

Chapter V

THE IMPERIAL GOVERNMENT AND INDIA

Parliamentary Control

Any description of the system which treats primarily of Whitehall runs the risk of seeming to exhibit Indian affairs in a false perspective, for it is in India itself that the measures which most directly affect the life and welfare of the Indian peoples are taken. The British Government has usually shown sufficient practical wisdom to leave to its representatives in India the detailed management of affairs, and has kept in view two main objects, that the officials chosen to exercise authority should be capable and honest, and that the broad principles of Indian administration should conform to the standards accepted by the political conscience of this country. Educated Indian opinion, formerly inclined to look to Westminster as exercising on the whole a salutary control over the British authorities on the spot, is noticeably and naturally changing its point of view as Indians themselves acquire a progressively greater influence in the management of their affairs, and realise that, as is explicitly laid down in the preamble of the Act of 1919, the Imperial Parliament has reserved to itself the right to decide upon future constitutional developments.

The omnipotence of Parliament, indeed, was not specially emphasised in the terms of the Act of

1858, or in the provisions of earlier statutes left in force. But beyond and above the specific provisions lay the complete powers of superintendence, direction, and control vested in the Secretary of State over all acts, operations or concerns in anywise relating to the Government and revenues of India, and the unwritten facts that he can be called to account by Parliament for the exercise of his powers and holds office only so long as he commands Parliamentary confidence.* Further, Parliamentary legislation is necessary for many, though now by no means all, alterations in the law relating to India.

The Secretary of State is by law required to lay before both Houses annually a statement of the position of Indian finances, and this provision of the Act of 1858 created the annual Indian "budget debate." It was not really a budget debate, for, technically, Parliament was not asked to approve proposed expenditure, but merely informed of the accounts of the last completed year and the revised estimates of the next year. Before the discussion the Secretary of State presented an "Explanatory Memorandum." But any question affecting India could be debated on the motion that the House go into Committee to consider the Indian financial

* The need of the codification effected in 1915 is illustrated by the fact that it was necessary to read the Act of 1858 with that of 1833 in order to see what the powers of the Secretary of State really were. The present consolidated Government of India Act embodies the phrase given in the text, but with the all-important proviso "subject to the provisions of this Act or rules made thereunder," while section 19a empowers him, with the consent of Parliament, to "regulate and restrict" his powers of superintendence, direction and control.

statement, so that this annual debate secured a periodical Parliamentary review of Indian affairs. Numerous amendments were as a rule put down, but in practice only one was discussed and brought to a division. On going into Committee the House of Commons resolved that the revenues of India amounted to such and such a figure, and the expenditure to such another figure. Thus a correct arithmetical result was reached by a somewhat circuitous process. Since 1919 the discussion on the Secretary of State's salary has replaced the budget debate. Of course, apart from the annual discussion and debates on actual Indian Bills, either House can at any time if it wishes discuss Indian affairs. Such debates have been more frequent in the House of Lords, which usually contains more members with personal knowledge of India, and in which a question to a Minister may be put in an explanatory speech and may give rise to a long discussion. But the variety and scope of Parliamentary questions about India keep the India Office busy during session, and add appreciably to the revenues of the cable companies and the expenditure of India, since they constantly necessitate telegraphic consultation with the Government of India. To give an example of the miscellaneous information required from the Parliamentary spokesmen of the India Office, the questions put in one day recently included enquiries about child mortality, the Indianisation of the army, proposed railway extensions, the facts as to a recent riot in India, the treatment of prisoners in jails, the salaries of certain officials and the qualifications of others, the growth of an Indian

mercantile marine, the intentions of Government as to forthcoming legislation, and the export of live monkeys. This was at a time when nothing unusual was happening; when things are moving in India Parliamentary interest is naturally stimulated.* The development of Parliamentary institutions in India must have an effect on the nature of the questions asked at Westminster. Thus the Speaker remarked, on June 15th, 1925: "I have observed a tendency to put in this House questions which have already been put in the National or one of the Provincial Assemblies in India. I would ask Honble. Members to remember that we have delegated certain questions in India, and to use their discretion in accordance with the general rule." But so long as the Secretary of State is responsible to Parliament for the general conduct of Indian affairs, the information which he is called upon to furnish must cover a very wide range of subjects.

