

THE POLICY OF SIR JAMES FERGUSSON

AS GOVERNOR OF

BOMBAY PRESIDENCY,

1880-85

Thesis submitted for the degree of
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of London

by

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ABSTRACT

Sir James Fergusson was appointed Governor of Bombay by Disraeli's Government in March 1880. In May Gladstone despatched Lord Ripon as Viceroy to inaugurate a liberal Indian policy. The Liberals favoured a pacific frontier policy, whereas Fergusson, a Tory expansionist and a Russo-phobe, manoeuvred to force changes in their proposed Afghan settlement. Seeking the security of the Indian possessions and holding an anomalous jurisdiction over the British connections in the Red Sea area, Fergusson laboured for a policy of extending Britain's influence and consolidating her strategic position on the route to India. His assiduity for interference was also reflected in his supervision of British relations with the native states of Bombay. Again, he was opposed to the views of the liberal Viceroy over the reduction and centralisation of the Indian armies.

In internal administration Fergusson disapproved of Ripon's liberal policy of fostering the aspirations of the educated Indians. He disliked Ripon's concern for admitting Indians to the Indian Civil Service and resisted Ripon's scheme for extending local self-government. He was in favour of maintaining the racial character of the Indian administration. He was opposed to the introduction of the controversial

Ilbert Bill, though he was largely responsible for the compromise formula which was ultimately accepted by Ripon and his adversaries. A paternalist in social and economic affairs, he was an enthusiast for factory legislation and he shared Ripon's anxiety to undertake public works in a famine-threatened country. Again, when Ripon, consistent with laissez-faire principle, advocated low taxes and the moderation of the government demand on land, Fergusson called for increased taxation and the enhancement of the land assessment. Unconcerned about the reactions of the people, Fergusson represented in India the authoritarian Tory paternalism which sought to promote the welfare of the subject race ^{from} ~~from the~~ above.

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Abbreviations used in footnotes

Rev.	-	Revenue
Memo.	-	Memorandum
R.P.	-	Ripon papers
F.C.	-	Fergusson collection
C.C.	-	Cranbrook collection
Admn.	-	Administration
For.	-	Foreign
Dept.	-	Department
Pol.	-	Political
Sec.	-	Secret
Proc.	-	Proceedings
Res.	-	Resolution
Encl.	-	Enclosure
Teleg.	-	Telegram
Agr.	-	Agriculture
Sp.	-	Special
Irr.	-	Irrigation
Ext.	-	External
S.of S.	-	Secretary of State
Desp.	-	Despatch
Legis.	-	Legislative
Mun.	-	Municipal
Jud.	-	Judicial
P.P.	-	Parliamentary Paper
Govt.of I.	-	Government of India

continued

Govt. of B.	-	Government of Bombay
Govt. of Beng.-		Government of Bengal
Gen.	-	General
P.W.D.	-	Public Works Department
Mil.	-	Military
Bomb.	-	Bombay
Pub.	-	Public
Comm.	-	Commerce
Secy.	-	Secretary

INTRODUCTION

Sir James Fergusson belonged to the famous and old Kilkerran family of Ayrshire, Scotland, which had owned and lived in the same place for 400 years. The family, most distinguished among all bearers of the historic name of Fergusson, produced generations of able administrators and brave soldiers.¹ Sir James was born on 14th March, 1832 at Edinburgh. He was the eldest of the four sons of Sir Charles Fergusson, (1800-1849) 5th Baronet of Kilkerran. His mother, Helen, was daughter of David Boyle, the then Lord Justice General.

In August, 1845 Fergusson entered Rugby - that school which produced such a long list of successful administrators of the British empire. At Rugby Fergusson's fellow students were George Joachim (afterwards Lord) Goschen, Sir John Stuart, who served with him in the Crimea, and Sir Theodore Hope, a member of the Supreme Government in India in the early 1880's. At school Fergusson gained some reputation in the debating club and in 1850 he proceeded to University College, Oxford, having in the previous year succeeded his father to the baronetcy. He had an inclination towards a military career and so he soon left his college without a

(1) Sir James Fergusson of Kilkerran, Bart., The Fergussons - their lowland and highland branches, 1956, p.23.

degree to join the Grenadier Guards. With the 3rd battalion of that regiment he served in the Crimean War of 1854-55. In the battle of Alma he was wounded at Inkerman on 5th November, 1854. Several of his brother officers were killed in that battle, including his friend and neighbour in Scotland, Col. J.H. Blair. At Blair's suggestion, before his expiry, the electors of Ayrshire chose Fergusson to take Blair's place in the House of Commons as a Conservative member. He remained with the forces until May, 1855 when he returned to England to enter upon his Parliamentary duties. On his return home he received a medal from Queen Victoria as a recognition of his military services and he retired from the army on 9th August, 1859.¹ This was rather an early end to a promising military career but the beginning of a long and active life of a Tory Parliamentarian and administrator. In August, 1859 he was married to Lady Edith Christian, the younger daughter of the First Marquis of Dalhousie and the first of his four wives. Fergusson had a great reverence for Dalhousie and he always entertained the highest opinion about Dalhousie's work in India. As a young Tory in Parliament he admired and shared much of what Disraeli did or professed to do.

(1) "Sir James Fergusson", W.W. Lee-Warner, Dictionary of National Biography, 2nd Supplement, vol. 2. p.19.

In 1857 Fergusson lost his seat in Ayrshire, but he recovered it in 1859. Meanwhile he extensively toured Syria, Palestine and Egypt. In 1861 he visited Canada and the United States and had at close quarters a glimpse of both the Federal and the Confederate Governments and armies in the opening stages of the American Civil war.¹ His interest in the British Indian empire was first aroused when he served an apprenticeship to Indian affairs as Under-Secretary of State to Lord Cranborne in the Derby Government of 1866. A year later in a similar capacity he assisted Gathorne Hardy (afterwards Lord Cranbrook) at the Home Office. When Disraeli succeeded Lord Derby as Prime Minister in 1868 Fergusson was made a Privy Councillor. In the following year he was appointed Governor of South Australia. From 1869 to 1885 Fergusson's career was identified with the overseas empire, except during the years 1875-80. In South Australia Fergusson's Government was efficient without being eventful. In 1873 he served as the Governor of New Zealand and resigned his post in 1875 when in England the Tories under Disraeli returned to office. Back in England Fergusson's attempt to resume his Parliamentary activities proved abortive. His efforts to capture Frome in 1876 and Greenock in 1878 were both unsuccessful. On 10th March, 1880 on the eve of

(1) The account of Fergusson's life in D.N.B. did not mention his travels in Asia and America. The information was volunteered by Sir J. Fergusson of Kilkerran, Bart. grandson of Fergusson.

Beaconsfield's fall from power, Fergusson accepted the offer of the post of the Governor of Bombay in succession to Sir Richard Temple. From April, 1880 to March, 1885 Fergusson served as the Tory Governor of Bombay under a Liberal administration at home and in India.

With the fall of the Liberal cabinet of Gladstone in June, 1885, the Tories under the leadership of Lord Salisbury returned to power. When Fergusson came back to England from Bombay he was elected one of the Tory representatives for Manchester and held his seat until January, 1906. Under Salisbury Fergusson served from 1886 to 1891 as Under Secretary at the Foreign Office. In 1891 he was appointed Post-Master General, retaining the office until Gladstone's return to power in August, 1892. He did not take office again and became involved in business activities in the capacity of Director of the Royal Mail Steam Packet Company, the National Telephone Company and similar concerns.¹

Fergusson, tall, handsome and extremely robust, had charm and affability of manner. Although fond of society in London he was very much a countryman at heart and deeply attached to his Scottish home and estate. Fergusson was not intellectually distinguished and had no creative imagination. He had little interest in literature or the arts and was

(1) D. N. B. p.20.

thoroughly extrovert by nature. But his mind was quick, his interest in practical matters wide and his judgement of people and affairs generally shrewd. Though not brilliant he was active and conscientious. He was a devout Disraelian in politics and an active member of the Church of Scotland. Two important virtues in Fergusson's character were his public spirit and indefatigable energy. At work he was tireless and efficient without being really inspiring. Fond of riding Fergusson covered long distances while he was in Australia and in India. He abhorred the lack of stamina of the British civilians in the colonies. His energy, cheerfulness and zest for life never flagged and as one of his friends remarked after his death: "It took an earthquake to kill him".¹ In January, 1907 Fergusson went to Jamaica to attend the conference of the British Cotton Growing Association as the representative of the Royal Mail Steam Packet Company. On 14th January Kingston was overtaken by a terrible earthquake and Fergusson, strolling near his hotel, was killed by the fall of a wall.

Fergusson's tenure of office as the Governor of Bombay, 1880-85, was the most distinctive phase of his administrative

(1) This brief character sketch is drawn in part from the impressions that Sir J. Fergusson of Killkerran, Bart., has formed about his grandfather. His impressions, chiefly based upon what he heard from his elders, confirm my own impression based on research.

career. All the governmental posts he held in England were only secondary, allowing limited independent power and discretion. Colonial Governorship in Australia and New-Zealand was smooth and these countries were generally peaceful, developing and prosperous. There "the working of the responsible government made small demand on the Governor." ¹ But such was not the case with the Indian territories, the grand base of British power in the East. The Indian empire was of great political and economic value and throughout the nineteenth century there was the symbiosis between Britain's investment in Asia and her power and authority in India. British territories in India were vast in extent and various in population and physical aspects. The rainfall in the subcontinent was uncertain and crop failures frequent. The defence of India often necessitated the expansion of the empire and the increase of imperial liabilities. In fact war and famine were two eventualities to be met by the British in India. Still, the country generally yielded substantial revenue and supported an efficient but decentralised army. The administrative structure of India evolved in ^{The} course of more than a century of British rule. It became complex with the growth of a self-conscious bureaucracy, innumerable institutions and a multiplicity of departments. The Government

(1) D. N. B. p.19.

of India was despotic yet responsible to the English Parliament. It was highly centralised yet afforded sufficient initiative and jurisdiction to the local authorities. The development of trade, the improvement of communications and the spread of education during the British rule were undermining traditional Indian society. With this modernisation were emerging western educated Indians, the natural leaders of future India. The problems and policies of the Indian administration invariably engrossed those who were in charge of governing the country, from the district officer to the local governor, from the Viceroy to the Secretary of State for India.

The office of a Presidency Governor in India not only made heavy demand on a person's ability, it was also very significant, only second in importance to the position of the Viceroy. The Governments of Bombay and Madras occupied a position different from and superior to that of the other local governments. The Presidency Governor, like the Viceroy, was appointed by the Crown for a term of 5 years. He had a Council consisting of two members of the Indian Civil Service of 12 years standing. Like the Viceroy, the Presidency Governors possessed the privilege of communicating directly with the Secretary of State and enjoyed the power of overruling their Councils in case of emergency. The Presidency Governments

had their separate military establishments and the Commanders in Chief of Madras and Bombay might be appointed, and in fact were always appointed, extraordinary members of the Governor's Councils until these offices were abolished in 1893. For legislative purposes in the Presidency the executive government was expanded into a Legislative Council consisting of the Governor, the members of his Council, the Advocate General and certain additional members nominated by the Government. According to the Indian Councils Act of 1861 (24 & 25 Vic.C.27) the additional members should not be less than 8 in number nor more than 20, half of them should be non-officials, and all were nominated for a term of 2 years. The Governor was the President of the Legislative Council and had the casting vote when the Council was equally divided.¹ Like all other local governments the Presidency Governments in theory were subservient to the authority of the Supreme Government and subject to its strict control. But the Lieutenant-Governors had no executive Council and were appointed by the Governor General with the approval of the Crown from among the members of ^{the} Indian Civil Service for a period of 5 years. They neither possessed the position nor the powers of the Presidency Governor. From this point of view "the control of the Government

(1) Sir C. Ilbert, The Government of India, 1907, pp.213-214.

of India over the Governments of Madras and Bombay was less complete than over the other local governments."¹ Not only within their territorial extent but also outside these limits the Presidency Governors, as the high priests of British administration in India, could and did play important roles.

The territories under the Presidency Government of Bombay were large in area and diverse in population. The Presidency was bounded in the North West and North East by Baluchistan, the Punjab, the Native states of Rajputana, on the East and South East by Baroda, the Central Provinces, West Berar and the Nizam's dominions, by Madras and Mysore on the South and on the West by the Arabian Sea. The total area of Bombay Presidency was 191,805 square miles, of which the British districts contained 124,182 square miles and 67,623 were under the native chiefs. In 1881 the total population of the Presidency, including the strategically situated British settlement of Aden on the Red sea coast, was 23,430,523.² The Presidency was divided into four broad provinces or speech divisions, namely, Sind, Gujarat, Maratha country of Konkan and the Deccan and Karnatak. Sindhi, Gujarati, Marathi and Kanārese were the predominant languages.

For the sake of convenience the business of the Government of Bombay was divided into departments, of which the Political,

(1) Sir C. Ilbert, The Government of India, 1907, p.115.

(2) Bombay Administration Report, 1882-83, p.1.

the Judicial, the Educational, the Revenue, the Public Works and the Military and Marine were especially important. With a view to diminishing the pressure of business the Cabinet portfolio system was introduced in the discharge of the executive and judicial functions of the government. The Governor as a rule disposed the business of the Military and Marine department and of matters connected with the Public Works department. The Revenue, Judicial and Political business was entrusted to the civil members of the Council. Questions which presented no special difficulty were finally disposed of by the member in charge of the department in which they occurred; on others the additional opinion of the Governor was sought and such as were of peculiar difficulty or importance were settled either according to the balance of opinion as recorded by the different members or after discussion at a Council meeting. All papers connected with the public business reached the Government of Bombay through the Secretariat where they were properly arranged and submitted to the member in charge of the department to which they belonged together with all available materials for coming to a decision with the recorded opinion of the Secretary and Under-Secretary of the department in question.¹ The central administration was thus under the collective responsibility of the Governor in Council assisted by the

(1) Bombay Administration Report, 1882-83, p.20.

Secretariat. However, the Governor always stood in a different category from his colleagues. He was not only the motive power but the formal head of the government. It largely depended upon the individual character of the Governor whether his Government was efficient or feeble.

The British considered the Indian empire as a national asset and the general trend of opinion in England throughout the nineteenth century regarded the administration of India as beyond the arena of English party politics. This attitude was often confirmed in relation to the appointment of high officials in India. Disraeli, however, deliberately set aside this notion and the appointment of Lord Mayo in 1868 as the Viceroy of India was in reality a party decision. When Gladstone formed his first Liberal administration in December, 1868 he did not cancel the appointment of Mayo apparently regarding India as not a party affair. On their return to power in 1874 the Conservatives hardly reciprocated the gesture. Lord Northbrook - an appointee of the Gladstone cabinet - felt compelled to resign in April, 1876 following differences of opinion with the Tory cabinet on questions of tariff and foreign policy. The subsequent Tory choice fell upon Lord Lytton, "the avowed agent of Disraeli and Salisbury."¹ Thus Indian affairs were clearly brought within the range of

(1) V. Smith, The Oxford History of India, part III, revised by P. Spear, 1958, p. 687.

