

in 1813. In the latter year the salaries were established at rates rising from £150 to £400 for junior clerks, to £1,500 for the Secretary. Later on a Permanent Secretary was appointed, and in 1858 the two Secretaries of the Board (Mr. H. J. Baillie, M.P., and Sir George Clerk, K.C.B.) migrated with their Chief, Lord Stanley, to the India Office, where they became the first Parliamentary and the first Permanent Under-Secretary of State.

Chapter III

THE SECRETARY OF STATE IN COUNCIL

WHILE the Act of 1858 transformed the position of India in the Empire, and introduced an entirely new relation between the British Crown and the Indian peoples, the machinery of government in India was, at the time, unchanged, and at home the President of the Board of Control became a Secretary of State, advised by a Council of whose fifteen original members eleven had been Directors of the Company. The Mutiny sharply divided the new India from the old, but, until the process of giving Indian representatives a voice in the government of their country began to develop, Crown administration followed lines already drawn. It has been shown that the Home Government had come to direct Indian affairs far more closely than is sometimes supposed. In all respects other than progress towards self-government the foundations of modern India were laid before 1858, though the opening of the Suez Canal and the establishment (1870) of cable communication were to bring India into closer contact with England. Lord Dalhousie's vigorous development of Public Works had opened the era of railways and telegraphs and started the great irrigation schemes. The process of State education which was to create an English-speaking "intelligentsia," keenly interested in politics, had

been inaugurated. The Act of 1813 required the Company to allot annually to the advancement of education, literature and science, the not very princely sum of 1 lakh of rupees, but a famous despatch of the Directors in 1854, for which Sir Charles Wood is known to be responsible, laid down the lines of future educational policy on the purely Western system which Lord William Bentinck and Macaulay had already introduced, and Lord Canning in 1857 created the Universities of Calcutta, Madras and Bombay. The Act of 1833 had opened a new era by declaring that no native of India should by reason only of his religion, place of birth, descent, or colour, be disabled from holding any place, office or employment under Government in India, but the principle established in this negative form took a long time to grow into positive fruition. Lastly, the principle of open competition had been applied to the Indian Civil Service.

The Company's Governors-General received on occasion more vitriolic criticisms from the Home authorities than have ever descended upon the Viceroys, though such criticisms, necessarily offered after the event, were in the old days more vexatious than effective: unless discord went so far that the Directors or the Cabinet found it necessary to recall the Governor-General, he had to be allowed a fairly free hand. It is true that, in addition to thousands of miles of ocean, the complicated machinery of the dual system was interposed between the Cabinet and the Government of India. But steam and electricity are far more powerful solvents of old conditions than any statute.

The dual system was threatened from 1813 onwards, and had a narrow escape in 1853. But the exact form of the new régime was not easily settled. It was generally agreed that when the India House was swept away the expert knowledge that it had come to contain must be perpetuated in the Home administration. Historians have habitually failed to recognise that we have been far more careful about Indian affairs than about any other of our Overseas interests. The results may or may not have been disappointing, or incommensurate with the trouble taken, but India has been recognised to be so important and its conditions so peculiar, that the Ministers responsible for control have always been furnished with advisers who had proved their ability by actual administrative work in the country itself. The India Office has, like most other human institutions, its own burden of frailties and offences, but it has never been surprised to discover that Cape Breton was really an island, or ordered the chaplain at Grahamstown to ride over and conduct afternoon service at Durban.

Palmerston, Prime Minister in 1857, when he decided that the Company must go, introduced a Bill to establish a new Secretary of State and give him a Council of eight, all nominated by the Crown, but his Government was defeated on the Orsini affair, and it fell to Lord Derby's Ministry to settle the future of India. Disraeli* (as leader of the House of Commons) and Ellenborough (President of the Board of Control for the fourth time, and

* Mr. Buckle's "Life of Disraeli," Vol. IV, describes the Parliamentary history of the measure.