The proposal to place upon the British estimates the salary of the Secretary of State for India had been bruited for many years before it was adopted

* Lord George Hamilton has permitted himself a comment which in a civil servant would be rank blasphemy. It is therefore cited here merely to show the view taken by a Secretary of State with long experience, to whom it fell to introduce the Indian budget no less than thirteen times. "The moment a crisis occurs, then the department affected, which for the time being is working at the very highest tension, is bombarded with questions, interpellations, and demands for returns which not infrequently absorb many hours of attention from the very officials who are best qualified to deal with the emergent subject. The amount of time wasted and the disorganisation caused by this incessant torrent of interrogation is well known to all experienced Parliamentarians." ("Parliamentary Reminiscences, 1886-1906," p. 259.)

in 1919. Opposition was based on the idea that its acceptance would be prejudicial to India by bringing Indian affairs into the range of controversial party questions at home. It is somewhat remarkable that for half a century before 1833 India was, if not a pawn in the political game, at any rate a topic of violent party controversy in England, and that since 1858 it has on the whole not been so. Government policy in India has often been criticised by the Opposition of the day, but the most important changes in the Indian constitution have been accepted by general consent in Parliament, and strong criticism of Secretaries of State has come as often from within their own parties as from the organised action of their political opponents. The constitutional reform policy of 1919 was endorsed by all three parties here, and the need of adequate provision for the Indian Services was explicitly accepted by spokesmen of Conservatism, Liberalism, and Labour. It is interesting to note that the three Indians who have, up to now, been elected to the British House of Commons, all of them Parsis, have been divided between the three political parties. Only on two occasions in the last half-century has an Indian question figured prominently in strictly party controversy here, and on each occasion it was one of frontier policy. The Liberals on coming into office in 1880, having strongly opposed the Afghan policy of their predecessors, decided to evacuate Kandahar, while in 1895 the new Conservative Ministry maintained the garrison in Chitral which it is known that Lord Rosebery's Government, had it continued in office, would have withdrawn.

In one vital matter, that of fairness towards India in apportioning financial charges, Parliament has consistently shown a generous spirit. It is often very arguable whether, or in what proportion, Indian revenues should share the cost of Imperial policy. The British departments, acting as trustees for the United Kingdom taxpayers, are bound to put the case for their clients, while the Secretary of State in Council is the custodian of Indian interests. Lord Ripon, that life-long admirer and supporter of Mr. Gladstone, wrote privately from India to Lord Kimberley in 1884: "The question of what expenditure ought to be thrown upon Indian revenues is the only subject on which Gladstone is quite deaf to the voice of justice!"* Lord George Hamilton has recorded that the House of Commons has on occasion objected to expenditure being thrown on India which the Secretary of State in Council had accepted as equitable.†

* Lucien Wolf, "Ripon," Vol. II, p. 56. Mr. Gladstone, whose general sympathy with India was unquestionable—it appears, for example, in his cordial support in the House for the extension of the Legislative Councils in 1892—took a very rigid view about financial claims on the British Treasury. Though he had, when in opposition in 1878, protested that India ought not to be forced to pay for the Afghan War, when as Prime Minister he had to adjust the incidence of its cost he allowed British revenues to make a contribution towards it of £5,000,000, which, great as it was, amounted only to about one-quarter of the total cost. In 1882, when India sent a military contingent to Egypt, the final decision that she should pay £500,000 (about one-seventh of the cost of the Egyptian expedition) was reached after considerable official correspondence and Parliamentary discussion, for Mr. Gladstone's Government had been inclined to ask for a larger contribution. See Holland, "Duke of Devonshire," Vol. I, pp. 320 and 326.

† "Parliamentary Reminiscences, 1886-1906," p. 258.