English party politics. The Tories and the Liberals had developed widely different conceptions of Indian policy and the higher appointments were shuffled accordingly. The Duke of Buckingham and Chandos, a loyal Conservative, was appointed by the Tories as Governor of Madras in November, 1875. The appointment of Fergusson in Bombay was similarly a political act of Disraeli's cabinet before their final exit in April, 1880. When Gladstone succeeded Disraeli as Premier and Lord Hartington replaced Lord Cranbrook as the Secretary of State the Liberal Government first sent the Marquis of Ripon as their representative Viceroy in June, 1880, followed by M. E. Grant Duff as the liberal Governor of Madras in November, 1881. In this making and unmaking of the party-dominated appointments Fergusson arrived in Bombay on 28th April, 1880 to act subsequently as a Conservative watchman over a Liberal régime in India.

In Bombay Fergusson was not accepting office under the Liberals for the first time. During the tenure of Colonial Govern^{or}ship in Australia he had already served a Liberal cabinet at home. He personally knew Hartington and Lord Kimberley, who succeeded Hartington in December, 1882, and was familiar with their modus operandi. He, however, was a little uncertain about Ripon,¹ whom he had had no occasion to

(1) Fergusson to Cranbrook, 1st May, 1880. C.C.

know closely. The real concern of Fergusson, as events soon bore out, was not the dealings with the home authorities but his connection with the apostle of Liberalism in India. The relationship of a Tory Presidency Governor with a Liberal Viceroy was also likely to influence the relations between the Presidency and the Supreme Governments. Besides, a local governor in India always inherited a strong local attachment to his Government and watched with distrust every move of the Supreme Government, for fear of a calculated encroachment on his rights and domain. Being appointed a Presidency Governor under a Liberal administration Fergusson had slender chance of overcoming this local antipathy towards the centre. To add to Fergusson's susceptibility, Temple, his predecessor, wrote to him of "the great fear" of encroachment by the Government of India.¹

In his own sphere in Bombay Fergusson was more fortunate. He inherited a docile Council, composed of civilians like R. Ashburner, W. Ravenscroft and their successors, J.B. Peile, C. Gonne and M. Melvill. All of them, and the local Commander in Chief, first General H. Warre, and later General A. Hardinge, were usually only too eager to support the Governor. With regard to the Council Temple's advice to Fergusson was

(1) Temple to Fergusson, 6th May, 1880. F.C.

golden. "With Council it is important not to rely on one colleague more than another," he cautioned Fergusson, "sometime agreeing with one and differing with another, getting support some-time from one and some-time from the other - preserving an even balance."¹ The task of the Governor might not always be so easy in relation to the Bombay Legislative Council, where representatives of the educated Indians could be assertive on occasions. On the whole, however, Fergusson was not likely to face much trouble in lawmaking as the Council contained either official members or members nominated by the government.

By the time Fergusson came to Bombay at the age of 48 he had amassed considerable experience of mankind in peace and war, of many countries and races and of administration - both legislative and executive. But Fergusson's experience of Indian affairs was meagre though he had always had an interest in India.² The popular reaction to Fergusson's appointment in Bombay was one of relative unconcern. Disraeli's Government in England, Lord Lytton in India and Temple in Bombay were thoroughly unpopular. The Tories' administration in India was characterised by imperialist war, repressive measures, dwindling finance and devastating famine. So the

(1) Temple to Fergusson, 22nd April, 1880. F.C.

(2) Fergusson to Cranbrook, 22nd May, 1880. C.C.

Liberal victory of 1880 delighted the Indians and the appointment of Ripon led to high expectations. In the excitement of a Tory defeat, Lytton's resignation and the selection of a new Viceroy, the recently appointed Governor of Bombay was hardly noticed. The maratha newspaper Arunodaya was unimpressed by the selection of Fergusson and considered his appointment "astonishing" in view of his scant experience of Indian affairs.¹ But the very fact that Fergusson was "a safe Scotch" and "an outsider" and not an Indian civilian like Temple pleased the Indian Spectator. But noticing Fergusson as a Conservative of "the good old stamp", the organ prophesied his difference of views with the Liberal régime. "Sir James is.. not likely to agree with the Government of India as well as the India Office as a matter of course but more likely to speak out when there is need"² To the Liberals in 1880 the initial task was to settle British affairs in Afghanistan and the attention of all, including Fergusson, was concentrated on the North West frontier of India.

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- (1) Arunodaya, 9th March, 1880. Bombay Native Newspaper Report, 1880.
 (2) Indian Spectator, 9th May, 1880. Bombay Native Newspaper Report.

CHAPTER - I

Afghanistan and the Army.

The Russian expansion in Central Asia and the security of the North West frontier of India guided the British attitude towards Afghanistan throughout the nineteenth century. The period 1880-85 witnessed the stabilisation of the relations between England and Afghanistan and the settlement of some of the intricate problems confronting them. Most of the complicated issues of Anglo-Afghan relations in 1880, however, developed during the preceding years.

The Liberal sponsored North-West frontier policy of the Government of India between 1868 and 1874 sought a clear understanding with Russia with regard to the independence of Afghanistan, non-interference in Afghan affairs and the maintenance of British moral influence over Afghanistan. The policy was rudely reversed in 1874 when Disraeli felt that the Gladstone cabinet on the whole lowered British influence in Central Asia by acquiescing easily in the Russian expansion and that British inaction in Afghan affairs must be replaced by vigorous action. The policy formulated by the Disraelians aimed at commanding the British position on the Afghan frontier and the acceptance of a British agent by the Afghan Amir in his territories. In return they were willing to assure the Amir that the British would protect him against

future Russian invasions. When the Disraelian Viceroy Lord Lytton was pressing Amir Sher Ali with the British proposals, General Kaufmann, the Governor General of Russian Turkestan adopted a similar attitude towards the Amir. In 1878 Kaufmann sent his agent Stolietoff to Kabul with proposals for a stronger tie between Russia and Afghanistan and with assurances of Russian assistance against ^{an} external enemy. When Sher Ali reluctantly received Stolietoff at Kabul in July, 1878 Lytton insisted on the Amir's reception of a British mission at Kabul in August, 1878. Sher Ali, probably on the advice of Stolietoff, disregarded Lytton's insistence and the progress of the British mission under N. Chamberlain was opposed by the Afghans near Ali Masjid. The incident resulted in the outbreak of the Second Afghan War and the British army marched towards Kabul through Kurram and Khyber. Sher Ali fled and died in Russian Turkestan in May, 1879. Before the victorious British troops could reach Kabul, negotiations commenced between Yakub, the eldest son of Sher Ali, and the British and Yakub was set up as Amir. On 26th May, 1879 Yakub signed The Treaty of Gandamak with the British. By this agreement the new Amir assigned the districts of Kurram, Pishin and Sibi to the British Government, agreed to conduct his foreign relations with the advice of the Government of India and consented to the stationing of a permanent British Resident at Kabul. In return the Government of India promised the Amir

an annual subsidy of Rs. 6 lakhs and a conditional guarantee of support against foreign aggression.¹ Thus every object of a Tory North West frontier policy seemed to have been secured and the Treaty of Gandamak was regarded as the high watermark of a British forward policy.

In July, 1879 Major Cavagnarin, nominated as the British agent in Afghanistan, reached Kabul. On 3rd September, 1879 the agent and his party were murdered in the course of a mutiny of the unpaid Herati troops at Kabul. The massacre aroused wide indignation in England and in India and led to the renewal of hostilities. The army of General Roberts marched towards Kabul through Kurram and General Stewart's army proceeded towards Kandahar and occupied the place. Kabul fell to Roberts on 7th October and on 28th October, 1879 Yakub was forced to abdicate under British pressure. Lytton, in the meantime, felt that a disintegrated Afghanistan would be more convenient for the British to control than a united Afghanistan under one ruler. His Government considered the treaty of Gandamak as abrogated and proposed a provisional transfer of Herat to Persia in return for Persian support against Russia in Central Asia, and the establishment of an independent kingdom at Kandahar under an hereditary ruler from one of the

(1) C.U. Aitchison, ed. A Collection of Treaties, Engagements and Sanads, vol XI, p.344.

old Afghan governing families. They advocated a similar arrangement with regard to Kabul.¹ The home authorities accepted the scheme and left the implementation of the plan to the discretion of the Government of India.

Lytton caused the British Foreign Office to open negotiations with Persia concerning a provisional transfer of Herat through R. Thomson, the British ambassador in Tehran. The negotiations reached a deadlock when the Shah of Persia refused to accept a provisional occupation of Herat terminable unilaterally by the British.² As regards Kabul the majority of Lytton's Council made Yakub's abdication "irrevocable" for his complicity in the massacre of Cavagnari and his party. The claims of Ayub, the younger brother of Yakub and Musa Jan, Yakub's son, were quietly disregarded and the throne of Kabul was offered to Abdur Rahaman, the nephew and defeated rival of the late Amir Sher Ali. For eleven years Abdur Rahaman was a fugitive in Russian Turkestan depending upon a Russian pension. During the turmoil of the Second Afghan War he carefully watched the events and following Yakub's abdication he set out for Afghanistan, seeing his chance. Lytton was anxious to withdraw British troops

(1) S. Gopal, The Viceroyalty of Lord Ripon, 1953, p.8.

(2) Desp.S.of S. to Govt. of I. Sec.no.23, 21st May, 1880.
Pol. & Sec.Letters from I.

from North Afghanistan as soon as possible¹ and he did not consider the question of the Amirship of Kabul as very vital. In the opinion of the Government of India the British interests had been secured without dependence upon the Amir's friendship.² The Viceroy took up Abdur Rahman as a candidate at hand and started negotiations with him. As regards Kandahar Lytton instructed Stewart, the Officer commanding the British troops there, to start negotiations with the Afghan Governor of the province, Wali Sher Ali, for the establishment of a separate Kingdom. Wali Sher Ali was a cousin of the late Amir Sher Ali and was nearly 46 years old. During the political confusion following the massacre of Cavagnari he cooperated with Stewart as a result of which South Afghanistan remained tranquil when North Afghanistan was stormy. On 22nd December, 1879, Lytton telegraphed the Secretary of State, Lord Cranbrook, hinting for the first time at separating Kandahar from Kabul. On 3rd January, 1880 the Viceroy further informed Cranbrook that in view of the unsettled condition at Kabul it was necessary to give the Wali an assurance that if he behaved well Kandahar would be placed under his hereditary government.³ Meanwhile

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- (1) Desp. Govt. of I. to S. of S. Sec. No.3, 7th Jan. 1880. Pol. & Sec. Letters from I.
 - (2) Secy. For. Dept. Govt. of I. to L. Griffin, Br. Agent, Kabul, 20th May, 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 139, 22nd June, 1880. Pol. & Sec. Letters from I.
 - (3) Note on the recognition of Sher Ali, O.T. Burne, 27th April, 1880. Pol. & Sec. Dept. Memo. no. 32.

in February, 1880 Stewart reported the outcome of his negotiations with the Wali. He gave a vague idea of the boundaries of the proposed Kingdom of Kandahar under British protection and indicated that the Wali agreed to conduct his affairs at Kandahar with the help of a British Resident and that he welcomed the proposal of stationing a permanent British garrison at Kandahar. In February, 1880 the Wali conveyed his willingness to accept the British arrangements at Kandahar to the Viceroy.¹ Lytton replied on 13th March, 1880 : "I have great pleasure in announcing to you that Her Majesty the Queen Empress has been pleased to recognise your Highness as the independent ruler of the province of Kandahar according to limits to be hereafter defined."² On 7th April, 1880 Lytton's Government informed the home authorities that "the separation of Kandahar from Kabul is an accomplished fact and the independence of Sher Ali has been solemnly guaranteed."³ When negotiations with Abdur Rahaman started in North Afghanistan and the Wali was installed at Kandahar Stewart and his army proceeded towards Kabul to maintain order among the tribes and to facilitate British withdrawal following a settlement.

When Lytton was thus progressing with the disintegration of Afghanistan a significant change was effected at home.

Gladstone's "tremendous projectiles at Midlothian" had pounded

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- (1) Desp. Govt. of I. to S. of S. Sec. no. 78, 31st March, 1880.
Pol. & Sec. Letters from I.
 - (2) Ibid.
 - (3) Desp. Govt. of I. to S. of S. Sec. no. 90, 7th April, 1880.
Pol. & Sec. Letters from I.

the ministerial citadel to the ground."¹ From 1878 Disraeli's position was waning in England and from 1879 to March, 1880 the Liberals ceaselessly attacked the Tory foreign policy towards St. Petersburg, Constantinople and Kabul. In March, 1880 with a decisive Liberal victory at home Lytton's project of partitioning Afghanistan received a setback. Gladstone, while denouncing the Tories, gave the country to understand that whenever the Liberal party might be voted to power it would seek to undo all that the Conservatives had done. Thus the Liberal victory meant a thorough change in the British foreign policy as a whole and of the Afghan policy in particular. Lord Hartington, the new Secretary of State for India, announced the principles of a Liberal Afghan policy in his despatch to the Viceroy on 21st May, 1880. He emphasised the necessity of the gradual but the ultimate withdrawal of the British troops from all parts of Afghanistan, rejected the scheme of the disintegration of Afghanistan and desired that the Kingdom of Afghanistan should be reconstructed as a whole under one ruler. The Liberal Government, he declared, wanted "to see the restoration on our North Western frontier of a friendly state capable of maintaining

(1) J. Morley, Life of Gladstone, 1904, vol. 2, p.594.

its independence and administering its own affairs without the military support of the British Government."¹ In June, 1880 the Marquis of Ripon was sent by the Liberal government to replace Lytton in India and to inaugurate a distinctly Liberal Afghan policy.