ex-Governor-General) were responsible for a new Bill. They contemplated a Council of eighteen, nine of whom should be appointed by the Crown from men possessing special Indian qualifications, four to be elected by a strange new constituency of persons who had served in India or had financial interests therein, and five to be returned by the Parliamentary electors of the leading commercial cities of the United Kingdom, London, Manchester, Liverpool, Glasgow and Belfast. The House liked the Bill so little that the Government invited it to proceed by Resolutions, the so-called "elective principle" was dropped, and the scheme finally adopted represented a general consensus of Parliamentary opinion. Meanwhile Ellenborough had resigned in consequence of the resentment aroused by the terms of his despatch to Canning about the Oudh proclamation. The vacant post was offered to Mr. Gladstone; had he been willing to serve with Disraeli he would have been the first Secretary of State for India. On his refusal the Board was taken by the Prime Minister's son, Lord Stanley, who on the passing of the Bill became Secretary of State for nine months, the fall of the Government and return of the Liberals in 1859 transferring the seals to Sir Charles Wood (afterwards Lord Halifax), a former President of the Board. He held office for nearly seven years, and was responsible for the direction of the reconstruction of Indian policy under Lords Canning, Elgin, and Lawrence.

The Council that actually came into being was one of fifteen, eight nominated by the Crown and seven elected by the Directors of the Company. The

first fantastic "elective" scheme was apparently regarded by its authors as embodying the idea of democratic representation, but it is obvious now that nothing more unfair to India or more calculated to create suspicion in Indian minds could well have been devised than a plan under which British commercial interests, as such, would have been given a direct control over Indian affairs. Palmerston saw that the supposed analogy between the new device and the old election of Directors by the shareholders of the Company was a false one: the latter "never were chosen or appointed by an authority different from that which held the sovereignty of India." "What is wanted," he wrote* to Delane of *The Times*, "is a council composed of able men conversant with Indian affairs, who may give information and advice to the responsible Ministers of the Crown in regard to Indian affairs, and it is much more likely that the responsible Ministers of the Crown should be able to find out and appoint such men than that any sort of persons who might be formed into a constituency for the purpose should be able to do so." Disraeli had scented in Palmerston's plan for filling the Council entirely with Crown nominees a revival of the seventy years old Whig scheme for securing the Indian patronage which had wrecked Fox's career: but Disraeli himself a little later pressed hard on Lord Stanley to give some of the Council seats to Members of Parliament who deserved well of the party. Fortunately, Lord

* A. I. Dasent, "John Thaddeus Delane," 1908, Vol. I, p. 287.



Stanley stood firm. The Council would, indeed, have been vitiated from the outset if the body intended to provide expert advice and to defend the revenues of India had been recruited from superannuated English party politicians.

Under the 1858 Act the Members of Council, who were to vacate office if they acquired a seat in either House of Parliament, were appointed to hold their office, like Judges in England, "during good behaviour," which in practice meant for life, but could be removed by an address from both Houses. Not less than nine of the fifteen must have served or resided in British India for ten years and left that country within the last ten years. The whole Council was to co-opt new Members to fill vacancies among the seven original representatives of the Directors. The powers and duties of the Council remained practically unaltered until 1919 (when, amidst other changes, the statutory obligation of a weekly meeting throughout the year was reduced to a monthly meeting, though in practice regular weekly meetings have continued), but changes were made in its composition and the conditions of tenure. In 1869 the appointment of all the Members was entrusted to the Secretary of State, not the Crown, and the tenure was altered from "office during good behaviour" to a fixed term of ten years, the Secretary of State having power to reappoint for a further five years. In 1889 power was taken to reduce the number to ten. The Act of 1907 by requiring that Members with the Indian residentiary qualification should have left India within five years brought the Indian experience of

the Council as a whole more up to date, and incidentally put an end to the not unusual process of promoting to the Council retired Indian Civilians who had held administrative posts at the India Office for some years after leaving India. The number was now fixed at a minimum of ten and a maximum of fourteen, and the term of office was reduced from ten to seven years, with power of reappointment for five. But, since 1869, a Member who for any reason has resigned cannot be re-appointed.

The Act of 1919 (the effect of which on the Council's powers will be described later) reduced the number to a minimum of eight and a maximum of twelve, half of whom must have the Indian* service or residentiary qualification, and lowered the term of office to five years, with power of reappointment for five. The salary fixed in 1858 was £1,200, but in 1907 it was reduced to £1,000. In 1919 the salary was restored to £1,200, and it was provided that Members with an Indian domicile should receive a further annual allowance of £600, Mr. Montagu regarding it as equitable to extend to Indians holding office in England the system of "overseas allowance" just established for Englishmen in India. Another provision of the 1919 Act allows officials of the Indian Services who had not completed their service for pension to count for that purpose the term of office on the Council. Service on the Council itself, apart from any previous Government service, was originally pensionable,

* Service or residence in "India" has replaced "British India."

but this section of the Act of 1858 had been repealed in 1869, since which date Council service had been entirely excluded from pensionary qualification.