To aid Parliament in its duty towards India the Act of 1858 provided that a Statement exhibiting the Moral and Material Progress must be annually presented, and the obligation continues. This was for many years prepared in the India Office as a compilation and summary of the annual reports on every branch of Government activity poured out by the printing presses of the Government of India, and few Blue books contained so much solid information or conveyed it in so unappetising a manner. Sir Mountstuart Grant-Duff, when Parliamentary Under-Secretary, urged that the Report should be made interesting, and this result was on the whole achieved in the Decennial Reports; in a survey of ten years it was possible to prevent the trees from obscuring the wood, and to trace the developments of policy or the results of economic tendencies. But the annual report was necessarily drawn up by collation of the Indian annual reports, themselves compiled from a mass of provincial reports which in turn were based on district reports. The final result was a *précis* of a series of summaries.*

It was once suggested that Lord Cromer's admirable annual reports on Egypt should be taken as the model for the Indian Blue book. But departmental officials could not well do more than boil down the dry bones of fact without attempting to explain policy. Occasionally some enterprising subordinate would try to put a little life into his

* The Report was presented by May if possible, and though it covered the official year which ended thirteen months earlier, the full materials for its composition did not and could not reach the India Office until a few weeks before the date of actual publication.

section of the work, but the effort did not often survive the blue pencil of the head of his department. One junior, struck by the tone of melancholy moral reprobation which marked a Provincial Government's survey of the literary output of its charges in vernacular publications, did succeed in getting into print the justifiable if startling statement that the recent fiction published in this area was "marked by an ultra-Gallic lubricity." The phrase lingers in the memory of his friends, because it was in France that he met his fate, a captain who had won the D.S.O. and the M.C. with his battalion in the trenches.

But the India Office did not really enjoy the production of a work which no one could read with pleasure, and at last converted the Government of India to the view that, if the annual report was to be more than a collection of dry bones, it must be produced in India. Since 1919 it has been written by the officer in charge of the Government of India bureau of information, who has been allowed to present the varied information with an individual freedom that enabled him to produce a genuinely interesting survey, while it has been made clear by a prefatory note that the Secretary of State does not necessarily endorse all the opinions expressed on controversial questions.

The Secretaries of State and the Governors-General

"The Secretary of State for India," observed an acute French commentator,* "watches, from a

* Chailley, "Administrative Problems of British India," English translation by Sir William Meyer, p. 538.

lofty and distant position, the ebb and flow of the Indian tides. Charged by Parliament with the control of the Government of India, his deliberate attitude towards that body is neither hostile nor complacent. He watches; he consults; sometimes he intervenes in what the Government of India consider an irritating manner." Lady Gwendolen Cecil* has unkindly revealed that this lofty and distant position was once known in high political circles as "the padded room of the Ministry," not from any habitual violence on the part of its occupants, but, on the contrary, because of its remoteness from English party politics and because the powers of the Government of India and of the India Council at home were regarded as making it a suitable portfolio for a cautious Minister. In 1866, when the late Lord Salisbury as Lord Cranborne first went to the India Office, the Council† was a very strong corporation, consisting mainly of ex-Directors of the Company, and possibly not uninfluenced by what, forty years later, Lord Morley in a letter to Lord Minto described as "the view

* "Life of Robert, Marquis of Salisbury," Vol. 2, p. 204.

† Sir William Hunter in "The India of the Queen" (1903), p. 13, commented on the fact that the Council of India has never possessed the power of initiative that lay with the Directors of the Company. John Stuart Mill, in the protest which he wrote in 1858, urged that if there must be a Secretary of State in Council, all drafts should be prepared under the direction of the Council and then laid before the Secretary of State, which of course amounted to suggesting that the latter should be in precisely the same position as the President of the Board of Control, for the India Office would then have been essentially the office of the Council, just as the India House had been that of the Directors.

said to be profanely current at Simla that the Home Government is always a damned fool," a view against which he protested "in the uplifted spirit of the Trodden Worm."* The Government of India, if at times irritated, as M. Chailley put it, at too stringent interference from the Home authorities, must find it difficult to be sure which is really the strangling strand in the triple cord of the India Office—Secretary of State, Council, permanent officials. Lord Ripon jocularly suggested that Sir Louis Mallet, the Permanent Under-Secretary, believed in "the unredeemed wickedness of the Indian Civil Service," but, in the nature of things, criticisms on points of administrative detail are likely to emanate from Members of Council, who have themselves been engaged in Indian administrative work. Neither the most brilliant Secretary of State nor the most pedantic clerk is inclined to suppose that he knows better than the men in India how to cope with famine. The general principle is accepted that the Government of India should be overruled only for cogent reasons, but when measures require the approval of the Secretary of State in Council it is the plain duty of the India Office to examine them closely and make any suggestions which it honestly, if not always accurately, believes to be of value.† The Government of India can hardly know how often

* Morley, "Recollections," Vol. II, p. 265.