When the North West frontier policy of the British in India was thus changing hands from the Conservatives to the Liberals, Sir James Fergusson succeeded Sir Richard Temple as the Governor of Bombay Presidency on 28th April, 1880. The Tory cabinet appointed Fergusson, a loyal Conservative and a devout Disraelian, in their last days before the election of 1880. Though he arrived in India a month earlier than Ripon, Fergusson hardly had any opportunity to assume a significant role at the very outset. He had no contribution whatsoever either in formulating or in implementing Lytton's policy. But in his views Fergusson was an obvious Lyttonite, sharing Lytton's concern for a "forward" North West frontier. As the Governor of Bombay, however, he had a locus standi in Afghan affairs. From January, 1879 the Government of Bombay was entrusted with the charge of transport and supplies for the British Army through Baluchistan to Kandahar and South Afghanistan. At the beginning of 1880

(1) Desp. S. of S. to Govt. of I. Sec. no. 23, 21st May, 1880. Pol. & Sec. Letters to I.

the Government of Bombay was further given the responsibility of furnishing reinforcement in South Afghanistan. ¹

Finally, in April, 1880 with the march of Stewart's forces towards Kabul, leaving Kandahar fort, the Bombay troops under the command of General Primrose were posted at Kandahar. ² In view of this clear involvement of the Government of Bombay, Ripon directed the Foreign Department of the Government of India to convey confidentially all information about Afghan matters to Fergusson. ³ Thus when the new Viceroy was giving effect to a new policy, Fergusson - a newcomer himself - seemed to be in a position to put forward his own ideas.

Ripon's task of carrying out a new Afghan policy was, however, difficult in the light of some of the last deals of Lytton. In ^{the} course of negotiations with regard to his plan for the ^mdisemberment of Afghanistan Lytton went so far as to subject his successor to certain undertakings. No government could shake off its predecessor's diplomatic pledges contracted in the name of the sovereign of the country.

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- (1) Secy. Military Dept. Govt. of B. to Secy. Military Dept. Govt. of I. no. 6959, 30th Nov. 1880. Mil. Proce. Govt. of I. Dec. 1880.
 - (2) P. Cadell, History of Bombay Army, 1938, p. 229.
 - (3) Ripon to Fergusson, 2nd July, 1880. F.C.

The home authorities classified that such engagements, effected by the past regime concerning Afghanistan, must be "scrupulously respected."¹ Regarding the transfer of Herat to Persia negotiations with the Shah had not progressed far and the Government of India were in a position to drop the subject. In fact the negotiations with Persia over Herat were not resumed. Lytton's negotiations with Abdur Rahaman resulted in a vague offer of the Amirship to the Sirdar, but no specific understanding had been reached. On this point Ripon's Government was free to adopt any line of policy that it wished. But such was not the case at Kandahar where Lytton distinctly committed the Government of India to uphold Wali Sher Ali. The observance of Lytton's commitment to the Wali was incompatible with the inauguration of a Liberal Afghan policy.

The new Afghan Amir, whoever he might be, Abdur Rahaman or anyone else, could not by any means dispense with the commercially and strategically important province of Kandahar. Besides, the maintenance of Lytton's engagement with the Wali would directly violate the Liberal policy

(1) Desp. S. of S. to Govt. of I. Sec. no. 23, 21st May, 1880. Pol. & Sec. Letters to India, .

of creating an indivisible and strong Afghanistan. The primary object of the Liberal government, namely the withdrawal of British troops from Afghanistan, would not be realised if a permanent British garrison were retained at Kandahar and military posts sustained between Quetta in British administered Baluchistan and Kandahar. The home authorities and the Viceroy were thus in a dilemma and the success of their Afghan settlement depended as much on the successful negotiations with a possible candidate at Kabul as on disregarding Lytton's procedure at Kandahar. Hartington felt the gravity of the situation and wrote to Fergusson: "... all that I have heard recently seems to indicate that we have been very completely pledged to that policy [of supporting a British nominee at Kandahar] of Lord Lytton and it will be difficult if not impossible to retire from or to modify the engagements which have been made. At the same time, it would appear doubtful whether Abdur Rahaman would quietly accept the Amirship of Afghanistan without Kandahar."¹ Fergusson could foresee that Kandahar was the crux of a Liberal Afghan settlement. He requested Hartington to make a distinction between the British evacuations of Kabul and of Kandahar.² He explained that a sudden withdrawal from Kandahar would leave the friends of the British there

(1) Hartington to Fergusson, 25th May, 1880. F.C.

(2) Fergusson to Hartington, 10th June, 1880. F.C.

unprotected against the vengeance of the tribes hostile towards the British. Besides, the chimerical prospect of trade at Kandahar under the protection of the British was "no unimportant consideration" to him. At any rate Fergusson felt that Kandahar should remain "an open question" and the place should be protected till Northern Afghanistan had been settled.¹ The line to be assumed by a Lyttonite on the fate of Kandahar was thus quite apparent.

The character of Ripon's Council in 1880 was predominantly Lyttonite. The Commander in Chief Sir F. Haines, the Military member Sir E. Johnson, the Finance member Sir J. Strachey sponsored Lytton's Afghan policy. Whitley Stokes and Rivers Thomson among other members supported Lytton's views as regards a forward North West frontier. They all would certainly emphasize the necessity of protecting the Kingdom of Kandahar under the Wali and oppose the undoing of what they had already effected. Such was, however, not their attitude towards Kabul. But even there the selection of Abdur Rahaman as the prospective candidate for the Amirship by Lytton's Council had made his case formidable.

(1) Fergusson to Hartington, 20th June, 1880. F.C.

From the beginning Ripon took Abdur Rahaman to be "the most Russian" of all and considered his selection "an immense mistake".¹ He had sympathies for Yakub and was convinced that he was not treated with justice when he was accused of having a hand in the Kabul massacre. So personally^l Ripon was in favour of opening negotiations with Yakub while the majority of his Council was against it. Fergusson, like Ripon, was not satisfied that Yakub had been justly treated for his complicity in the Kabul massacre. However, he believed that the stamp of virtual deposition and the memories of the Kabul rising "would be fatal to his power" if Yakub was set up again as Amir.² Ripon avoided any controversy in the Council at the outset by conceding quietly the negotiations with Abdur Rahaman - an issue least affecting the new Afghan policy. So the Lyttonites won their point in rejecting conclusively Yakub's candidature but the Viceroy was not defeated.

The apprehension of a difficulty in dealing with Abdur Rahaman, without guaranteeing Kandahar's restoration to Kabul, was soon found to be justified. It was more than once reported that Abdur Rahaman had objections to coming to an

(1) Ripon to his wife, 17th June, 1880, Cited in Gopal, Ripon, p.10.

(2) Fergusson to Hartington, 10th June, 1880. F.C.

understanding if Kandahar was not given to him.¹ Even when negotiations were heading towards a conclusion Abdur Rahaman issued a circular to the tribes and gave a shrewd description of the British offer to him. He declared that he was receiving the territories of Afghanistan as determined between the English and the late-Amir Dost Muhammad in 1855, thus falsely suggesting British agreement to restoring Kandahar to Kabul. To Abdur Rahman such a false suggestion was probably necessary for he could not hope for popular support by dividing Afghanistan. But Stewart and L. Griffin, the British agent at Kabul, lost faith in Abdur Rahaman at this deception and wanted to discontinue negotiations.² Ripon, however, took this leniently and directed negotiations to continue without giving Abdur Rahaman any promise of returning Kandahar or Pishin and Sibi, the districts assigned to the British in the Treaty of Gandamak.³

Fergusson observed the shrewdness of Abdur Rahaman and he entertained no faith in the Sirdar's "friendly designs". He felt that sooner or later anarchy was bound to prevail in Afghanistan and the best way for the English was to leave the

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- (1) Teleg. L. Griffin to Foreign. Simla, 27th June, 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 144, 29th June, 1880. Pol. & Sec. Letters from I.
 - (2) Gopal, Ripon, p.13.
 - (3) Teleg. Foreign, Simla to L. Griffin, 12th June, 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no.133, 15th June, 1880. Pol. & Sec. Letters from I.

country without passing it over to any one. "India and Europe will not blame us for leaving the Afghans," he wrote expressing the Spencerian views, "to respect the process of choosing their ruler by natural selection or by the survival of the strongest."¹ Though not sharing Fergusson's ideas of natural selection in Afghanistan Ripon agreed with his opinion about Abdur Rahaman. Ripon had no doubt that Abdur Rahaman was playing a double role and "playing his cards skilfully."² But when once negotiations had started with him it was wrong to break off with him except on clear and justified grounds.

Hartington meanwhile was trying to explore the possibility of a reconsideration of the British agreement with the Wali Sher Ali of Kandahar. There was no doubt that Lytton's arrangement at Kandahar had its weaknesses. The boundaries of the newly created state of Kandahar were still undecided and no further communication on the subject had been exchanged between the Wali and the Government of India. The amount of subsidy to be paid by Sher Ali for the support of the British garrison at Kandahar was not finalised. Moreover, Lytton's engagement with Sher Ali did

(1) Fergusson to Hartington, 18th June, 1880. F.C.

(2) Ripon to Fergusson, 9th July, 1880. F.C.

not mention whether British support to Sher Ali would discontinue in case of the Wali's breach of faith.¹

Engagements should not be as one sided, Hartington thought, as was the case with Lytton's promise of support to the Wali. Besides, Hartington had no doubt as to the disadvantage of maintaining permanently a large and expensive British force at Kandahar "to keep a mere puppet on the throne."² There were proofs that Sher Ali himself hardly trusted his own abilities and once he even expressed his desire to Stewart to retire to India on a pension from the Government of India.³

A Lyttonite like Fergusson disliked any attempt of a reconsideration of the British position at Kandahar. He insisted on the importance of respecting Lytton's pledge to the chief and the people of Kandahar that "they would no longer be subjected to Kabul and would be protected by England!"⁴ He sounded Ripon on this point and wrote: "If the pledges given by Lord Lytton of the permanent separation and protection of Kandahar are as definite as I am led to believe, its abandonment would in the opinion of all Englishmen and

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- (1) Desp. S. of S. to Govt. of I. Sec. no. 23, 21st May, 1880. Pol. of Sec. Letters to I.
 - (2) Hartington to Fergusson, 25th July 1880. F.C.
 - (3) Desp. S. of S. to Govt. of I. Sec. No. 23, 21st May, 1880 Pol. & Sec. Letters to I.
 - (4) Fergusson to Hartington, 18th June, 1880. F.C.

natives be so injurious to our prestige that the effects would be more damaging than a military disaster."¹ The indication was sufficient to show exactly where Ripon might expect toughest resistance in settling the Afghan affairs from the Lyttonites in India. Ripon carefully informed Fergusson that he was not contemplating any hasty withdrawal from Kandahar "in the existing state of things." However, he felt that Lytton gave promises to Sher Ali which the late-Viceroy should not have given.² Then Ripon dramatically alluded to his wish to see "our permanently advanced cantonments in the Pishin valley rather than on the other side of the Kojuck [Kandahar] ."³ Ripon who shared the general Liberal feeling towards Afghanistan, favoured a greater emphasis on imperial security. Even before he came to India he confidentially informed Hartington on May 9th of 1880^{of} his desire to retain the assigned districts of Pishin and Sibi.⁴ Ripon was not strictly a crusader against the forward North West frontier of India and he was not unwilling to make a compromise with the Lyttonites on this point. The sudden

(1) Fergusson to Ripon, 20th June, 1880. R.B.

(2) Ripon to Fergusson, 2nd July, 1880. F.C.

(3) Ibid.

(4) Ripon to Hartington, 9th May, 1880. Cited in L. Wolf, Life of Marquis of Ripon, 1921, vol. 2, p.20.

disclosure of Ripon's own mind to Fergusson probably contained the hint of a bargain. The promise of the permanent occupation of the Afghan territories of Pishin and Sibi might satisfy at least the moderates among the exponents of forward ideas.

Meanwhile at Kabul negotiations with Abdur Rahaman were continuing. Abdur Rahaman was reported to be insisting on the restoration of Kandahar and inciting the tribes secretly to be prepared for an offensive against the English on this point.¹ The problem with the Government of Ripon was that they were in a hurry to withdraw from Kabul, while Abdur Rahaman could patiently wait and bargain.² Ripon had to take a firm decision and he informed Fergusson that he had thought it necessary to require Abdur Rahaman to advance to Kabul from Badakshan without delay if he meant to come to an agreement. "If he does not do this," Ripon commented, "we shall in all probability put an end to our communications with him."³ Fergusson took the opportunity of warning Ripon as to the "perplexing uncertainty" of a settlement at Kabul.

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- (1) Desp. Govt. of I. to S. of S. Sec. no. 144, 29th June, 1880. Encl. containing Abdur Rahaman's circular to the tribes, 8th June, 1880. Pol. & Sec. Letters from I.
 - (2) Ripon to Fergusson, 2nd July, 1880. F.C.
 - (3) Ibid.

"Abdur Rahaman has all along appeared to be playing an astute game," Fergusson observed, "with a full appreciation of the dangers of his future from either arranging with us or acting against us." If Abdur Rahaman declined to treat with the English unless Kandahar was given to him, Fergusson continued, Ripon would be placed "in a position of extreme difficulty."¹ However, as regards Ripon's reference to the suitability of determining a permanent British frontier extended "some where about the Pishin valley" Fergusson had no real objection.² He even conceded that militarily the frontier line based on the assigned districts would be best to defend.³ But while he seemed to agree with Ripon as to retaining Pishin and Sibi permanently he did not give up his views on Kandahar. In fact he wished not only the retention of Kandahar under the Wali but even advocated a direct British annexation of the province. To Hartington Fergusson suggested that in supporting Sher Ali at Kandahar "we do not gain the same advantage as we should by annexing to Sind the fertile provinces adjoining our frontier." Apart from the advantages of an extended frontier, he believed that Kandahar as a centre of trade ought to bear the military

(1) Fergusson to Ripon, 7th July, 1880. R.P.

(2) Ibid.

(3) Fergusson to Ripon, 21st July, 1880. R.P.

expenses of the English and that its tenure would satisfy those who anticipated "danger from Russian advance."¹

The proposal was a prelude to a Lyttonite adjustment with the Liberal policy. The Lyttonites could put maximum pressure on Ripon by talking about the annexation of Kandahar in order to gain "the keeping of pledges to the Wali" or at worst the retention of Pishin and Sibi. Any of these three alternatives would lead to a forward settlement of the North West frontier of India.

In North Afghanistan Ripon's ultimatum to Abdur Rahaman remarkably improved the situation. Abdur Rahaman, it was found, was not going to spoil his future for his interests for Kandahar. He frankly stated that he had to preserve a bellicose demeanour to satisfy the tribes and that this did not represent his true attitude.² Abdur Rahaman accepted the British terms of enjoying independence in the internal affairs of Afghanistan, of maintaining no relation with external powers except with the British and of not raising any point of settlement regarding Kandahar, Pishin and Sibi. In return the Government of India assured the Amir of assistance in case of foreign aggression on Afghanistan and agreed to appoint a Muhammadan agent at Kabul in place of an European

(1) Fergusson to Hartington, 18th June, 1880.F.C.

(2) Wolf, Ripon, vol 2, p.24.

(3) Gopal, Ripon, pp 11-12.