The Act of 1858 vested in the Crown "the Government of the Territory now in the Possession or under the Government of the East India Company," and all powers in relation thereto which the Company had held in trust for the Crown, and transferred to the Crown "to be applied and disposed of, subject to the Provisions of this Act, for the Purposes of the Government of India," all the real and personal property of the Company except its capital stock and the dividend thereon. The Crown assumed the Company's debts and liabilities, and its contracts, covenants and engagements. "India shall be governed by and in the name of Her Majesty"; power was taken to appoint a fifth* Secretary of State, who acquired all the functions hitherto exercised by the Directors of the Company and the Board of Control, subject to the limitations imposed upon him by the grant of certain powers to the new Council of India. These limitations were important: the chief of them, which has survived the Act of 1919, is that no grant or appropriation of the revenues of India or of any property transferred to the Crown under the Act, can be made, and no money borrowed in Great Britain on the security of Indian revenues, without the concurrence of a majority of the Members of

* The occasional signature of an official despatch to India by the Secretary of State for another Department is due to the constitutional provision that one Secretary of State can exercise the functions of any of the others.

Council. The financial powers of the Secretary of State in Council were limited by a provision (due to Mr. Gladstone's suggestion, and still in force) that except for the purpose of preventing or repelling actual invasion of Her Majesty's Indian Possessions, or under other sudden or urgent necessity, the application of the revenues of India to any military operation beyond the external frontiers required the consent of both Houses of Parliament. Orders directing the actual commencement of hostilities must be laid before Parliament.

The Council, under the direction of the Secretary of State and subject to the provisions of the Act, was "to conduct the business transacted in the United Kingdom in relation to the Government of India and the Correspondence with India." Every "order or communication" to India, and every order made by the Secretary of State in the United Kingdom, was to be laid before it, with the important exceptions of "secret" or "urgent" orders. On "secret" questions (i.e. questions of peace and war and negotiations with Indian States or Foreign Powers, and answers to despatches on the government of India which the Indian authorities had marked as "secret"), the Secretary of State, inheriting the powers of the Board of Control to issue orders through the Secret Committee of the Directors, has never been required either to consult or to inform his Council. He was further empowered to issue without delay orders which he regarded as "urgently required," but (in non-secret business) must record the reasons of urgency and notify the Council. In practice, and by consent of the

Council, this section of the Act enabled the Secretary of State to send telegrams to India in answer to despatches or telegrams requiring immediate answers.

But neither secret nor urgent orders could be issued without Council sanction on matters in which the Act required the concurrence of a majority of Members to be obtained. These matters comprised, besides expenditure and loans, the making of regulations for the distribution of patronage among the authorities in India, the restoration of an officer removed or suspended by the Indian authorities, and the appointment to certain scheduled posts of persons not belonging to the Indian Civil Service.

On all other matters the Secretary of State could over-rule the Council, and a Member dissenting must content himself with recording a minute. Critics of the India Office system alternately censure the supposed disregard of the Council by Secretaries of State, and lament the paralysing of their action by the recalcitrance of the Council: the former comment generally emanates from the Indian official world, the latter from Indian politicians. It is consolatory that each set of critics credits at least one of the partners with good intentions.

The Secretary of State himself signs, and takes full responsibility for, all despatches to India, whereas all despatches emanating from the Government of India, except those in which the Governor-General reports that he has assented to Indian legislation (a matter in which by statute he has sole authority), use the pronoun "we" and are signed by the Governor-General and all Members of his Executive

Council. If any of the latter dissents from or wishes to qualify the views expressed in the text, he signs the despatch and appends a note of dissent or comment. But any dissents written by Members of Council at the India Office, while recorded in the Office, are not annexed to the Secretary of State's despatch, and would not be communicated to the Indian Government unless the Secretary of State saw fit to transmit them confidentially. It will be seen that the system admits of deadlocks. Either partner could prevent the other from spending money: on occasion the Secretary of State has refused sanction for an exceptional payment recommended from India but not falling within the financial regulations, which the majority of his Council was willing to allow; and by the letter of the Statute the Council could not be compelled even by Parliament to authorise expenditure from Indian revenues. The impact between the irresistible force of Parliament and the immovable body of the Council of India seems to be a theoretical possibility.