† It is not always realized that there is less personal continuity in the higher posts of the Government of India than at the India Office, as the Secretaries and Deputy and Under-Secretaries normally go back to their own Provinces after a term of duty of five years or less with the Supreme Government.

either the rejection of doubtful advice by the Secretary of State himself, or his willingness to listen to expert opinion on his own ideas, may have prevented the issue of instructions which Simla could not have accepted without a struggle.

For the powers of the Government of India are real and great. The Governor-General in Council is charged by statute with important duties, and must be prepared to deal urgently with unforeseen emergencies. Much harm has been caused by wrong-headed or ill-informed utterances suggesting that the control of the Home Government does, or ought to, reduce to the position of a mere subordinate agency the authority charged with the actual government of three hundred millions of the human race. In the last resort the will of the Imperial Government must prevail in this as in every other branch of Imperial affairs, but a Governor-General is no more a mere agent of the Secretary of State for India than a General commanding in the field is an orderly officer of the Secretary of State for War or of the Prime Minister. On the other hand, it has in the past been necessary for more than one Secretary of State to state emphatically the principle that, when a definite decision has been given by the Imperial Government, it is the duty of Members of the Executive Council in India either to accept and give public support to that decision, or, if they cannot conscientiously do so, to resign office. This doctrine rests not only on the duty of servants of the Crown to obey without qualification the orders of superior authority, but on the principle of collective responsibility, which

is as necessary in an Executive Council* in India as in a Cabinet at home.

The co-operation and occasional conflict of Secretaries of State and Viceroy, *graves principum amicitiae*, in Horace's phrase, have counted for much in the history of British India. The whole world has, by the publication of memoirs, been allowed to discover facts that were not generally known at the time as regards two periods of critical importance, 1872 to 1882 and 1905 to 1910, and a short account of certain aspects of these may help to explain the actual working of the system better than any attempt to state general principles.†

Lord Northbrook, when sent to India in 1872, had already had official experience of the home side of Indian affairs. Lord Lytton in 1876 came to India from a diplomatic career in Europe; Lord Ripon (1880-1884) had been both Parliamentary Under-Secretary and Secretary of State for India. Lord Northbrook, as his biographer has made clear, took a strikingly independent line on many points, but, though his resignation before the full term of five years was over was clearly due to general dislike

* Under "Dyarchy" the Provincial Government as a whole does not share the collective responsibility of the Governor in Council; a Provincial Minister is not responsible for what is done in the Reserved departments.

† In these periods there are published biographies (in one case personal reminiscences) of both the Secretaries of State and the Viceroy. The most notable gap in the biographical record is due to the absence of any full-length Life of the first Lord Halifax (Sir Charles Wood) or of Lord Canning. The parallel list of Secretaries of State and Viceroy given in Appendix I may be of interest.

of the policy of the Disraeli Ministry, especially with regard to Afghanistan, the actual disagreements between this Governor-General and the Secretaries of State arose not out of party prepossessions but out of a difference of conception as to the position of the Government of India. Thus Lord Northbrook insisted on abolishing the Indian income-tax against the wishes of the Duke of Argyll, his political comrade, and first came into conflict with Lord Salisbury over the action of the Indian Government in introducing tariff legislation without previous sanction from home, a matter on which Lord Salisbury held a view identical with that of Lord Morley a generation later. His refusal to abolish in 1875 the 5 per cent. customs duties on imported cotton put the Home Government in a very difficult position. Later on Lord Lytton had, in order to enforce their decision, to exercise his power of overruling his Executive Council on this question of cotton duties; the only modern instance in which this power has been actually used. Lord Salisbury, as his biographer states, often dwelt in his private correspondence on "the problem of combining an independence of initiative in the local Government with the responsibility for final decision which was inherent in that at the centre. . . . It could only be solved in his view by constant and intimate correspondence between the two authorities."* But a passage contributed by Lord Cromer to the "Life" of his kinsman Lord Northbrook† affords an interesting commentary on this view; he considered

* Lady Gwendolen Cecil, *op. cit.*, Vol. II, p. 66.