Resident.¹ Abdur Rahaman set out for Kabul as desired by Ripon's Government and on 22nd July, 1880 a Durbar was held at Kabul at which he was recognised as Amir. The British success of a settlement at Kabul was clearly due to Ripon's firmness. It satisfied the Lyttonites who were eager to get out of Kabul and Abdur Rahaman was Lytton's choice. Fergusson congratulated Ripon without hesitation upon the proclamation of Abdur Rahaman.²

When negotiations were thus settled in North Afghanistan new developments were rapidly taking place in South Afghanistan. The incidents in South Afghanistan flowed from the direction of Herat, another portion of Afghan territory held by Sirdar Ayub Khan, younger brother of late-Amir Yakub. In May, 1880 the Liberal government abandoned Lytton's project of transferring Herat to Persia.³ and the future of the district was left to Ayub. Ayub was young and openly hostile to the English. During the exciting days following the Kabul massacre Ayub was eager to deliver the country from the hands of the English.⁴ As a prince of the ruling family and for his hostility towards the English Ayub was very popular among

(1) Gopal, Ripon, pp 11 - 12.

(2) Fergusson to Ripon, 24th July, 1880. R.B.

(3) Gopal, Ripon, p. 15.

(4) Desp. Govt. of I. to S. of S. Sec. no. 185, 17th Aug. 1880. Pol. & Sec. Letters to I.

the Afghans. That Ayub at Herat was a considerable force was recognised by Abdur Rahaman. In course of the negotiations when the British agent invited Abdur Rahaman to establish his authority over Herat, Abdur Rahaman carefully avoided the offer by saying that he had no objection in leaving Herat to Ayub, his cousin, unless Ayub showed definite hostility to him.¹ Abdur Rahaman and the British Government could not reach any decision as regards Herat though the probability of Ayub challenging Abdur Rahaman or attacking the English at Kandahar en route from Herat to Kabul, remained alive.

The satisfactory conclusion of negotiations with Abdur Rahaman seemed to have cleared the way for the withdrawal of the British troops from Afghanistan when an event occurred which threatened to postpone the movement, but in its sequel precipitated it. Since December, 1879 the rumour of Ayub's intention to march to Kandahar was heard of. However, it was reported to the Government of India that the relations between Kabuli and Herati troops of Ayub were seriously estranged.² In March, 1880 reports arrived at Kandahar that Ayub had called for a jehad (sacred war on the infidel)

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- (1) Teleg. L. Griffin to Foreign Dept. Simla. 12th June, 1880
Encl. to Desp. Govt. of I. to S. of S. Sec. No. 133
15th June, 1880. Pol. of Sec. Letters from I.
 - (2) Desp. Govt. of I. to S. of S. No. 185, 17th Aug. 1880.
Pol. & Sec. Letters from I.

against the English.¹ The Kandahar diary of the British Resident in May, 1880 recorded Wali Sher Ali's apprehension of an immediate attack by Ayub on Kandahar. The Wali started with a force to Zamindawar to collect a first hand knowledge of Ayub's movements. On 21st June, 1880 he sent Col. St. John, the Resident at Kandahar, the news that Ayub was ready to march towards Kandahar. While communicating this information to Simla Col. St. John recommended the advance of a British brigade from Kandahar to oppose Ayub on the way. On 25th June, 1880 the British ambassador at Tehran, R. Thomson, informed the Government of India that Ayub had already marched from Herat.² With this information the Government of India decided to intercept the enemy in advance by the despatch of a British force towards the Helmund river. This decision of the government was guided by military and political considerations. Militarily, the defence of Kandahar would be difficult if Ayub was allowed to cross the Helmund. Politically, the possibility of Ayub's march towards Ghazni and Kabul by avoiding Kandahar could disturb the recently settled arrangements with Abdur Rahaman.³

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- (1) Desp. Govt. of I. to S. of S. Sec. no. 9, 7th April, 1881. Pol. & Sec. Letters from I.
 - (2) Desp. Govt. of I. to S. of S. Sec. no. 185, 17th Aug. 1880. Pol. & Sec. Letters from I.
 - (3) Desp. Govt. of I. to S. of S. Sec. no. 9, 7th April, 1881. Pol. & Sec. Letters from I.

On 11th July, 1880 General Burrows at the head of a force of 2,400 men was despatched from Kandahar towards the Helmund and a reinforcement was ordered to be sent from Quetta to Kandahar. In taking these measures the Government of India anticipated no further cause of anxiety. Ripon informed Fergusson that he was convinced that a simple British advance "would put a stop" to Ayub's movements.¹ The Foreign Department of the Government of India was confident that no real danger was expected from Ayub.² The men on the spot, Col. St. John and Commanding Officer General Primrose apprehended no threat to the defence of Kandahar from Ayub's army. Fergusson and the Government of Bombay, in charge of supply, transport and reinforcement in South Afghanistan, thought that "no attack on Kandahar from the troops of Ayub can seriously be entertained."³ The task to be performed by General Burrows's brigade was not wholly unknown to the military authorities of India. According to the British ambassador at Tehran Ayub's strength, consisted of 10 regiments of infantry, 3000 cavalry and 30 guns, and volunteers were to join him on the road.⁴ Both Fergusson and

(1) Ripon to Fergusson, 2nd July, 1880. F.C.

(2) R.S. Rait, The life of Field Marshal Sir Frederick Paul Haines, -1911, p.297.

(3) Fergusson to Hartington, 9th July, 1880. F.C.

(4) Teleg. Thomson, Tehran to Simla, 25th June, 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 185, 17th Aug. 1880. Pol. & Sec. Letters from I.

Ripon agreed with each other that the English strength at Kandahar was "not above the minimum."¹ With the departure of Burrows's brigade it was reduced to 4,769 officers and men.² Considering all these factors, the way in which the British authorities prepared to resist Ayub's advance and to defend Kandahar represented an attempt to attain an essential object with insufficient means.

When Burrows's brigade accompanied by Col. St. John arrived near the Helmund, Sher Ali's army at the opposite bank of the river mutinied and the men deserted the Wali in order to join Ayub's army. The mutiny of the Wali's troops indicated the widespread sympathy of the Kandaharis for Ayub. On 17th July, 1880 Col. St. John wrote to the Foreign Department of the Government of India : "For many months Ayub and his partisans have used every effort to inflame religious and patriotic feelings of the chiefs and people against us." He continued that the actual presence on the frontier of an army under a prince of the recently ruling family "has created a more powerful and general feeling in Ayub's favour."³ In fact the whole of the surrounding country was eager to welcome Ayub and it was generally admitted that the leading men

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- (1) Fergusson to Hartington, 9th July, 1880. F.C.
 - (2) The Second Afghan war, 1878-80, Official Account, 1907. p.482.
 - (3) Desp. Govt. of I. to S. of S. Sec. no. 175, 3rd Aug.1880. Pol. & Sec. Letters from I.

of Kandahar had long been in correspondence with him and invited him to advance from Herat.¹ The Governor General's agent at Quetta, Sir R Sandeman, also sent a note of warning to Simla that the movement in favour of Ayub was more extended and determined than was believed at Kandahar.²

All along the line of his advance Ayub was screened by cavalry and the tribesmen. A large number of the Ghazees - or volunteers, mostly peasants, joined Ayub's army every day at every stage of its journey.³ The British authorities at Simla became anxious to stop Ayub slipping past General Burrows towards Ghazni. They accordingly instructed General Burrows to attack Ayub if "he considers himself strong enough to do so."⁴ General Burrows meanwhile received the news that Ayub was approaching Maiwand and he decided to resist his adversary there.

At dawn on 27th July, 1880, General Burrows's brigade consisting of 2400 men, 749 horses and 12 guns, marched towards Maiwand. The British brigade was too small a force in comparison with Ayub's massive army. General Burrows in his official report on the battle of Maiwand estimated Ayub's strength as 25000 men. But in his confidential report to the

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- (1) Memo. of Sir. R. Sandeman on Kandahar, 31st Oct. 1880. Encl. Desp. Govt. of I. to S. & S. Sec. no. 12, 26th Jan, 1881. Pol. & Sec. Letters from I.
 - (2) Memo. of A. Lyall on Kandahar. Nov. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 12, 26th Jan. 1880. Pol. & Sec. Letters from I.
 - (3) Account of ~~Mirza~~ Muhammad Akbar, a British Spy among Ayub's men. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 12, 27th Jan. 1881. Pol. & Sec. Letters from I.
 - (4) Desp. Govt. of I. to S. of S. Sec. no. 219, 12th Oct. 1880. Pol. & Sec. Letters from I.

Commander in Chief Haines, he confessed that the number he mentioned in the official report was "far below the actual strength."¹ General Burros's brigade and Ayub's army reached Maiwand almost at the same time. Action started at 11.30 a.m. and till afternoon it was confined to artillery fire. Ayub so carefully directed and used his guns that "the superior quality of the English armaments failed to compensate the inferior number of guns."² The superiority of the Afghan guns was soon followed by a vigorous and decisive Afghan cavalry charge. The final blow was dealt to the English when the Ghazees attacked ferociously. General Burrows recorded the giving way of his infantry, "forming a helpless crowd of panicstricken men."³ In utter frustration he ordered retreat at about 3 p.m. Throughout the hurried retreat that followed "the prospect was discouraging and discipline completely at an end."⁴ General Burrows reported, "we were fired on at every village we passed" and many of the fugitives died from shots of the villagers.⁵ With great difficulty the straggling troops reached Kokran, where they met a relieving

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- (1) Confidential Report, General Burrows, 5th Sept. 1880.
Printed R.P.
 - (2) Col. St. John's account of Maiwand, 2nd August, 1880.
Mil. Proc. Govt. of I. Sept. 1880.
 - (3) Confidential Report, General Burrows, 5th Sept. 1880.
Printed R.P.
 - (4) Col. St. John's account of Maiwand, 2nd August. 1880.
Mil. Proc. Govt. of I. Sept. 1880.
 - (5) Confidential Report, General Burrows, 5th Sept. 1880.
Printed R.P.

British force. Even from Kokran to Kandahar the retreating army had to come through skirmishes with the villagers. On 28th July, 1880 the remnants of General Burrows's brigade entered into the citadel of Kandahar. The news of the defeat of Maiwand, when it reached Kandahar on the night of 27th July, completely unnerved General Primrose. The Cantonment at Kandahar, situated outside the fort, was hurriedly abandoned and a telegram was despatched to Fergusson at Bombay conveying the erroneous account of the total "annihilation" of General Burrows's brigade. Fergusson promptly passed this information to the Secretary of State who broke the news to the nation in Parliament. At Simla Ripon received the news of the "severe" defeat of General Burrows's brigade.¹

It was a desperate time for Ripon and the Government of India started preparations for the next step. General Phayre, an officer of the Bombay army in charge of protecting the line of communication between Quetta and Kandahar, was ordered to rally troops and to proceed towards Kandahar. Fergusson expressed the readiness of his government to send reinforcements to Chaman, from which General Phayre's march was contemplated.² But he was anxious about the difficulty of transport in a rainy

(1) Desp. Govt. of I. to S. of S. Sec. no. 175, 3rd Aug. 1880
Pol. & Sec. Letters from I.

(2) Fergusson to Hartington, 30th July, 1880 F.C.

season. Besides, Fergusson felt that General Phayre would face difficulty in his march and in obtaining supply in the north of Kojuk pass where people were unfriendly to the British. These factors, in Fergusson's opinion, might prevent General Phayre from encountering Ayub in time at Kandahar.¹ But time was unfortunately very short and a siege of Kandahar fort by Ayub's army was imminent. Moreover, the victorious Ayub was certain to dominate the country from Kandahar to Ghazni. In view of this alarming situation Fergusson suggested that a portion of the British troops at Kabul should march by the Ghazni en route to Kandahar simultaneously with General Phayre's advance from Chaman.² The Secretary of State, Ripon and Haines were also thinking in the same direction.³ The Government of India invited the opinion of Stewart on the feasibility of such a move and he agreed to the proposal. It was decided to send a powerful force from Kabul under the command of Roberts. On 5th August, 1880 Stewart volunteered the suggestion that he too should leave Kabul with the rest of the army in view of the quiet political condition of North Afghanistan.⁴ Stewart's return

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- (1) Fergusson to Ripon, 2nd Aug. 1880. R.P.
 - (2) Fergusson to Ripon, 4th Aug. 1880. R.P.
 - (3) Ripon to Haines, 3rd Aug. 1880. Cited in Rait, Haines, p.309
 - (4) Desp. Govt. of I. to S. of S. no. 186, 17th Aug, 1880
Pol. & Sec. Letters from I.

march would complete the British withdrawal from Kabul and Ripon had no hesitation in giving his assent.

Leaving Kabul on 8th August the force under Roberts reached Ghazni on 15th, Khilat-i-Ghilzai on 23rd and Kandahar on 31st August, 1880 covering 380 miles in 23 days.¹ The British garrison at Kandahar meanwhile was severely ^e~~severely~~ pressed by a siege laid down by Ayub's army. However, provisions were found to be ample in the citadel to hold out till the arrival of the relieving forces from Kabul and from Chaman. But the morale of the British garrison was very low in consequence of the defeat at Maiwand and the subsequent siege.² Roberts made an attack on Ayub's forces in the outskirts of Kandahar on 1st September, 1880. The British action was successful and it completely dispersed Ayub's troops. When the defeat was certain Ayub fled towards Herat which he reached on 22nd September. This was virtually the end of the military crisis and Ripon was relieved from further tension.³ Ripon was justified in his claim of the chief share of credit for sending Roberts to Kandahar and withdrawing Stewart from Kabul.⁴ The decision was bold and Ripon had no hesitation about it. Fergusson

(1) Pol. & Sec. Dept. Memo. Narrative of events in Afghanistan A.W. Moore, 31st Dec. 1880. No.43.

(2) Gen. Roberts to Adjutant Gen. 18th Sept. 1880. Military Proc. Govt. of I. Feb. 1881.

(3) Ripon to Roberts, 5th Sept. 1880. Cited in Wolf, Ripon, vol. 2. p.32.

(4) Ripon to Northbrook, 5th Oct. 1880, Cited in Wolf, Ripon, vol. 2, p.33.

also could rightly claim a share of the credit for foreseeing the delay of General Phayre in collecting the scattered regiments in the line of communication and in marching with inadequate transport and supply. He had no doubt that the march of Roberts "would be a great measure" from the military and political points of view. By this step only, he asserted, could Kandahar be relieved and Ayub be prevented from affecting "adhesion of the northern Sirdars to Abdur Rahaman." ¹

After the return of Roberts's troops to India by way of Quetta, Kandahar continued to be held by the English till the final withdrawal of forces in 1880. Still the glory of Roberts's victory could not surpass the ignominy of Burrows's defeat. The disastrous reverse of the British at Maiwand soon led to longdrawn and heated controversies in different quarters as to its causes. An enquiry into the fact reveals that the British failure in the battle of Maiwand was due to tactical blunders in the battle-field, military miscalculations and political shortsightedness. The tactical blunders were, however, the incidents of the defeat. Burrows decided to set out for Maiwand probably with the anticipation that he would reach the place before Ayub's army. Unfortunately he was uncertain about the real movements of Ayub or about the numerical strength of Ayub's army, though, it was his military duty to obtain information before contemplating a direct clash .