The Secretary of State was empowered to divide the Council into Committees and regulate the business of each, and all matters which come before the Council (whose proceedings are marked by strict formality, Members rising to make speeches*) have been previously discussed round a table by

* No one but the Secretary of State and the Members has a right to take part in the discussions, but the Under-Secretaries of State attend the meetings, and may be invited to make remarks. The Council can of course require the attendance of any of the Office staff if it desires explanations on technical points.

one or more of the Committees, to which the permanent head of the branch of the Office concerned brings the cases. The Secretary of State is President of the Council, with power to vote, and appoints one of the Members as Vice-President to take the chair in his absence. The chair carries a casting vote. But all proceedings taken in the absence of the Secretary of State require his approval in writing. Only the more important questions, or business of a formal or routine character for which by statute the approval of a majority of Members is necessary, are actually brought up for discussion at a meeting of Council: for minor matters Council sanction has always been obtained by laying the papers in the Council Reading Room for a period which used to be seven; but is now four days, at the end of which, if no Member objects to the action proposed, it is held to be approved. Very many papers on which no action is required are circulated for information.

The strength of the permanent establishment* of the India Office, and the rates of salary, were originally fixed, on the recommendation of the Secretary of State, by Her Majesty's Order in Council, and all additions to the cadre or alteration of the salaries require an Order in Council, which must be laid before Parliament.

* The Company sometimes recruited its writers at a tender age, and it allowed employes who had rendered fifty years' service to retire on a pension equal to full pay. This privilege was enjoyed in the present century by Sir Arthur Guillum Scott, who had joined the East India House at 15, and retired at 65 from the post of Accountant-General at the India Office.

The procedure of the India Office has been described as "intolerably cumbrous and dilatory," but changes made since the Act of 1919 have simplified and accelerated it. It will be recognised that the terms of the Act of 1858 did not make for extreme speed in the conduct of business. If the India Office is slower than other departments to come to a decision, this is very largely due to the necessity of consulting the Government of India (who may in turn have to consult the Provincial Governments) on questions of importance. The Government of India may find it necessary to take immediate action and request *ex post facto* approval on some point that requires the sanction of the Secretary of State in Council. Events will not always wait: the Government of India cannot emulate the station master who telegraphed to his superior "Tiger on station platform; please send instructions." Lord Salisbury once told Lord Lytton, when a sudden change in the Afghan kaleidoscope had been met by prompt orders, that he had no wish to interrupt a billiard player in his actual stroke. The rigidity of the 1858 system was to some extent tempered in practice by a system of "demi-official" correspondence between departmental secretaries at the India Office and the Secretaries to the Government of India. Of course no orders could be given by this means, but much information could be sought or conveyed: thus if, in answer to a question in Parliament, further enquiry into facts had been promised, it would have been absurd to read the terms of the Act about "communications" as requiring the submission to

Council of a formal despatch asking whether floods had subsided or plague broken out in a new locality.

The Secretary of State for India, apart from his Council, has duties similar to those of other Secretaries of State* in such matters in the Indian sphere as submission of petitions to the King, advice as to His Majesty's exercise of the Prerogative of Pardon, the grant of Honours, and recommendations for high appointments. Further, he receives numerous memorials and appeals addressed to himself against the action taken by the authorities in India. To the "Covenants" of the members of the Indian Civil Service and "Agreements" of other civil officers the Secretary of State in Council is one of the parties: these engagements contain clauses empowering the employer to dismiss the officer in such events as disobedience, misconduct, or failure to qualify himself for the performance of his official duties, and the final decision in these cases lies with the Secretary of State in Council. One peculiar consequence of his inheritance from the East India Company is that the Secretary of State in Council is for purposes of suits but not for holding property a body corporate which can sue or be sued, either in England or India. "Every person has the same remedies against the Secretary of State in Council as he might have had against the

* See Sir Edward Troup's "Home Office" in this Series, Chapter III, "The King's Pleasure." The exercise in India of the Prerogative of Pardon has since 1916 been delegated to the Viceroys in the Royal Warrant of Appointment; but this delegation does not and cannot impair the right of the subject in India to petition His Majesty when the Viceroy has not seen fit to grant a pardon.