† B. Mallet, "Lord Northbrook," p. 91.

that Lord Salisbury's inclination "to conduct the Government of India to a very large extent by private correspondence between the Secretary of State and the Viceroy," coupled with what the critic considered his disposition to neglect and under-rate the value of the views of Anglo-Indian officials, "inevitably tended to bring the Viceroy into the same relation to the Secretary of State for India as that in which an ambassador at a Foreign Court stands to the Secretary of State for Foreign Affairs." Lord Northbrook, he continues, held an entirely different view. Attaching real value to the system which enabled purely English and Anglo-Indian experience to be combined, and holding that Parliament had conferred certain rights on the Viceroy's Council as well as on the Viceroy himself, he considered that to withhold their full rights from the two Councils was in spirit unconstitutional, that the position of Members of Council was essentially different from that of Diplomatic officials, and though "he did not by any means always follow the Indian official view," that "for a Viceroy or Secretary of State without Indian experience to overrule those who possessed that experience" was unwise and autocratic. Towards the end of his Viceroyalty Lord Northbrook wrote to Sir Louis Mallet: "I take it a Governor-General gets a high salary for the sake of doing his duty, and a very important part of it seems to me that he should tell the truth to the Secretary of State when he thinks a wrong thing is going to be done."* Lord Salisbury and Lord Lytton were in very close

* *Ibid.*, p. 112.

accord, and the latter, who had been vehemently criticised by the Liberals, resigned when they came into office in 1880. Lord Ripon, an ex-Liberal Minister, was sent to India, precisely as Lord Lytton had been, to carry out the policy of his party, a fact which makes the record of his occasional differences with the Liberal Secretaries of State, Lord Hartington and Lord Kimberley, peculiarly instructive. For there was no divergence of views on great matters of principle. Yet he had been in India for only a year when he wrote to Lord Aberdare* complaining vigorously of the control exercised by the Secretary of State, which he was disposed to attribute to the Council and the permanent officials. When he had himself been Secretary of State "it was considered a great mistake to attempt to govern India from London," but now, for various reasons including the increased facilities of communication, "the interference of the India Office has largely increased. The result of a year's experience does not lead me to think that the change is advantageous." Yet none of the highly controversial measures with which Lord Ripon's name is associated was opposed from the India Office; even the famous "Ilbert Bill" was accepted without official comment by the Secretary of State in Council, though a note of caution by Sir Henry Maine as to the excitement which the Bill might arouse in India should have been, but by mischance was not, sent out privately to the Viceroy by Lord Hartington. It was Railway policy that provoked a really poignant *cri de cœur* from Lord Ripon, who was prevented from adopting

* L. Wolf, "Lord Ripon," Vol. II, p. 69.

a programme of rapid expansion because his proposals were regarded at the India Office as based on unsound methods of finance. He succeeded in convincing the reluctant Home authorities that the districts of Sibi and Pishin should be retained when Kandahar was given up. His controversy with the Home Government about the expenses of the Egyptian expedition of 1882 has already been mentioned; this was a Treasury question. But he felt aggrieved that the Secretary of State in Council, while cordially approving the general lines of his notable reforms in agrarian legislation and his establishment of local self-government, would not accept certain details. The history of Indian Press legislation serves to illustrate the interaction of the two authorities. In 1875 Lord Salisbury had urged on Lord Northbrook's attention the violent incitements to sedition published in Indian newspapers, but the Viceroy was unwilling to touch the freedom of the Press. Lord Lytton, however, passed a Vernacular Press Act, committing the irregularity of omitting to send the full text of the Bill first to the Secretary of State in Council. The Liberal Government was resolved to restore the freedom of the Press, but Lord Ripon had some difficulty in persuading his Council to respond to the Secretary of State's wishes by repealing the Act. It had already been modified at the instance of Lord Cranbrook, but the Council at home had been strongly divided on the subject. In 1910 Lord Morley felt obliged to endorse Lord Minto's new Press Act, a measure of far wider scope, though free from the special discrimination against vernacular papers, but the repeal of this Press Act

was one of the measures that followed the recent Reforms.

