailed study of American interests abroad; he looks rather at matters from the opposite point of view and by studying the recent unfolding of international conditions discovers the extent to which our country is involved in the general development of world politics. The implied conclusion is that there is no important part of international politics, not even concerning European affairs, in which the United States is not interested. He traces the origin and character of present international groupings in Europe and especially the growth of the predominance of Germany. The position of the latter power is outlined in a spirit of justice, though not with sympathy; and although the author makes no alarming prognostications, he nevertheless recognizes the seriousness of the competition between Germany and Great Britain. In these European developments the United States is interested on account of the effect which shiftings of position and mutations of power in Europe may have upon the situation in South America and in the Far East where American diplomacy is especially active. Far from advising alliances, the author nevertheless is clearly of the view that the interests of the United States would draw us rather to the side of Great Britain than to that of her rival.

The Monroe doctrine and the policy of the open door in the Far East, parallel through the purpose of preventing one-sided national interference, are the foci of American foreign affairs. As international action bears upon these cardinal interests the aims and purposes of American diplomacy are affected. The times are therefore past when American statesmen and diplomats are justified in looking upon the intricacies of diplomatic action as alien to our national affairs and policy. This also applies to the public. Our position is indeed still a favored one, and yet, if our national policies are to succeed, the management of our affairs must be handled with that knowledge of complex diplomatic interests which characterizes the action of European powers; and this expert knowledge must be backed by an intelligent public opinion that has outgrown a native simplicity suitable only to