East India Company if the Government of India Act, 1858, had not been passed."* Thus an official has sued the Secretary of State in Council for wrongful dismissal, and any individual can bring an action against him for the recovery of property or the like, even in certain cases in which, if the matter complained against arose in England, a Petition of Right would not lie.

No business can be brought before the Council of India except by the Secretary of State: on the other hand, he cannot—as we have seen—get certain kinds of business done except with the consent of his Council. While the Council has never been, and in fact could not be, consulted on the answers to be given to questions in Parliament, or statements arising out of the course of a debate, which sometimes have decided future policy, on deliberate decisions of the first importance, such as the change of the Indian capital from Calcutta to Delhi, and the famous announcement made in August 1917 of the advance towards responsible government, the Secretaries of State have naturally ascertained the views of the Council.

The Committees of the Council correspond to, and work in close touch with, the several departments of the Office, but no Member is in charge of any department. This system contrasts with that

* Ilbert, "Government of India," 3rd ed., 1915, p. 196. For a discussion of the difficult questions connected with limitations on the admissibility of suits in consequence of "acts of state," Crown prerogative, and the fact that all public servants in British India (including even Judges of the High Courts) hold office "during pleasure," see pp. 182-184 and 196-202 of that work.

of the Governor-General's Council, for the plain reason that the latter is an executive body whereas the India Office Council is advisory. In 1913 Lord Crewe outlined in the House of Lords a scheme of reorganisation, involving amendment of the Act of 1858, under which each individual Member of Council would have been in much more intimate touch with a particular department, and the Committee system would have been reserved for exceptional cases, but, except for certain functions recently given to Chairmen of Committees, no steps in this direction have been taken.

In 1917 the announcement by the Secretary of State in the House of Commons of the policy "of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive introduction of responsible government in India as an integral part of the British Empire" was followed by the visit of Mr. Montagu to India, and his and Lord Chelmsford's joint "Report on Indian Constitutional Reforms"* recommended that a committee should at once be appointed in London to consider how far the India Office should be reorganised in harmony with the changes that they proposed in the structure of Indian Government. That Committee met early in 1919 under the Chairmanship of Lord Crewe, and reported in June.† Its recommendations on several points bore fruit in the Government of India Act of 1919, but the Parliamentary Joint Select Committee on the

* Cmd 9109, 1918.

† Cmd 207, 1919.

Bill did not endorse the majority proposal that the powers and authority vested in the Secretary of State in Council should be transferred to the Secretary of State, the abolition of the Council of India being followed by the creation of an "Advisory Committee" of from six to twelve members to hold office for five years, at least one-third of whom should be persons domiciled in India, selected by the Secretary of State from a panel submitted by the non-official members of the Indian legislature.

The Act of 1919, therefore, preserved the Council and (while providing for the relaxation, with the consent of Parliament, by the Secretary of State or the Secretary of State in Council, of his "powers of superintendence, direction, and control" over the Indian authorities) does not on the surface appear to make any great change in the organisation of the India Office. It continues the powers of the Council in regard to expenditure,* contracts and certain appointments. But it did not re-enact the provision that all orders and communications (not being "Secret") must be placed before Council, providing instead that the procedure for orders and communications to and correspondence with the Government of India should be such as may be prescribed by order of the Secretary of State in

* But it enables the Secretary of State, with the concurrence of a majority of the Council to make general "provisions or restrictions" with regard to grants or appropriation, and thereafter to sanction expenditure in accordance therewith without a fresh reference to Council. By a rule made under this provision minor powers of financial sanction within strict limits have been delegated to departmental authority.

Council. The Secretary of State in Council proceeded to make general rules which provided for the more prompt disposal of business. Correspondence with India has been accelerated by an arrangement for the exchange of "official" letters between the Secretaries of India Office Departments and Secretaries to the Government of India on matters which could not be treated "demi-officially" and used to require a formal despatch on each side. The exercise of Parliamentary control over the Secretary of State in Council will be discussed later, but two important financial points should be noted here. In the first place, the Secretary of State must always come to Parliament for authority to raise (with the consent of his Council) loans on the security of Indian revenues. Hence comes a series of special Acts authorising borrowing within definite limits and for specific purposes. No mention of this most important obligation will be found either in the Act of 1858 or in that of 1919, but it dates back, strangely enough, to the Act of 1698* (9 and 10 Will. III, c. 44) under which the "New Company" was established and a loan of £2,000,000 made to the Crown, and to the restrictions imposed by Parliament in the late eighteenth and early nineteenth centuries on the borrowing powers of the East India Company.