When Lord Morley went to the India Office, a philosophical Radical devoted to books, who was not known to have specially interested himself in Indian affairs except for their bearing on the career of Edmund Burke, he found himself in partnership with a Scots country gentleman, with a passion for soldiering and sport, especially racing, who, though not much of a party politician, held the Conservative views predominant in his class. Seldom have the chemical elements given such promise of friction culminating in explosion, but seldom has an association of Secretary of State and Viceroy proved so successful. Lord Minto, a very shrewd judge of men, and a Governor-General who took care not to submerge himself in a mass of official files, formed his own views as to the necessity of a constitutional advance in India, and recognised the position of a Radical Secretary of State in a House of Commons consisting largely of new members who expected the great Liberal triumph at the polls in 1905 to regenerate the British Empire in a few months. Lord Morley, however reluctantly, came to agree that the urgent necessities of the moment justified such eccentricities from strict Liberal doctrine as restrictions on the freedom of the Press, and the detention, legal in India but decided without judicial trial, of persons believed to be engaged in fomenting disturbance. The fabric of constitutional reform could not, he held, be constructed unless India were freed from the danger of rampant anarchy, though the existence of political crime

must not be allowed to prevent India's constitutional development. On the greatest issues there was fundamental agreement, and had Lord Morley not chosen to publish his very frank "Recollections," the world at large could hardly have discovered how continual were the differences on points in which the Secretary of State detected an underlying principle while the Viceroy saw a desire to intervene in minor details. "The worst of all dispatch-writing," Lord Morley wrote, "is that it is so apt to engender a spirit of *contention*, both in the man who writes and still more in the man who reads and has to reply."* How thoroughly Lord Minto felt the truth of this, viewed from a somewhat different angle, appears from a private letter that he sent to Sir A. Bigge in 1910: "I used to imagine that the Secretary of State aimed only at directing great principles of Indian policy, and that the administration of the country rested with the Government of India, but there has been interference in everything. It only results in intense worry for the Viceroy, for, do what he will, the Secretary of State cannot administer India."† It was over proposals involving expenditure that Lord Morley pressed most firmly the constitutional powers of the Secretary of State, and it is, of course, in finance that the letter of the law gives him the most specific powers. But he attached great value to his general powers of direction and superintendence. "This notion of the 'free hand,'" he wrote, "is against both letter and spirit of law and constitution." And again, "The

* "Recollections," Vol. II, p. 221.

† John Buchan, "Lord Minto," p. 312.

Government of India is no absolute or independent branch of Imperial Government." "It is the people here who are responsible; it is to them and not merely the Government of India, to whom the destinies of India have been entrusted. They cannot delegate their imperial duties to their agents wholesale. The British public never has abdicated, and I fervently trust they never will."*

Those who are dissatisfied with the pace of movement in Indian affairs will do well to study Lord Morley's doctrines and then regard the political facts of to-day, only fifteen years later. The partition of Bengal, which he refused to disturb, was undone within a year of his leaving the India Office in response to the continued demand of the more vocal elements in the province. Parliamentary government in India has been officially declared to be the goal of constitutional advance and a large instalment of it established. The old *laissez-faire* principle that the State should not directly foster industrial enterprises has been dropped, and the fiscal freedom granted to India is, at present, producing a strongly protectionist policy, while two of the most important subjects with which a Government can deal, education and sanitation, have been committed to Indian Ministers. Less than twenty years ago Lord Morley wrote to Lord Minto: "Nobody will be found more ready and determined than I to uphold the rights and status of India in Imperial affairs, or to resist the imposition upon Indian finance of charges that ought to be regarded as Imperial and not especially Indian. In all these

* "Recollections," Vol. II, pp. 264, 278, 308.

things you will find me as jealous as anybody could desire. But the Cabinet would certainly take fright at any language or acts of ours pointing in the Curzonian direction by seeming to set up, either at the Conference of Tokio or elsewhere, the Government of India as a sort of Great Power on its own account."* To-day India signs and ratifies international treaties, and is a member of the League of Nations.