(1) Fergusson to Ripon, 5th Aug. 1880. R.P.

Fergusson was astonished at the little use of cavalry made by Burrows in securing information as regards the enemy's movements.¹ Ripon agreed to the justice of this criticism.² Ayub's advance guards reached Maiwand earlier than the British and so the enemy at Maiwand was nearer to Kandahar by the Maiwand pass than Burrows was by the lower road. So Burrows could not possibly have retreated without unavoidable loss. But a timely retreat was preferable to marching forward without any definite plan till pulled up at a place where retreat and successful attack were alike impossible. Col. St. John, who accompanied Burrows's brigade, reported that the General was a spectator of the leisurely formation of the enemy's lines and thus lost valuable time.³ Fergusson was convinced that as soon as Burrows allowed the enemy to take their position "a great step was taken towards defeat."⁴ Sir Charles Napier's victory in Sind in 1843 was gained by his falling on the enemies before they could form. Besides these factors Burrows himself complained of the precipitate action at Maiwand hastily started by an artillery officer, Maclaine,

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- (1) Fergusson to Ripon, 4th Aug. 1880. R.P.
 - (2) Ripon to Fergusson, 13th Aug. 1880. F.C.
 - (3) Fergusson to Hartington, 6th Aug. 1880. F.C.
 - (4) Fergusson to Ripon, 4th Aug. 1880. R.P.

who dashed out with his guns without order. This unusual incident hardly allowed the British army to settle down in the field. To these tactical blunders were added the failures of the officers. The cavalry officers refused to carry out the commands of the General and started retreating without covering the infantry. The infantry gave way before the first onslaught and could not be formed again. On the whole Burrows manifested less capacity for fighting a battle than his Afghan adversary. To Fergusson this total absence of glory in defeat seemed most bitter.¹

In determining the failure of Burrows's brigade in the field of action the over^{whelming} numerical strength of the enemy should also be taken into account. Fergusson thought that the superiority of the number of enemy cavalry had been "the most serious element" at Maiwand.² Col. St. John testified that the strength of Ayub's artillery surpassed that of the English. The Commander in Chief, Haines, was of opinion that had Burrows been aware of the exact strength of Ayub he would not have considered himself strong enough to attack him.³

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- (1) Fergusson to Hartington, 6th Aug. 1880. F.C.
 - (2) Fergusson to Ripon, 26th July, 1880. R.P.
 - (3) Adjutant Gen. to Secy. Military Dept. Govt. of I.
No. 5351-A, 25th Sept. 1880. Military Proc. Govt. of I.
Oct. 1880.

The superior strength of Ayub naturally raises the question of British military miscalculations. From a military point of view the despatch of Burrows's brigade was foredoomed to failure. Stewart felt that "it was unwise to send such a small force from Kandahar."¹ Similar was Fergusson's view: "We had not an adequate force at the point of contact - which was a great military fault."² It was rumoured that General Primrose at Kandahar favoured the withdrawal of Burrows's insufficient force previous to the battle of Maiwand and that he was "snubbed" from Simla. According to Ripon, however, Primrose himself urged the despatch of Burrows's brigade, proposing its strength and composition without conveying any further wish that it should be recalled.³ The Commander in Chief, Haines, claimed that he had been opposed to the despatch of a small force like Burrows's brigade and that his protest had been overruled by the Viceroy. Ripon in his turn considered this story as the very opposite of the truth.⁴ The fact was that all the military experts were in favour of the advance of Burrows's brigade towards the Helmund to resist Ayub and no one had any doubt on Burrows's ability to disperse Ayub's men. Fergusson rightly pointed out to Hartington that none in India

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- (1) Stewart to Lady Stewart, 28th July, 1880. Cited in G.R. Elsmie, ed Field Marshall Sir Donald Stewart, 1903. p.373.
 - (2) Fergusson to Ripon, 3rd Aug. 1880 R.P.
 - (3) Ripon to Fergusson, 13th Aug. 1880. F.C.
 - (4) Ripon to Duke of Cambridge, 23rd Oct. 1880. Printed R.P.

believed "in the high qualities of Ayub's troops"¹ Even the precaution of reinforcing Burrows's brigade in case of urgent need was not seriously considered. Burrows himself asked for reinforcements after the dispersal of the Wali's mutinous troops. But Primrose sent only 50 Sabres (cavalry men) from Kandahar and it remained inexplicable why more troops were not sent out.²

Fergusson accused Ripon's Government of failure to remedy the inadequacies of the defence of Kandahar. Neither Kandahar nor the line of communications between Kandahar and Quetta was reinforced in spite of the repeated requests from Phayre and Sandeman.³ Phayre suggested that the Reserve Divisions should be stationed at Pishin to supplement the forces at Kandahar. The Government of India, on Primrose's advice, considered such a measure unnecessary and turned down the suggestion. "I submit that enquiries should be made," Fergusson demanded to Hartington, "why forces at Kandahar were so weak ...".⁴ Hartington had to admit in retrospect that a serious error was made "when the garrison of Kandahar and its reserves were decided upon."⁵ Apparently the British

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- (1) Fergusson to Hartington, 11th Sept. 1880. F.C.
 - (2) Adjutant Gen. to military Secy. Govt. of I. no.5331-A, 25th Sept. 1880. Military Proc. Govt. of I. Oct. 1880
 - (3) Fergusson to Hartington, 21st Nov.1880. F.C.
 - (4) Fergusson to Hartington, 27th Oct. 1880. F.C.
 - (5) Hartington to Fergusson, 1st Oct. 1880. F.C.

indifference towards adequate defence arrangements was due to their complacency at the political situation at Kandahar. Unlike Kabul, Kandahar remained always peaceful and the Kandaharis seemed to have graciously accepted the Wali as their titular head. In the prevailing normal conditions at Kandahar nobody really believed that Ayub or any other Afghan adventurer would undertake an immediate invasion. Ayub's victory in the battle of Maiwand and the subsequent rising of the people in his favour abundantly demonstrated that the British assumptions had no foundation. Thus the lack of political foresight on the part of the authorities in India was a determining factor behind the British reverses in South Afghanistan.

Obviously the man on the spot was primarily responsible for the failure in evaluating the situation at Kandahar. Col. St. John, British Resident at Kandahar, could hardly have furnished a true picture of the dispositions of the Kandahari people. Burrows complained about the insufficient information supplied by the Resident and the unfriendly country in which the troops were moving - a fact which was not previously known to him.¹ Sandeman wrote in his memorandum on Kandahar:

(1) Fergusson to Hartington, 21st Nov. 1880. F.C.

"It was wellknown that the whole of the surrounding country, in addition to the Wali's dispersed army took part in the battle of Maiwand."¹ A.C. Lyall, Secretary, Foreign Department, Government of India, reported after an inspection of Kandahar in November, 1880 that the whole province took arms against the British and "every man of influence of the Durrani tribe, who were the majority of Kandahari population, had joined the rising in support of Ayub." Sher Ali had failed to establish his authority over the country and he was thoroughly unpopular due to his association with the English. Lyall remarked: "Our alliance seems to have been damaging to both the parties. The Wali suffered the odium of adhering to foreigners and infidels and we became responsible both for his unpopular civil administration and for his political antagonism to the late ruling family."² There was constant correspondence between Ayub and the leading men at Kandahar which encouraged him to attempt to expel the English and the Wali. Thus with the approach of Ayub the Wali's authority rapidly collapsed. The popular support behind Ayub was so great that even the siege of Kandahar garrison was largely undertaken by the Ghazees and armed peasantry. Kandahar in fact became "a nation at arms" on a small scale. The precarious nature

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- (1) Memo of Sir R. Sandeman on Kandahar, 31st Oct. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no 12, 26th Jan.1881. Pol. & Sec. Letters to I.
- (2) Memo. of A. Lyall on Kandahar, Nov.1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no.12, 26th Jan.1881. Pol & Sec. Letters from I.

of Sher Ali's rule and the degree to which Ayub's advance was politically dangerous were not seriously treated by the Government of India. Fergusson admitted that to a large extent the debacle at Maiwand was due to lack of intelligence as regards the political condition of the country.¹ On the whole, the responsibility for the defeat of Maiwand must be shared by all who were in charge of the Afghan affairs in India. Everyone so persistently believed that Ayub would not advance from Herat towards Kandahar that no timely measure was taken for reinforcing Kandahar. Ayub's strength was underrated and the political significance of his advance underestimated by all responsible persons from St. John to Lyall, from Fergusson to Ripon and from Primrose to Haines.

The battle of Maiwand was the central event in the Afghan settlement of Ripon's Government and, directly or indirectly, it decided some of the complicated issues of the Anglo-Afghan relations. The defeat of Maiwand and the difficulty of sending troops from Sind to Kandahar via Baluchistan forced the Government of India to determine the despatch of a strong force from Kabul under Roberts.

(1) Fergusson to Hartington, 22nd Oct. 1880. F.C.

Simultaneously, Stewart pressed for the wholesale withdrawal of British troops from Kabul . He probably feared that any further delay in British withdrawal might result in their being involved in new complications. The Viceroy supported the proposal and on 6th August, 1880 the home authorities approved of the measure. On 11th August Stewart's army left Kabul for Peshwar. The troops reached Peshwar on 7th September without firing a single shot during their return march.¹ The peaceful withdrawal of the British troops from North Afghanistan - an important object of liberal Afghan policy - was thus safely completed.

The battle of Maiwand also ended the Kandahar deadlock and reopened the question of its future for a final decision. Ayub's invasion at last afforded Ripon and the liberal cabinet at home with an opportunity to break through the embarrassing status quo at Kandahar. Ripon wrote to Gladstone that Lytton had entered into engagements with Sher Ali which threatened at first to be extremely disconcerting. He continued: "From these engagements we were relieved by Ayub Khan's invasion of South Afghanistan. Sher Ali's power collapsed at once and it was demonstrated to the world that he had no hold whatever upon the country over which Lord Lytton had set him to govern."²

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- (1) The Second Afghan War, 1878-80 official account, 1907, p. 421.
 (2) Ripon to Gladstone, 22nd Oct. 1881. Printed R.P.

The two representatives of the Government of India completed an on the spot enquiry and came to unfavourable conclusions about Sher Ali. Sandeman, the Governor General's agent at Quetta, thought that "Sher Ali was unanimously rejected by the people as their ruler." He maintained that in continuing the unpopular rule of Sher Ali the British Government would be certain to invite greater troubles in future. Sher Ali was no friend of Abdur Rahaman and he was proved to be so weak and Ayub so popular that sooner or later Kandahar would evidently fall in the hands of Ayub. The Amir of Kabul then must face Ayub and Sher Ali jointly and should the result of such a contest prove fatal the English would destroy their work in Afghanistan through their own acts.¹ Lyall supported Sandeman's observations in his report on Kandahar. He felt that if Sher Ali were retained, the English were bound to protect him guarding the frontiers and interfering in the domestic administration. Such virtual British protectorate over Kandahar would be contrary to the wishes of the Kandaharis and to the satisfaction of the ruling Amir at Kabul.²

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- (1) Memo of Sir R. Sandeman on Kandahar, 31st Oct. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 12, 26th Jan. 1881. Pol. & Sec. Letters from I.
 - (2) Memo. of A. Lyall on Kandahar, Nov. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 12, 26th Jan. 1881. Pol. & Sec. Letters from I.

These reports indicated that Sher Ali's fate as the ruler of Kandahar was virtually sealed. Fergusson foreshadowed such an outcome following the disaster at Maiwand and promptly shifted his stand on Kandahar. "We can not perpetually sustain Sher Ali or any other nominee", he wrote to Hartington, "who only exists by our bayonets."¹ He revealed views which were soon to be assumed by all exponents of a forward North West frontier. "I have certainly conceived", he announced, "that annexation of [of Kandahar] would be preferable to upholding a ruler only existing through our presence..."² Fergusson felt that if the British Government remained at Kandahar without showing any weakness the Kandaharis would submit to their authority. But if the British unwisely took up again a broken tool like Sher Ali "they would have Afghans down upon them."³ In the denunciation of Sher Ali following the battle of Maiwand the adherents and adversaries of the liberal Afghan policy behaved alike. Lord Napier of Magdala considered the retention of Sher Ali would be "the worst arrangement."⁴ Sir H.C. Rawlinson believed that Sher Ali had shown himself thoroughly incapable and thus "convicted us

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- (1) Fergusson to Hartington, 19th Nov. 1880. F.C.
 - (2) Fergusson to Hartington, 13th Aug. 1880. F.C.
 - (3) Fergusson to Hartington, 19th Nov. 1880. F.C.
 - (4) Pol. & Sec. Dept. Memo. Note on Kandahar, Lord Napier of Magdala, 12th Oct. 1880. No.41.

of a gross blunder in placing him in power."¹ Members of the Viceroy's council like W. Stokes and Rivers Thomson agreed that Sher Ali was "weak and incompetent."² To E. Baring, a supporter of the "back to Sind frontier" School, Sher Ali's rule over Kandahar was equally distasteful. The home authorities were only too eager to accept this universal condemnation and the Secretary of State pronounced: "... it can not possibly be held... that our interests or those of the inhabitants can be served by his [Sher Ali's] restoration."³ Sher Ali himself hardly had any doubt about his own bleak future and so requested the Resident at Kandahar to permit him to retire to India. Lyall had little difficulty in persuading Sher Ali to quit Kandahar. On 30th October, 1880 Sher Ali expressed to the Viceroy his wish to to to Karachi with his family and Ripon readily accepted the proposal.⁴

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- (1) Pol. & Sec. Dept. Memo. On Kandahar, Sir H.C. Rawlinson, 25th Sept. 1880. No.40.
 - (2) Minutes of the members of the Viceroy's Council. Encl. to Desp. Govt. of I. to S of S. Sec. no.35, 21st Feb.1881
Pol & Sec. Letters from I.
 - (3) Desp. S. of S. to Govt. of I. Sec. no.45, 11th Nov.1880.
Pol. & Sec. Letters to I.
 - (4) Desp. Govt. of I. to S. of S. Sec. no.3, 12th Jan.1881.
Pol & Sec. Letters from I.