Secondly, a statement of the revenue and expenditure of British India must be submitted annually to Parliament, and, in order to provide independent scrutiny, the Act of 1858 established, and later

* I owe this reference to a Memorandum by Sir Arthur Godley (now Lord Kilbracken).

legislation has continued, an Auditor of Indian Accounts, who controls his own staff. He is appointed not by the Secretary of State but by Royal Sign Manual, countersigned by the Chancellor of the Exchequer, and he holds office not, like the staff of the India Office, "during pleasure," but during good behaviour. He can call upon the Secretary of State to produce any papers, can examine any officer of Government in the United Kingdom in relation to the Indian accounts, and must present an annual report, in which he is free to express disapproval of any irregularity or offer any comments. His report is laid before Parliament. The India Audit Office is housed in the India Office.

Students of Indian affairs may be slightly surprised at finding that the authority for the constitutional system of India is now a dateless "Government of India Act," and a word of explanation may be of service. The Act of 1858 to a great extent preserved previous legislation, and was itself followed by a series of Acts of Parliament of varying importance. When by Royal Proclamation in 1911 the capital of India was transferred from Calcutta to Delhi, and the intention announced of redistributing the territories of two provinces and establishing a Governor in Council in Bengal, the complexity of Indian legislation was revealed in an almost poignant form to the Ministers responsible for preparing measures to implement the policy. Certain steps could be and were taken by Notification by the Governor-General in Council or formal declaration by the Secretary of State in Council, others required legislation in India, but Parliamentary legislation was

necessary to grant powers to the new Governor in Council of Bengal, and to enact some other incidental features of the new scheme.* It was necessary to examine closely how far existing Parliamentary Statutes or Acts of the Indian Legislature must be repealed, and to determine where exactly power could be found or whence new power must be sought to carry out each detail of the changes. Mr. Montagu, then Parliamentary Under-Secretary, pleaded for the construction of a clear path through the tangled jungle of enactments, and the necessary impetus was given to the project, discussed for some forty years, of preparing a consolidating Act. The resultant measure of 1915 (5 and 6 Geo. V c. 61) was largely based on the "Digest of Statutory Enactments" published by Sir Courtenay Ilbert in his "Government of India." It dealt with no less than forty-seven earlier Acts. But, as every draftsman knows, it is very difficult to consolidate without amending, and a Parliamentary Joint Committee relegated to a second Bill (passed as 6 and 7 Geo. V c. 37) the modification of various minor points. Thus the long-discussed concise epitome of Parliamentary legislature in India was itself incomplete, for it was amended almost as soon as enacted. But a more fundamental shock soon struck the fabric reared with so much toil; the whole constitution of India was thrown into the melting-pot by the Reform Scheme and the consequent Act of 1919. However, it was decided not to let the jungle in again upon the cleared ground, and the Acts of 1915 and 1916 (so far as their provisions were not

* See Ilbert, "The Government of India," 1922, pp. 117-118.

repealed) and 1919 were consolidated into a measure entitled "The Government of India Act."*

There have been twenty-one Secretaries of State for India—eleven Conservative, nine Liberal, and one Labour. The post has been held by so many men in the very front rank of British politics, that it is somewhat surprising that only one of them, the late Lord Salisbury, has up to the present become Prime Minister. The longest single term was that of Lord George Hamilton (1895-1903), but the late Lord Kimberley held the seals three times. The office has been eleven times held by a peer and twelve times by a Member of the Commons (the apparent discrepancy in these statistics is due to the fact that two Secretaries of State, Lord Salisbury and Lord Morley, held the post in both Houses). By statute not more than four Secretaries of State and four Parliamentary Under-Secretaries can sit in the Commons at the same time, and it has been usual for the India Office to be represented in both Houses. But the practice has not been invariable; Lord George Hamilton and Mr. Morley each had a lieutenant in the Commons. The post of Parliamentary Under-Secretary for India has often been the first step in Ministerial office, to which fact is probably due the large number of its incumbents, thirty-seven up to the present. Only four of these, Lord Ripon, Lord Kimberley, Lord George Hamilton, and Mr. Montagu, have subsequently become Secretary of State for India, but their roll includes four future Viceroys of India, Lords Ripon, Dufferin,

* The Act has already been amended, on minor points, by Statutes of 1924 and 1925.