But it should not be forgotten that before 1919 the Government of India was a bureaucracy which had the constitutional means of enacting any legislation on which it was resolved, and that the British people has never knowingly consented to place unrestricted power in bureaucratic hands. Hence the precautions taken, first by establishing the Board of Control, and later through the powers given to the Secretary of State in Council, to make sure that a small corporation of officials, however conscientious and disinterested, should not pass laws for India or manage the revenues of the country at their own discretion. The establishment of full responsible government would make India as exempt from British interference as Australia or Canada; the occupants of the present half-way house are in a position for which it would be hard to find any exact historical or constitutional precedent. The Secretary of State in Council retains very considerable powers, and Imperial control over India's foreign and military affairs is unrelaxed. As regards internal affairs, the Secretary of State in Council, as will be shown later, has emphasised his guardianship of the

* "Recollections," Vol. II, p. 164.

official services, and is absolutely responsible to Parliament for the maintenance of peace and order in India. The Provincial Governor has been converted by Act of Parliament into a Janus, with one face turned to his Ministers and his legislature, the other fixed on the Government of India and the Imperial Government in the background. But the Supreme Government is, so far as the letter of the law goes, still a bureaucracy. Yet the presence on the Executive Council of Indians who have never served as officials has modified the essential nature of the Government of India, while the knowledge that the present constitution is intended to be a stepping-stone to full responsible Government necessitates an attitude towards the legislature which is not to be understood by the mere words of the Government of India Act. The Parliamentary Joint Committee which determined the scope of the Act of 1919 reported that the devolution of authority from the Secretary of State was in the main to be effected by a change of constitutional convention, and the "fiscal convention" already established has resulted in marked measures of protection for the Indian steel industry, and has inspired other Indian industries with lively hopes of similar favours. Reference to the Secretary of State is still necessary before the Government of India introduces Bills which involve Imperial or military affairs or foreign relations, affect the rights of European British subjects or the law of naturalisation, or concern the public debt or customs, currency, shipping, and certain other matters, but there has been marked decentralisation of administrative

finance, not only from the Supreme Government to the provinces but from Whitehall to Delhi. Lord Morley set up a Royal Commission to consider the first half of this question, but would not allow the powers of the Secretary of State in Council to be touched. Yet an intermediate corporation like the Government of India could not to any great extent divest itself of the control of provincial affairs so long as it was required to account for their management to the Home Government. Similarly, so long as the Secretary of State is responsible to the Imperial Parliament for the general control of all Indian affairs the handling of which he has not, with the consent of Parliament, expressly delegated to authorities in India, he must be constantly consulted and kept fully informed by the Government of India regarding a multifarious mass of subjects, some of which may appear trivial.

Perusal of the terms of the Government of India Act will show that more questions are expressly left to the personal responsibility of the Governor-General—and indeed of Governors—than before 1919, and the closest communication and accord are required to work a system in which one authority is vested by law with powers of general superintendence while the other is by the same law enabled to take action of supreme importance when he regards it as vital. The use made during the War of "private telegrams" was adversely criticised by a Royal Commission, but the practice itself is not only an inevitable development of the system of private correspondence by letter, which is by long-standing custom maintained weekly, and in fact played a very

important part even before 1858,* but necessary for frank consultations as to selection of individuals for appointments, which cannot be conducted through an office. From a broader point of view it is obviously essential that the Secretary of State and the Governor-General should each know what is in the other's mind on questions on which they will have to take official action.