Ripon's Government was thus relieved of Lytton's liability.¹

In these circumstances the Kandahar question assumed a different significance. As long as Sher Ali maintained a tottering position the Lyttonites like Fergusson had insisted on honouring the solemn pledges to him. But the moment Sher Ali's weaknesses were demonstrated by Ayub's invasion, the Lyttonite slogan for maintaining the status quo at Kandahar was reversed into a clamour for the annexation of Kandahar. The question became whether to restore Kandahar to Kabul for strengthening the unity of Afghanistan or to annex it to British India as a prize of Britain's imperial exertions. The Kandahar issue was excitedly discussed by the opposite groups in the India Council, in the Viceroy's Council and in Parliament but the arguments generally ran on conventional lines. The representatives of the Forward School attempted to assert their pet arguments in favour of the annexation of Kandahar. Politically, it was argued, the annexation of Kandahar

(1) S. Gopal in his book "The Viceroyalty of Lord Ripon", 1953, found a blemish on Ripon's Afghan policy with regard to his treatment of the Wali and concluded that Sher Ali's abdication did not add to Ripon's reputation. (p.29.) However, in view of the dilemma between the observance of Lytton's commitment to the Wali and the liberal policy of creating a friendly Afghanistan comprising Kandahar, Ripon could not possibly disregard Sher Ali's weakness and unpopularity. In fact a reconsideration of the British support to Sher Ali after Ayub's invasion was the only course open to a liberal Viceroy.

would mean a greater English control over the Amir which was essential in view of Russian movements near Afghanistan and future Russian aggression on India. The occupation of Kandahar was thus considered "an insurance against the risk of a very serious nature."¹ Militarily, Kandahar's strategic position, guarding the routes to Kabul, Herat and Ghazni was believed to be most suitable for an advanced British frontier line. Commercially, it was stated that Kandahar commanded the trade routes between India and Central Asia and that under an efficient British administration it would prove to be a financial asset. Besides, it was pointed out that the Durrani people of Kandahar had always resented their subjection to Kabul and as Fergusson believed, a hasty withdrawal from Kandahar would leave the friends of the English at the mercy of the vengeful Afghans.²

Those who favoured the restoration of Kandahar to Kabul were equally emphatic. Politically, they argued, the Kandaharis would not accept the rule of a power alien in race and religion. They recalled that when the expeditions against the late Amir Sher Ali were undertaken, it was declared that the British had no quarrel with the Afghan people - a promise which should not be ignored by imposing British rule on

(1) Minute by R. Thomson, 24th Feb. 1881. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 40, 28th Feb. 1881. Pol. & Sec. Letters from I.

(2) Fergusson to Hartington, 13th Aug. 1880. F.C. There is no evidence to show that Hartington referred to Fergusson's views to the Cabinet. Northbrook, who wrote a memorandum opposing the retention of Kandahar and Pishin, made no reference to Fergusson. (Memo. by Northbrook, 15th October, 1880, P. R. O. CAB. 37/3, no. 59.)

unwilling people.¹ The strategic value of Kandahar was questioned,² and it was pointed out that the defence of Kandahar depended on a further extension of the frontier line. The home authorities dealt a severe blow to Russophobia by stating that they did "not admit that the Russian military positions existing some hundred miles nearer to the North West frontier of India constitute in itself any great danger from that quarter. " They refused to believe that the Russian advance in an unproductive and unhealthy region would give Russia any position of strength from which she could venture "the gigantic task of invading India."³ However, the soundest objection to the annexation of Kandahar was its expenditure. According to the military authorities 6000 British troops and 15000 sepoy would be required to garrison Kandahar adequately. It would cost £1,000,000 annually, excluding the expenditure on barracks and other fortified posts. The revenue of the Government of India in 1880-81, though it exceeded the ordinary expenditure of 1879-80, resulted in a deficit of £1,183,000 after meeting war expenditure of £6,125,000.⁴ The finance member of the Government of India, Baring, pointed out the uncertain state of the Indian

(1) Desp. S. of S. to Govt. of I. Sec. no.45, 11th Nov.1880. Pol. & Sec. Letters to I.

(2) Minute by Gen. D. Stewart, 31st Jan.1881. Encl.to Desp.Govt. of I. to S. of S. Sec. no. 35, 21st Feb. 1881. Pol.& Sec. Letters to I.

(3) Desp. S. of S. to Govt. of I. Sec. no.45, 11th Nov.1880. Pol. & Sec. Letters to I.

(4) Minute by E. Baring, Feb.19.1881.Encl.to Desp.Govt.of I.to S. of S. Sec. no.40, 28th Feb.1881. Pol.&Sec.Letters from I.

Exchequer in a period of war, famine and fall in the gold value of India's silver rupee. In his opinion "it would be in the highest degree unwise to take any steps which would have for their result a large increase of expenditure of a wholly unproductive nature."¹ The surplus revenue of Kandahar was negligible and Col. St. John estimated the total revenue of the province for 1880-81 at Rs. 2,050,000 and expenditure Rs. 1,450,000 leaving a surplus of only Rs. 600,000.² After taking a stock of the commercial advantages of Kandahar, Baring prepared a table

	<u>1877-78</u>	<u>1878-79</u>	<u>1879-80</u>
Imports from Kandahar	Rs.1,829,000	Rs. 1,478,000	Rs.1,403,000
Exports from India	Rs.1,355,000	Rs. 1,351,000	Rs.2,792,000

From these figures it was not difficult to assume that even after enlightened British administration, the indirect financial advantages derived from this account could never counterbalance the direct disadvantages of the expenditure which would be the result of permanent occupation. Thus retirement from Kandahar was forced upon the British Government on financial grounds.³ The Secretary of State in his despatch of 11th November 1880 conveyed to the Government of India the firm decision of the home authorities that Kandahar would be restored to the dominions of Afghanistan.⁴

(1) Minute by E. Baring, 19th Feb, 1881. Encl. to Desp. Govt. of I. to S. of S. Sec. no.40, 28th Feb. 1881. Pol. & Sec. Letters from I.

(2) Ibid.

(3) Ibid.

(4) Des. S. of S. to Govt. of I. Sec. no.45, 11th Nov. 1880. Pol & Sec. Letters to I.

The evacuation of troops from Kandahar was eventually announced in the Queen's speech at the opening session of Parliament in 1881. The declaration roused a storm of remonstrances among the Lyttonite members of the Viceroy's council. They regretted that, the decision was taken by overruling the Viceroy's council, "who were strenuously opposed to it."¹ Strangely, Fergusson's reactions were not altogether remonstrative. He even admitted that the relinquishment of Kandahar would relieve India from "heavy expenditure."²

With the conclusion of the Kandahar controversy, Ripon's formula of a Pishin compromise matured. It was zealously argued by authorities like Sandeman that Pishin and Sibi were not truly Afghan territories. Sandeman based his conclusion mainly on two grounds. Politically, he considered the districts independent as the Afghan Amir had had no hold over them for nearly a century. Besides, he argued that ethnologically the inhabitants of Pishin and Sibi were distinct from the Afghans.³ Both these findings of Sandeman were, however, disputable. Lytton and his frontier officers

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- (1) Minute by W. Stokes, 31st Jan. 1881. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 35, 21st Feb. 1881. Pol. & Sec. Letters from I.
 - (2) Fergusson to Hartington, 10th Jan. 1881. F.C.
 - (3) T.H. Thornton, The Life and work of Sir Robert Sandeman, 1895, pp. 167-171.

(including even Sandeman) had at different times admitted that Pishin and Sibi formed a part of the Afghan Kingdom.¹ The experts agreed that the Pathans of the Indian borderland belonged to the same ethnological group as the Pathans of Afghanistan.² So the retention of Pishin and Sibi could only be demanded as a matter of policy and political expediency and not by disproving the Afghan claim to them. Ripon was suspicious about the real disposition of Amir Abdur Rahaman and was in favour of retaining Pishin and Sibi as the strategic position from which the English could control him.³ Besides, Ripon thought that a sudden and complete return to the old Sind frontier would lead in future to a dangerous reaction towards an extreme forward movement.⁴ The strategic consideration in fact led Ripon to favour a compromise with the forward views contrary to the settled liberal policy of maintaining an indivisible Afghanistan. Surprised at Ripon's deviation, Lord Northbrook wondered if the Viceroy was overwhelmed by Ly^ttonite influence.⁵ Northbrook's suggestion was probably baseless.

(1) D.K. Ghose, England and Afghanistan, 1960, p.23.

(2) W.K. Fraser-Tytler, Afghanistan, 1950, p.48.

(3) Ripon to Hartington, 11th Sept. 1880. Cited in Wolf, Ripon, vol 2, p.38.

(4) Ripon to Hartington, 25th Oct. 1880. Cited in Wolf, Ripon, vol. 2. p.39.

(5) Northbrook to Ripon, 22nd Sept. 1880. Printed R.P.

but the Gladstonians were not always less concerned than the Disraelians with the security of ^{the} Indian empire.

The believers in a forward policy were only too glad to support Ripon's stand, for if they could have a frontier as far advanced as Pishin, their failure in retaining Kandahar would be handsomely compensated. In Fergusson's opinion the retirement from Kandahar might somehow be defensible from financial and political points of view but such was not the case with Pishin and Sibi. He felt that the retirement from the assigned districts would be dangerous to British safety, injurious to British reputation and contrary to good faith. He carefully sounded Ripon : "My opinion may have little weight.... But I hope it is such as you approve and I am mistaken if it is not."¹ To Hartington he wrote : "I understand that the evacuation of Kandahar is determined on. You know my opinion but I daresay that we shall do very well with some such frontier as Pishin."² Hartington seemed to remain unwavering when he informed Fergusson that the retention of Pishin and Sibi might have powerful advocates in India but none in his Council.³ In fact important exponents of the Forward School like Rawlinson, General Biddulph and Sir R. Temple considered

(1) Fergusson to Ripon, 11th Jan, 1881. R.P.

(2) Fergusson to Hartington, 4th Dec. 1880. F.C.

(3) Hartington to Fergusson, 10th Dec. 1880. F.C.

Pishin as strategically a poor alternative to Kandahar and financially "prodigiously costly."¹ But they could not foresee that the chances of a forward frontier at this point depended upon the disagreement between the Viceroy and the home authorities. Fergusson lost no time in strengthening Ripon's hand and spared no opportunity to convince Hartington.

Strategically, Fergusson pleaded with Hartington, Pishin and Sibi afforded the best frontier line for the British in India. The places were situated on the Amaran range between Kandahar and Baluchistan and the inhabitants were friendly and cooperative with the British.² Besides, he was of the opinion that the construction of a railway between Quetta and Harnai, 60 miles north of Sibi along with roadways would render frontier communications advantageous and trade flourishing in the region. With a position at Pishin valley Fergusson had no doubt that the British would "at all times be ready to advance into South Afghanistan if unhappy occasions demand."³ A frontier was invincible if it was guarded by a natural barrier like the Amran range. Thus the withdrawal from Pishin and Sibi would mean, according to Fergusson, the loss of the natural

(1) Pol. & Sec. Dept. Memo. On Kandahar, Sir H.C. Rawlinson, 25th Sept. 1880. No.40.

(2) Fergusson to Hartington, 10th Jan. 1881. F.C.

(3) Ibid.

barrier and would open Baluchistan to apprehensions of aggression. In view of the rapid Russian strides in Central Asia the abandonment of Pishin might involve in future even the abandonment of Quetta and Baluchistan. To Fergusson the significance of the retention of Pishin valley lay not in the occupation of a part of South Afghanistan but in ensuring the safety of Baluchistan, where the British had "the gains of pacification, influence and to a great extent actual administration."¹

To Fergusson the moral and political objections to the British withdrawal from Pishin valley were no less important than the strategic consideration. The tribes of Pishin and Sibi, nominally under the rule of the Afghan Amirs, enjoyed little protection and yielded uncertain support to the Amirs. "But under the faith of our protection, which can be shown to have been solemnly promised," Fergusson pointed out to Hartington, "the tribes for the most part had given important and open assistance to us ."² Under this circumstance, Fergusson felt that if the British decided to abandon them, the Afghans would oppress the tribes to the extreme^e for helping the British. "No greater disgrace would ever have fallen upon the English name than the ruin and misery of their friends."³

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- (1) Fergusson to Hartington, 10th Jan, 1881. F.C.
 - (2) Ibid.
 - (3) Ibid.

Fergusson however, never questioned the validity of the Afghan claims to Pishin valley. He even suggested that if the annexation of the districts was "inconsistent with our full cession to the Amir of his family possessions, it would be easy to undertake to collect and remit to him the surplus revenue after the cost of administration has been paid."¹ Neither Ripon nor Sandeman, the staunchest advocates of the retention of Pishin and Sibi, could offer better arguments in support of their stand than those given by Fergusson.

The home authorities in their turn considered the retention of Pishin and Sibi as virtual annexation and their possession as an involvement of the Government of India in all Afghan complications. The Secretary of State deprecated "any alternative policy" other than that which Her Majesty's Government declared in May 1880.² The announcement stirred up loud protests in India. All the members of the Viceroy's Council, with the exception of Baring, insisted on the wisdom of the retention of Pishin and Sibi. St. John and Sandeman, the experts in local affairs talked loudly about the achievements of the British administration over the tribes for three years and about "the pledges to the inhabitants" of

(1) Fergusson to Hartington, 10th Jan. 1881. F.C.

(2) Desp. S. of S. to Govt. of I. Pol. no. 40, 3rd Dec. 1880. Pol. & Sec. Letters to I.

Pishin and Sibi. Ripon's Government on 2nd February, 1881 informed the Secretary of State that their position at Pishin, militarily and politically, differed so much from Kandahar that the time of the relinquishment of Pishin should not coincide with the time of the withdrawal from Kandahar. So they suggested that their present hold over the assigned districts should continue and that "the assignment shall be given up at a later date."¹ Meanwhile Ripon sent Sandeman as his emissary to England to put pressure on the home government as to the necessity of reversing their decision. The Pishin issue thus became an interesting combat between the Government of India and the home authorities resulting in the Viceroy having his way. The despatch of the Secretary of State of 29th April, 1881 determined the postponement of British withdrawal from Pishin and Sibi.² The decision was firmly opposed in the India Council by Sir E. Perry, Sir F. Halliday and Sir H. Maine. They foresaw the annexation of these two places in the name of so called "postponement of withdrawal." Perry remarked: "If we do not restore Pishin to Afghanistan now, we never shall."³ The prophecy was proved to be correct.

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- (1) Desp. Govt. of I. to S. of S. Sec. no. 21 2nd Feb. 1881 Pol. & Sec. Letters from I.
 - (2) Desp. S. of S. to the Govt. of I. Pol. No. 20, 29th April 1881. Pol. & Sec. Letters to I.
 - (3) Minute by Sir E. Perry, Sir F. Halliday & Sir H. Maine, 29th April, 1881. Encl. to Desp. S. of S. to Govt. of I. Pol. no. 20, 29th April, 1881. Pol. & Sec. Letters to I.

