

Chapter I

INTRODUCTORY

THE office of Secretary of State for India was created by the Government of India Act of 1858 (21 and 22 Vic., cap. 106) whereby the powers and functions of the East India Company were transferred to the Crown. The India Office was thus called into existence, and became responsible for the conduct of all such business connected with the management of Indian public affairs as is transacted in England. But the new institution may be said to have, in a sense, a long and interesting pre-natal history, for British India had been growing for two and a half centuries before the Crown assumed complete responsibility for its administration. The first Charter of the East India Company was granted by Queen Elizabeth in 1600, and the more direct interposition of the British Parliament in Indian affairs was marked by the establishment of the Board of Control in 1784. From the later date two offices in London were occupied with Indian business: the East India House, in Leadenhall, was the home of the East India Company, while the Board of Control, at Westminster, was responsible for the supervision by His Majesty's Government over the operations of the Company. "Dyarchy," as regards India, is not an invention of the twentieth century. The India Office, then, may be described as arising

from the amalgamation of the Company's headquarters in London with the office of the Board of Control, and the personnel of the new Government Department was at the outset formed by uniting the clerks of the two old establishments. Henceforth, of course, the India Office was one of the departments of the Home Civil Service. But it differed from the other departments in one very important aspect: its cost was defrayed entirely from the revenues of India, and not from those of the United Kingdom, until, at the end of the nineteenth century, the report of the Welby Commission on Indian Finance led to a contribution from the Treasury towards certain heads of Indian expenditure. By the Government of India Act 1919 the salary of the Secretary of State for India was for the first time put upon the Parliamentary estimates. At present the cost of the department is shared between Great Britain and India, the latter meeting the expense of such proportion of the charges as would in any case fall upon the Government of India for business done in London; while the British Treasury finds the money for the salary of the Secretary of State and for such proportion of the salaries of his subordinates as is taken to represent the cost of the administrative control exercised by His Majesty's Government. The Act of 1919 also provided for the appointment in London of a High Commissioner for India, and was immediately followed by the creation of a separate office for the new functionary. But under the present arrangements, which are necessarily provisional, some work of an "agency" character is still conducted by the India Office

which receives from the British Treasury a lump sum contribution (to be adjusted later on) in consideration of its higher administrative functions.

A second important distinction between the India Office and other departments lies in the presence therein of the Council of India, created by the Act of 1858. For most purposes the supreme authority under the Crown and Parliament for the control of Indian affairs is the Secretary of State in Council of India, and not a sole Minister, though, as will be seen later, the Secretary of State possesses considerable powers apart from his Council.

And here, perhaps, a word of explanation may be offered as to the bewildering variety of bodies with the common name of "Council" existing in connection with the Government of India. Secretaries of State in the earlier days of their term of office have been known to show signs of imperfect education in this matter, while it is actually rare to find, when high officials of the Indian Services attract the notice of the Press by such accidents as death or promotion, an entirely accurate appreciation of the fine distinctions between the various bodies on which they have served.

The word "Council" then, is used, as regards India, in three distinct senses, and there are at present no less than twenty-one separate bodies possessing the name. "The Council of India"* sits not in India but at the India Office in London. The term "Council bills," found in the financial

* Before 1858 the Governor-General's Council had been styled "The Council of India."

columns of the Press, relates to the means whereby the expenses of the Secretary of State in Council are met by the sale in London of drafts on India.

Secondly, though of far older origin, come the Executive Councils in India, which were created in the three Presidencies of Bengal, Madras and Bombay in the eighteenth century. When the Governor-General of the Presidency of Fort William in Bengal became the Governor-General of India, the Executive Council of the original Presidency of Bengal saw its powers similarly enhanced. Executive Councils have been formed in recent years in all the major provinces of India. An Executive Council is practically a local Cabinet.

And, thirdly, the name Council is shared by the legislative bodies in India. A legislative Council is now a local Parliament, predominantly elective in character though containing a minority of nominated members. Until the Act of 1919 the Central Indian Legislature was styled the "Legislative Council." The Act substituted for this single chamber a bicameral legislature; the upper house (corresponding generally to the Senate of certain Dominions) is called "the Council of State," while the larger and more popular Chamber is "the Legislative Assembly." But the name "Legislative Council" is naturally preserved for the local legislatures of each of the nine major Provinces.

For over sixty years the India Office was (except in so far as such British Statutes as the Superannuation Act applied to its personnel) controlled

solely by the Secretary of State in Council, subject of course to Parliament. Though care was taken to organize the office as a whole on the lines laid down for the Home Civil Service, he could create special appointments, necessitated by the character of the work, which had no exact counterparts elsewhere, and enjoyed a degree of freedom fettered only by his own corporate financial conscience in such matters as the grant of compassionate allowances to superannuated charwomen. Now the influence of the Treasury is asserted by precept as well as example, and a friendly understanding enables their Lordships to supervise the India Office without insisting on meticulous control of minor details.

The actual day-to-day work of the India Office arises out of things that happen six thousand miles away, but it is the channel of communication between the Imperial Government and the Government of India, and is, therefore, in close touch with most of the Imperial Departments. The extent to which Indian official business is transacted in London depends ultimately on the terms of British Statutes relating to India, but in practice is governed by the degree of delegation to authority in India of his general powers of superintendence and control that the Secretary of State has from time to time found necessary or desirable. His control is exercised over such multifarious subjects, and his responsibility to Parliament compels him to require information on so many matters which do not call for or even admit any action on his part, that an enormous mass of communications flows weekly by mail and daily by cable from India

to Whitehall and back. And thus, while the exclusively Indian character of its occupation makes the interests of the India Office narrower than those of the Colonial Office or the Foreign Office, the volume and complexity of Indian affairs lend infinite variety to its work.* In its relation to India the India Office may be said to combine functions analogous to those of a Treasury, a War Office, a Home Office, a Board of Trade, a Civil Service Commission and a Foreign Office. On the other hand, the conduct of Indian business in England necessitates constant consultation with the War Office on military matters, the Foreign Office as regards the relations between India and her territorial neighbours and the treatment of British Indian subjects by Foreign Powers, the Colonial and Dominions Offices in connection with the position of Indians in the Dominions and Colonies, the Board of Trade as regards commercial matters and the interests of lascar seamen. The Civil Service Commission co-operates with the India Office in the selection of candidates for the Indian Civil Service and the Indian Police. The Admiralty has interests in Indian waters, the Judicial Committee of the Privy Council hears

* "The India Office is a miniature Government in itself. There is not a branch of administrative or executive work connected with the big Government which is not represented inside the Office, and the great bulk of the questions that come on from the Government of India are not trivial or prosaic details of administration, but questions either of importance, or matters upon which there is difference of opinion or controversy, or connected with change or reforms."—Lord George Hamilton, "Parliamentary Reminiscences, 1868-1885," p. 68.

appeals from the judgments of Indian Courts, the General Post Office is concerned with the transport of Indian mails, and common interests in judicial and police affairs link the India Office with the Home Office and the Scottish Office—for example, a suspect may have to be arrested in Great Britain, charged with an offence committed in India, and be removed to stand trial in that country. Miscellaneous business brings the India Office from time to time into touch with most departments in London. Apart from the official world, members of the public constantly apply for information about India, which is always given when possible, and the doors in King Charles Street are open freely to inquirers who wish to discover whether a son is eligible for an Indian appointment, to get news of a relative wounded in action or injured in a riot, to ascertain the conditions regulating commercial or mining enterprise, or to discover what precise bore of sporting rifle may be imported into India.