Imperial Conferences

The last forty years have brought about a very marked development in the position taken by India in the affairs of the Empire as a whole. At the first "Colonial Conference" convened in 1887, the Secretary of State for India (Lord Cross) merely attended the formal opening; in those of 1897 and 1902 India was not represented at all, but at the Colonial Conference of 1907 the Secretary of State (Lord Morley) was present at the opening, and a Member of his Council (Sir James Mackay, now Lord Inchcape) represented Indian interests at some of the meetings. An important memorandum on the position of Indians in British Colonies was laid before this Conference. It was then decided that a conference to be called "the Imperial Conference" should be regularly convened every four years for discussion of questions of common interest between His Majesty's Government and those of the Self-Governing Dominions. The Imperial

* The Governor-General and President of the Board of Control could correspond officially only through the Directors of the Company, but maintained regular "private" correspondence. See Lee-Warner, "Life of Dalhousie," Vol. I, p. 107.

Government, in the absence of any special arrangement, was clearly responsible for the representation of Indian interests, and the first Imperial Conference in 1911 was attended by the Secretary of State for India (Lord Crewe) as a member of His Majesty's Government. But the War brought about a new situation, and at the Imperial War Conference of 1917 not only the Secretary of State (Mr. Chamberlain), but Sir James (now Lord) Meston, Sir Satyendra (now Lord) Sinha, and the Maharaja of Bikaner were summoned to speak for India. This Conference resolved that India should be fully represented at all future Imperial Conferences, and the Dominions cordially accepted the resolution. The next ordinary Imperial Conference was not held until 1923, but in the meantime the Secretary of State (Mr. Montagu), the Maharaja of Patiala, and Sir S. Sinha had taken part in the Imperial War Conference of 1918, and Mr. Montagu, the Maharao of Cutch, and Mr. Sastri in the "Premiers' Conference" of 1921. A more striking innovation was provided by the admission to the Imperial War Cabinets of 1917 and 1918 of the Indian representatives at the Imperial War Conferences. At the Imperial Conference of 1923 India was represented by the Secretary of State (Lord Peel), the Maharaja of Alwar, and Sir Tej Bahadur Sapru, recently a Member of the Executive Council in India. In the Imperial Economic Conference of the same year Lord Peel, for whom the Parliamentary Under-Secretary, Lord Winterton, acted as deputy on occasions, was assisted by another Member of the Governor-General's Council, Mr. (now Sir Charles)

Innes, and by the High Commissioner, Mr. (now Sir Dadiba) Dalal.

Thus among the functions of the Secretary of State is the duty of representing India at the Imperial Conferences, and he has been able to associate with himself on these occasions non-official British Indians engaged in the public life of the country and Rulers of Indian States.

Treaties.

The adhesion of India, as of other parts of the Empire, to treaties and conventions negotiated by the Imperial Government with Foreign Powers, had long been a matter for special arrangement, since local conditions might exist which rendered it difficult or undesirable to extend to certain parts of the Empire practical provisions on such matters as extradition or trade marks. But the end of the War brought about a very notable change in the international status of India as of the Self-Governing Dominions. India is herself a contracting party in the Treaty of Versailles and the other international treaties which followed, and India, as a separate entity, became an original Member of the League of Nations. Arrangements for the future negotiation, signature and ratification of Treaties were made by the Imperial Conference of 1923, which decided *inter alia* that "bi-lateral treaties imposing obligations on one part of the Empire only should be signed by a representative of the Government of that part."^{*}

^{*} Cmd. 1987 of 1923, pp. 13-15.

Chapter VI

FINANCE. [By S. F. STEWART]

Revenue and Expenditure

The revenue and expenditure of the Government of India are independent of those of the British Government. Except for the salary of the Secretary of State for India and the Treasury contribution towards the cost of the India Office, the British taxpayer does not contribute towards the cost of the Indian government. India now pays for every British soldier she employs; she not only bears his pay and the cost of his maintenance, equipment and transport, but she pays the Home Government a proportion of the cost of his training and of his pension, corresponding to the length of his service in India. On the other hand the Government of India Act is specific as regards the purposes on which Indian revenues can be expended. "The revenues of India . . . shall . . . be applied for the purposes of the government of India alone" (Section 20). Only one exception to this general principle is provided for in the Act.

The special circumstances contemplated by its framers arose during the Great War. Indian expeditionary forces, comprising British as well as Indian troops, served out of India and Parliament in a series of Resolutions approved of the debit to Indian revenues of the "ordinary" charges of