In April, 1882 the British agent at Kabul, Sirdar Afzal Khan was instructed by the Government of India "not to encourage the Amir of Afghanistan in any way to believe that the Government intends to withdraw from Pishin or Sibi."¹ In 1883 Thal Chotiali and Harnai were added to the assigned districts, In 1884 the railway works for the line between Quetta and Harnai, suspended in 1880, were resumed. Finally, in 1887 by a resolution of the Government of India, the places were incorporated within the British Territory under the name British Baluchistan.

Thus the high hopes of a liberal Afghan settlement received a setback over the future of Pishin and Sibi and the urge for imperial security finally triumphed over liberal conscience. The integration of Afghanistan remained incomplete even after Abdur Rahaman's success in recovering Herat from Ayub in September, 1881. Ripon's Afghan settlement as it stood in 1881 closely resembled what Lytton had achieved by the abrogated treaty of Gandamak in 1878. Essentially, both arrangements ran on "Forward" lines with the frontier extending as far as Pishin valley. As a Lyttonite, Fergusson was obviously happy at the ultimate outcome. He was satisfied that the British hold over the Amran range would "greatly mitigate

(1) Instruction for British Agent at Kabul, 17th April, 1882. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 67, 14th July, 1882. Pol & Sec. Letters from I.

the moral and material consequences of the loss of Kandahar."¹

Further, the campaigns in South Afghanistan in 1880 affected relations between the Government of Bombay and the Supreme Government and brought forward a heated discussion over Presidential commands and the Indian Army reorganisation. After Stewart's departure from Kandahar the garrison there was entirely commanded and manned by officers and men of the Bombay Army. In the line of communications between Quetta and Kandahar the army posts were chiefly composed of Bombay men and commanded by Phayre of the Bombay Army. The Government of Bombay was also responsible for transport, supply and furnishing reinforcement. The Commander in Chief of India, was, however, the final authority over all these arrangements, though it can hardly be doubted that the army in South Afghanistan was in practice the divided responsibility of the Government of Bombay and the Government of India. Under such dualism of authority it was only natural that co-ordination in some cases would be difficult and misunderstandings frequent.

Early in July, 1880 Ripon complained to Fergusson about a misunderstanding between Phayre, commanding the troops in the line of communication, and Sandeman, holding the political

(1) Fergusson to Hartington, 11th May, 1881. F.C.

charge of Quetta, Pishin and Sibi.¹ In his turn Fergusson was found to be complaining against the Railway Department of the Government of India delaying supply arranged by the Government of Bombay for the line of communications.² In order to remedy the unpopularity of service in Afghanistan among the sepoys the Government of Bombay asked for the return of some of their regiments from South Afghanistan.³ The military authorities of the Government of India could not approve this measure, especially when South Afghanistan was in such an unsettled state. The Military Department of the Government of India asked the Government of Bombay in May, 1880 to reinforce the Kandahar garrison though only a small detachment actually arrived there after the defeat of Maiwand.⁴ There were frequent allegations on the part of the Supreme Government that the Commander in Chief of Bombay, General Warre, was constantly meddling in the arrangements of Bombay troops employed in the South Afghanistan. Fergusson admitted that General Warre was "a fussy injudicious man" who always ran himself into trouble with the Government of India.⁵ Ripon's

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- (1) Ripon to Fergusson, 8th July, 1880 F.C.
 - (2) Fergusson to Hartington, 14th May, 1880. F.C.
 - (3) Fergusson to Ripon, 26th Oct. 1880 R.P.
 - (4) Desp. Govt. of I. to S. of S. Sec. no. 219, 12th Oct. 1880 Pol. & Sec. Letters to I.
 - (5) Fergusson to Hartington, 20th Aug. 1880. F.C.

Government instructed the officers in South Afghanistan not to communicate directly with the Government of Bombay. Fergusson protested against this order on the ground that his Government might thus be uninformed of much that in the public interest they ought to know promptly.¹ Soon indiscretion with regard to military information further strained the relations between the two authorities. Following the Maiwand disaster Primrose sent a telegram from Kandahar to Bombay informing Fergusson that Burrows's brigade was entirely "annihilated". Fergusson, without informing the Viceroy, conveyed the message to the Secretary of State on the plea that the home authorities should not hear it from private sources.² Hartington after receiving the erroneous news, lost no time in breaking it to Parliament, and this shocked the whole nation. Ripon sharply protested to Fergusson and pointed out that in the context of the delicate political situation of Afghanistan, an alarming announcement like that might have produced serious evils and upset well-laid plans. 3 "We must be careful, " he wrote to Fergusson, "not to find ourselves in seeming contradictions in consequence of

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- (1) Fergusson to Ripon, 23rd Aug. 1880. R.P.
 - (2) Fergusson to Ripon, 6th Aug. 1880. R.P.
 - (3) Ripon to Fergusson, 1st Aug. 1880. F.C.

the double relations of the Bombay troops in Afghanistan."¹ Again, General Warre, without previous sanction of the Supreme Government injudiciously authorised the telegram of St. John containing the first authentic news about Maiwand to be communicated to a newspaper.² Similar instances of leakage of army information to the Bombay Gazette were complained of by Ripon.³ The Government of Bombay meanwhile was grumbling against the Supreme Government on the question of financing the supplies for the army. Fergusson felt that the amount proposed and sanctioned for the small occupying force at Kandahar could not suffice when that force was joined by the relieving forces.⁴ Besides, Fergusson thought that the Government of India should not be too rigid with the Government of Bombay in reviewing the prices paid for the supplies. "Neither men nor animals... can be procured at peace prices at times of war."⁵

The relations between the Government of Bombay and the Supreme Government were rudely shaken on the issue of the military responsibility for the defeat of Maiwand. Ripon believed that the defeat of Burrows's brigade was "the result of a singular accumulation of incompetent officers to whom the command of the army had been entrusted under the

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- (1) Ripon to Fergusson, 13th Aug. 1880.
 - (2) Fergusson to Ripon, 6th Aug. 1880. R.P.
 - (3) Ripon to Fergusson, 11th Sept. 1880. F.C.
 - (4) Fergusson to Hartington, 21st Nov. 1880. F.C.
 - (5) Fergusson to Ripon, 14th Aug. 1880. R.P.

Existing anomalous and mischievous system by the Bombay Government."¹ ~~The~~ "mischievous system" Ripon referred to was the Presidential system of the Indian army, by which four distinct armies existed, in Bengal, Bombay, Madras and Punjab, theoretically under the supreme control of the Governor General in Council but practically under four local governments and commanded by local commanders in chief. The cowardly behaviour of the cavalry and a part of the infantry at Maiwand, the panic among officers and the misconduct of officers while retreating pained Ripon to the extreme. To Northbrook he wrote: "The account which White, my Military Secretary, gives of the state in which Roberts's force found the garrison of Kandahar is lamentable and I am afraid that it is clear that the Bombay troops are very poor stuff indeed."² Roberts in fact was struck by the tone of depression that pervaded the British at Kandahar.³ The officers showed a want of confidence in their ability to resist attack and the morale of the larger portion of troops had fallen very low when he reached Kandahar to rescue them. He described the humiliating picture of a British General having abstained from hoisting the British flag upon the citadel of Kandahar for fear that it would excite Ayub to attack.⁴ For overall

(1) Ripon to Gladstone, 22nd Oct. 1881. Printed R.P.

(2) Ripon to Northbrook, 21st Sept. 1880. Printed R.P.

(3) Roberts to Adjutant Gen. 18th Sept. 1880. Military Proc. Govt. of I. Feb. 1881.

(4) Ibid.

failures Primrose was removed from Kandahar command, Burrows was forbidden to resume his command and General Nuttall, Col. Malcolmson and Major Currie were found guilty of cowardice and gross misconduct. Thus the Bombay army stood dishonoured in the light of the enquiries held after the battle of Maiwand. The culmination of these findings was a severe censure passed by the Government of India on the Government of Bombay. In October, 1880 Ripon's Government decided that the Kandahar command should no longer be exercised by a General of the Bombay army. General Hume of the Bengal army was soon appointed the commanding officer at Kandahar. The Government of India further proposed a reconstitution of the military staff at Kandahar and in the line of communication. Supply and transport arrangements were also taken away from the care of the Government of Bombay and were entrusted to the Military Department of the Government of India.¹ These steps were sufficient to indicate that the Supreme Government held Fergusson's Government responsible to a considerable extent for the mismanagement of affairs in South Afghanistan and for the Maiwand disaster.

(1) Secy. Military Dept. Govt. of I. to Adjutant Gen. no. 8751-K 18th Oct. 1880. Military Proc. Govt. of I. Feb. 1881.

Fergusson conceded that the show of the Bombay troops at Maiwand was disgraceful but not wholly unusual. "The best British troops, under-officered, ill-placed and outnumbered", according to Fergusson, "could make as disgraceful an exhibition as the Bombay troops did at Maiwand."¹ He further accepted the proved incompetence of some of the senior officers of the Bombay army. In his opinion Primrose was "unfit" for command at Kandahar.² He sympathised with Burrows but always maintained that Maiwand was, to a considerable extent, lost by bad tactics.³ Fergusson, however, was opposed to the denunciation of the rank and file of the Bombay troops. Even the Supreme Government had to admit that the Bombay sepoys proved themselves equal in withstanding the hardship of the campaigns to Pathans, Baluchis, Sikhs and Gorkhas.⁴ In Fergusson's opinion such excellent Bombay troops should not be looked down upon on account of the failure of some of their officers. To him Ripon's decision to alter arrangements at Kandahar constituted "an unmerited disgrace on account of a single failure" upon an army which had done

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- (1) Fergusson to Gen. Phayre, 17th Oct. 1880. F.C.
 - (2) Fergusson to Hartington, 20th Aug. 1880. F.C.
 - (3) Fergusson to Goschen, 15th Oct. 1880. F.C.
 - (4) Desp. Govt. of I. to S. of S. Military, no.40, 26th Jan. 1881. Military Letters from I.

good service in the past.¹ As was natural, Fergusson resented the appointment of Hume at the head of the Kandahar garrison and "the bad way of setting aside" the Government of Bombay, "No greater censure was ever passed", he commented, "upon a constitutional government and an army." To Hartington he explained that there had been failures of command in other parts of the world but the same army, to which the unsuccessful General belonged, had furnished his successor.²

Fergusson's Government strongly remonstrated against the Government of India for marking "an indelible stigma on the fair name of the Bombay army." They pointed out that the strength and disposition of the British forces in South Afghanistan ^{were} ~~was~~ decided by the Government of India, and that no other authority should be held responsible. Concerning the quality and selection of officers, Fergusson's Government attempted to evade their responsibility by stating that officers like Primrose were the automatic choice by virtue of their seniority. However, they admitted that "there was some difficulty in procuring supplies and transport animals" when Phayre's troops were mobilised and

(1) Fergusson to Hartington, 27th Oct. 1880. F.C.
 (2) Ibid.

Roberts's troops arrived at Kandahar, but "nothing possible was left undone."¹ The Government of India replied that in view of the practical inconveniences resulting from the control of ^{the} Bombay Government over a part of the forces in Afghanistan they merely systematised arrangements.² As regards the appointment of Hume, Ripon reminded Fergusson that the selection of commanding officers rested solely with the Government of India. He commented: "It does not seem to me that you have locus standi for a protest."³ To the Secretary of State Ripon's Government characterised Bombay's charge of undermining their army by the Government of India as "unreasonable and mischievous."⁴ It is unnecessary here to attempt to investigate the respective responsibilities of the two governments in creating bitterness. The fact was that the relationship between the Government of India and the Government of Bombay was badly strained by October, 1880 and neither showed any inclination to improve it.

Ripon was conscious that the removal of Primrose or the reorganisation at Kandahar would not settle some of the

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- (1) Secy. Military Dept. Govt. of B. to Secy. Military Dept. Govt. of I. no. 6248, 29th Oct. 1880. Military Proc. Govt. of I. Feb. 1881.
 - (2) Secy. Military Dept. Govt. of I. to Secy. Military Dept. Govt. of B. no. 2-c, 17th Nov. 1880. Military Proc. Govt. of I. Feb. 1881.
 - (3) Ripon to Fergusson, 27th Oct. 1880. F.C.
 - (4) Desp. Govt. of I. to S. of S. Military. no. 515, 22nd Dec. 1880. Military Proc. Govt. of I. Feb. 1881.

important issues raised by the late campaign in Afghanistan. The foremost of these questions was the future of the existing system of separate Presidential commands. To Northbrook he declared that when he first came to India he was favourably inclined towards the Presidential system of the army. "But I must say that the experience of the last two months has greatly modified my opinion."¹ Ripon was convinced that the marked inferiority of the Bombay troops, the slackness of their discipline, the contempt into which they had fallen with "good Bengal troops" and the delay and friction which had arisen from the double administration seemed to render a searching examination of the faults of the Presidential system imperative.² The Viceroy was even not unwilling to enter into an acrimonious controversy over the performance of the Bombay Government and their army, though personally he thought it wise "to wash our dirty linen in private."³ He was not in favour of casting the whole responsibility on the idiosyncracies of the individuals. Ripon wrote: "It would

(1) Ripon to Northbrook, 3rd Oct. 1880. Printed R.P.

(2) Ibid,

(3) Ripon to Sir E. Perry, 27th June, 1881. Printed R.P.

be unjust and untrue to cast the whole blame upon either General Warf're or members of the Bombay Government. The difficulties were the consequences of an organisation which produced a system of double government and double administration fraught with most serious possibilities of evil".¹ Without exaggerating the weakness of the Bombay army, Hartington felt that it would be necessary to consider seriously the question of the organisation of the army.² That the Indian army organisation needed certain recasting Fergusson hardly had any doubt but he threw hints out in a different direction. To Hartington he wrote that the Maiwand disaster was "another cogent illustration" of the failure of the British officers to lead their regiments and to inspire the regimental esprit de corps.³ Thus when the recent sad memory of the campaigns of South Afghanistan led Ripon to think in terms of reforming the system of army commands, it led Fergusson to enquire about the defects of officering the Indian army. Though different, both were questions of the hour.

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- (1) Ripon to Duke of Cambridge, 21st April, 1881. Printed R.P.
 - (2) Hartington to Fergusson, 1st Oct. 1880. F.C.
 - (3) Fergusson to Hartington, 6th Aug. 1880. F.C.