Lansdowne, and Curzon, and several Governors of Indian Presidencies. There is generally understood to be an unwritten rule debarring a Secretary of State for India from becoming Viceroy, or a Viceroy from becoming Secretary of State. The first of these canons has not been invariably observed; Lord Ripon, Secretary of State in 1866, became Viceroy in 1880, and it seems not impossible that others may have had the option of going to India. But no ex-Viceroy has ever come to the India Office—indeed, only six of the fourteen* predecessors of Lord Reading since 1858 have held Cabinet office after leaving India. A notable appointment to the Parliamentary Under-Secretaryship was made in 1919 in the person of Sir Satyendra Sinha, raised to the House of Lords as Lord Sinha of Raipur. He has been the first Indian Member of the Governor-General's Council (1909), the first Indian peer, the first Indian member of a British Ministry, and the first Indian Governor of a Province. Some eighteen months before Sir S. Sinha's appointment to the Viceroy's Council, Lord Morley had brought two Indian Members to Whitehall, Saiyid Husain Bilgrami, a Mohammedan who had held office in Hyderabad State, and Mr. (afterwards Sir) Krishna Gupta, a Bengali just retired from the Indian Civil Service, the first Indian member of that Service to have filled the post of a Commissioner of Division. This new departure needed no legislation. Since 1907 Indian Members have always held seats in the Council of India, the number at present being three. Of the twelve Indian Members six have

* This number does not include officiating Governors-General.

been Hindus (two of these Brahmins), four Muhammadans, one a Sikh, and one a Parsi, and most of the great Indian Provinces, with the exception of Burma, have been represented. Most of these had already taken a prominent part in Indian public life, either as members of Legislative Councils or as office-holders in Indian States. Three had belonged to the regular official services (one to the Covenanted Indian Civil Service, two to the "Statutory" Civil Service), and two were retired Judges of High Courts. Of the ninety-five British Members of the Council the majority have come from the Indian Civil Service, but the Army has always been represented, and it has been usual to reinforce the financial and commercial knowledge of the Council by appointing non-official experts in Indian commerce and in English banking or business, these financial representatives being the only Members who retain connection with outside occupations. To secure first-rate experts in questions of banking, currency, and Indian commerce, in close touch with actual conditions, it is obviously necessary not to limit the selection to men who, in Disraeli's phrase, "had retired from business or from whom business had retired." The Council has from time to time included eminent lawyers who had been High Court Judges in India, while non-officials appointed from England to the Governor-General's Executive Council (notably Sir Henry Maine and Sir Thomas Raleigh) have subsequently joined the Council of India. Two Members (Sir Louis Mallet in 1874 and Sir William Duke in 1920) left the Council to become Permanent Under-Secretary of State and

one (Sir John Lawrence in 1863) to take up the Viceroyalty; one former Permanent Under-Secretary was appointed to the Council (Sir George Clerk in 1863). Without invidious discrimination it may be mentioned that the Members have included such distinguished soldiers as Lord Wolseley, Sir Henry Norman and Sir Donald Stewart, while amongst those best known to the world for achievements, practical or literary, outside the sphere of Indian administration, are Sir Henry Rawlinson, Sir Bartle Frere, Sir Henry Maine, Sir William Muir, and Sir Alfred Lyall.

Chapter IV

THE GOVERNMENT OF INDIA

A book of this character will, it may be hoped, be acquitted of any pretensions to supplying a constitutional history of India if it includes some description of the growth and the present nature of the system with which the Secretary of State has to deal, any modification of which requires his approval, and the authorities with whom he corresponds. The work of the India Office cannot be understood unless some account is offered of the structure not only of the Supreme Government of India, but of the Provincial or Local Governments to whom most of the detailed administration is committed and under whom most Government officials serve.

The Provincial system was drastically altered by the Act of 1919, but the Executive Government of India to-day is in essence of the same nature as the first Secretary of State found it in 1858, and the model was established by the Regulating Act of 1773. The somewhat vague authority over Madras and Bombay then given to the Governor-General was progressively enhanced by later statutes, and Lord Cornwallis in 1786 obtained that power of overruling his Council which, in its present form, enables the Governor-General* on his own authority,

* The Governor-General is the King's Viceroy, having been so