In July, 1879 the Government of India had appointed an Army Commission, in consequence of the financial condition of the country rendering it necessary to effect extensive reduction in army expenditure. The Commission was specially directed to investigate the military organisation and to consider whether the existing arrangement of separate Presidential armies should be sustained.¹ The Commission, presided over by Sir A. Eden, submitted its report to Lytton's Government. Due to a sharp difference of opinion in the Viceroy's Council as to the recommendations to the Commission, no decision was then taken and the report was shelved for some time. The defeat of Maiwand and the mismanagement of the campaigns in South Afghanistan offered Ripon an opportunity to reopen the question. In 1881 Ripon's Government sent home a series of despatches expressing their views on the recommendations of the Army Commission. The Commission recommended that the Presidential armies should be passed from the control of the local government to the direct orders of the Commander in Chief and the Supreme Government. In their opinion the Presidential system of army organisation was "cumbrous and costly."² Ripon's Government were of the opinion that this

(1) Desp. Govt. of I. to S. of S. Military, no.401. 29th Oct. 1881. Military Letters from I.

(2) Ibid.

proposal of the Commission ought to be adopted, as the evil of the Presidential command "has never been more prominently manifested than during the late war," when all the disadvantages were exhibited which might be looked for carrying on a campaign with allied armies without any compensating benefit.¹ Moreover, the Supreme Government, being entirely responsible for finance and largely for administration controlled the army in such a way that the Military Departments of the local governments were in truth "little more than transmitting offices for business." Such a situation should more conveniently come direct to the Government of India. Such centralisation of authority would lead to a more satisfactory relationship between the local governments and the Central Government and the former would be relieved of the more minute control of the latter.² The maintenance of three commanders in chief, separate military departments and other establishments was "unnecessary" and "costly".³ The armies of the minor presidencies were no longer engaged within the presidency limits only but far outside them under the command of the Supreme Government. About the recent experience of a divided command Ripon's

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- (1) Desp. Govt. of I. to S. of S. Military, no.401, 29th Oct. 1881. Military Letters from I.
 - (2) Ibid
 - (3) Desp. Govt. of I. to S. of S. Military, no.336, 9th Sept. 1881. Military Letters from I.

Government stated that serious complications arose "not only from orders given by the Government of Bombay during the war at variance with the orders of the Government of India, but because, on more than one occasion, the orders of the local Commander in Chief conflicted with those given by Sir. F. Haines himself."¹ In view of these considerations the Government of India proposed that the four armies of Bengal, Bombay, Madras and Punjab should be each under a commanding Lieutenant-General who would communicate with the Government of India through the Commander in Chief. The Commander in Chief would remain the highest authority of the four armies, but his link with the Bengal² army should be discontinued.

Hartington invited the opinion of Fergusson on the Army Commission Report of 1879, knowing well that the recommendation for the abolition of Presidential commands would not find much favour in Bombay.³ It was only natural that a Presidency Governor would object to the abolition proposal and would oppose substantial curtailment of his power and prestige.

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- (1) Desp. Govt. of I. to S. of S. Military, no.200, 15th Oct. 1883. Military Letters from I.
 - (2) Desp. Govt. of I. to S. of S. Military, no.336, 9th Sept. 1881, Military Letters from I.
 - (3) Hartington to Fergusson, 9th June, 1882. F.C.

To this was added Fergusson's belief as to the justification of the principle of national division or separation in the Indian army. Such a policy of segregation of the men of different parts of the country would lead them in times of excitement and disturbance to act as checks each upon the other. Thus, to Fergusson, the maintenance of the Presidential commands and not their amalgamation was in conformity with Britain's imperial interest. According to Fergusson the Presidential command was necessary to keep the army of a vast country like India in good order. Without separate establishments in several parts of India, Fergusson concluded, "the army of India would be a cumbrous and unwieldy machine."¹ The decentralisation of command was desirable to ensure the efficiency of the army. The problems of the local army would better be attended by the local government with their knowledge of local affairs than by the Supreme Government situated at a great distance. The Supreme Government in fact should not meddle in the affairs of the local armies. He accused the Government of India of refusal to admit the peculiarities of Bombay Presidency. "They always insist," he wrote to Hartington, "that what is good in Bengal is good and sufficient for Bombay, although circumstances are

(1) Fergusson to Hartington, 3rd July, 1882. F.C.

widely different."¹ As regards the reduction of army expenditure Fergusson felt that the local governments should be allowed larger discretion and control over the military budget. "With this," he remarked, "I anticipate greater economy and efficiency."²

In Fergusson's opinion, if change was at all necessary, it should be effected not in the direction of Presidential command but towards the existing arrangement of officering the native regiments. The existing arrangement of officering was the Staff Corps system. In the readjustment of the Indian army following the upheaval of 1857 European troops in India became a part of Her Majesty's troops. Staff Corps were created in 1861 in order to furnish officers for all native regiments, for staff departments of the army and for other duties outside the scope of ordinary military functions. In all the four army establishments Staff Corps lists were prepared and the British Officers serving previously under the Company as well as those who joined Her Majesty's troops were enlisted. Under Staff Corps regulations an officer with 12 years service would be a Captain, with 20 years service a Major and with 26 years service a Lieutenant Colonel.

(1) Fergusson to Hartington, 3rd July, 1882. F.C.
 (2) Ibid.

In 1866 the home authorities decided in order to render Staff Corps appointments more lucrative than officers serving in the grade of substantive Lieutenant Colonel for 12 years would automatically be entitled to the Colonel's allowance of £670 per annum.¹ So far promotion to the grade of Colonel had depended entirely on the actual vacancies and few could expect Colonel's grade before their retirement. By the decision of 1866, however, every officer of the Staff Corps would be entitled to a Colonel's allowance if he could cling to the service for 38 years. At this prospect nobody would willingly retire. Apart from the increased expenses of the government the situation resulted in an unusual increase of senior officers in the army, burdened with age and devoid of the competence of youth. When the Staff Corps system was originally contemplated it was hoped that it would prove to be an effective device for tapping young British army officers for political and civil duties in India. The Staff Corps officers engaged in civil and political employment always retained their right of reverting whenever they wished to military employment and of promotion by seniority.²

(1) Army Commission Report, 1879, chapt. VIII, p.108. P.P. 1884-85, vol 59.

(2) Ibid.

At the age of 55 when they were considered too old for civil and military duties their services were placed at the disposal of the Commander in Chief of the Presidency and they were eligible for appointment to important commands. This practice of allowing army officers to return to military duties after long periods of absence in civil and political employment was injurious to the efficiency of the service owing to their inevitable incompetence. The practice also inhibited the growth of regimental esprit de corps and loyalty. The Staff Corps system always seemed to Fergusson as "a hideous blunder."¹ Experience of the campaigns of South Afghanistan convinced him that the Staff Corps resulted in the collection of incompetent officers. Fergusson wrote to Hartington: "It [the Staff Corps] has all but destroyed regimental attachment and... resulted in the absurd accumulation of officers of high rank."² The system, according to Fergusson, induced an indifference among officers to the military profession and a widespread desire "to get out of it as soon as it is worth men's while."³ They preferred the civil and political duties while enjoying the benefits of military service. Fergusson felt that such officers, away from military

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- (1) Fergusson to Cranbrook, 4th July, 1881. C.F.
 - (2) Fergusson to Hartington, 3rd July, 1882. F.C.
 - (3) Ibid.

duties, should be relieved in propriety from the military service. "It is no use bringing back to command those people... who ceased to remain soldiers."¹ At a later date Fergusson reiterated this point to Lord Kimberley, the successor of Hartington: "We are wasting money on the officering of the army in a terrible and useless manner. Our present system accumulates officers of high rank and pay, of whom we have little demand and who are actually less fitted for what we require."²

Similar was the reaction of the Commission of 1879 with regard to the Staff Corps system of officering the native regiments. "The Staff corps system has deluged the Indian Army with field officers" and the Staff corps system of promotion was such that it led to "an unusual increase of superior ranks."³ The Commission recommended a substitute arrangement for the Staff Corps by which the officers of each army corps should be formed into a general list, the number of each rank should be strictly limited and promotion in army rank should only take place as vacancies occurred in the rank above. The Commission further proposed compulsory

(1) Fergusson to Hartington, 3rd July, 1882. F.C.

(2) Fergusson to Kimberley, 11th Aug. 1884. F.C.

(3) Desp. Govt. of I. to S. of S. Military, no. 230, 24th June, 1881. Military Letters from I.

retirement of officers electing political and civil appointment.¹ Fergusson wrote to Hartington: "I heartily approve the views of the Commission with reference to the Staff Corps."² The Government of India, however, thought that the scheme recommended by the Commission was so rigid that even if one additional appointment were made, the difficulty would at once arise of determining of what rank the augmentation should be made. Similar difficulty would follow if a department had to be reduced, which would involve a special reconsideration of the whole military establishment of the country. The Government of India, on the other hand, found the Staff Corps system quite flexible. It allowed the needful expansion and contraction of the establishment of officers and afforded all kinds of appointments, political and civil, according to the varied wants of public service in India. If the need of a civil appointment was established an officer was taken from the native army and another officer was brought into the Staff Corps from the British Army. Similarly, if an appointment was reduced an officer remained supernumerary to the establishment until

(1) Army commission Report, 1879, p.113. P.P. 1884-85 vol. 59

(2) Fergusson to Hartington, 3rd July, 1882. F.C.

he was absorbed and consequently one transfer less was effected from the British Army to the Staff Corps than would otherwise be necessary. Though it favoured the Staff Corps, the Government of India conceded that reforms should be introduced in the system regarding the civil and political appointments. In their opinion a staff corps officer in non-military appointment should not be transferred back to military service after 10 years absence.¹ On both the issues of the Presidential command and the Staff Corps the home authorities were in favour of maintaining the status quo and not undertaking extensive changes. In July, 1883 they conveyed to the Government of India their reluctance to give up the policy of segregation of the armies in India on security grounds.² As regards the mode of officering, they were opposed to any departure from the existing system.³ The discussion on the organisation of the Indian army was thus put aside in 1883 but it was not entirely over.

The Russian expansion in Central Asia received a set back with Ripon's settlement in Afghanistan. But as if to make up the lost ground, Russia soon began to push forward her

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- (1) Desp. Govt. of I. to S. of S. Military no. 230, 24th June, 1881. Military letters from I.
 - (2) Desp. S. of S. to Govt. of I. Military no. 243, 26th July, 1883, military letters to I.
 - (3) Desp. S. of S. to Govt. of I. Military, no. 382, 13th Dec. 1883. P.P. 1884-85, vol. 59. p.586

outposts. In 1883 Russian local officers were found to be in trouble with the tribes of Tekke-Turcoman territories and in 1884 the Russians occupied Merv. With Merv Russia gained a footing on India's frontier and could at will disturb Afghanistan and threaten India.¹ She could also utilise her Caucasian base for an assault on India by extending railways from the Caspian towards Merv and Sarakhs.² The annexation of Merv thus considerably increased the English anxiety with regard to the Russian intentions. Fergusson believed that in view of this Russian threat the frontier defence and the general military position of India must be improved. "What a rude awakening it would be for our security," he wrote to Kimberley, "if Russia take two strides more to Herat for which I believe everything is prepared."³ Yet, Fergusson found that Ripon's Government was not concerned about the impending danger. "To my mind it is the weakest policy if policy it can be called at all."⁴

Since 1882 Ripon's Government had noticed increased Russian activity towards Merv and they had advocated diplomatic

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- (1) Minute by Sir D. Stewart, 8th Sept. 1884. Encl. to Desp. Govt. of India to S. of S. 22nd Sept. 1884. Pol. & Sec. Letters from I.
 - (2) Minute by Sir A. Colvin, 30th Aug. 1884. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 25, 22nd Sept. 1884. Pol. & Sec. Letters from I.
 - (3) Fergusson to Kimberley, 22nd May, 1884. F.C.
 - (4) Ibid,

overtures regarding a settlement between England and Russia to remedy future frontier complications. They suggested a British agreement with Russia to the effect that if Russia pledged herself not to interfere in the affairs of Afghanistan, England would abstain from interference in the Russian dealings with the tribes beyond the Afghan and the Persian boundaries.¹ The suggestion was accepted by the home authorities and diplomatic communications were exchanged with Russia, though no formal agreement was signed. The adherents of the Forward policy naturally distrusted the possibility of success from this method of dealing with Russia and they insisted on elaborate military preparations. Fergusson felt that whatever was done in diplomacy to avert encroachments, militarily the position of British India was too weak for her to maintain herself if the question of strength came into play.² He advocated emphatically that defence measures like increasing the strength of the army in India and the making of the railways were precautions which must be taken.³ The Secretary of State, Kimberley, was opposed to any addition to the military expenses of the Government of India. He

(1) Desp. Govt. of I. to S. of S. Sec. No.6, 16th Jan, 1882. Pol. & Sec. Letters from I.

(2) Fergusson to Kimberley, 21st June, 1884. F.C.

(3) Ibid

reminded Fergusson that increase of the military expenditure would "be dearly purchased by any increase of taxation which might produce discontentment among our native population," But he agreed with Fergusson as to the importance of constructing a complete system of frontier railways.¹ Fergusson admitted the financial difficulty in the way of increasing the strength of the Indian Army. But in his opinion the matter was so serious that proper attention to it could not long be delayed. He criticised Ripon for complacency at a time when the prospect was grave." ... what would be the condition and what would become the credit of India", he remarked, "if real danger found her with an army so weak and with defences so non-existent as they are."²

The Government of India, however, promptly proposed measures for the completion of frontier railways. In their despatch to the Secretary of State of 22nd September, 1884 they pointed out that the North West frontier was opened to ~~by~~ three routes , via Pishin and Bolan or Harnai pass, via Gomal pass leading to Dera Ismail Khan, and via Khyber and Kurram routes. The last of these three was well-connected with the British base at Peshwar while the first route was rendered defensible by the

(1) Kimberley to Fergusson, 17th July, 1884. F.C.

(2) Fergusson to Kimberley, 11th Aug. 1884, F.C.

Sind-Pishin railway running through Harnai pass. Concerning the second route, the government proposed to connect the isolated Dera Ismail Khan by railway by bridging the ~~Thal~~ ^{Thal}.¹

To the protagonists of the Forward school the proposed arrangement was only a partial defence measure which should be backed up by an increase in India's military strength.

Fergusson pleaded with Ripon for an increased number in the army and for intensive measures for internal defence. "Statesmen may know better than the soldiers," he pointed out to Ripon, "but the latter regard our position vis a vis Russia as one approaching to helplessness."²

Stewart, who had succeeded Haines as the Commander in Chief, offered specific proposals for an increase in the army. He observed that India's contiguity with Russia was imposing upon the Government of India the necessity of strengthening the army, for the English in India could justify their position only by their ability to defend themselves. He was convinced that the existing state of the Indian army was unequal to this responsibility and suggested increasing the British establishment to a nominal strength of 75,000 men and to increase the native army by adding 13,000 men.³ In submitting these suggestions

- (1) Desp. Govt. of I. to S. of S. Sec. no. 25, 22nd Sept. 1884. Pol. & Sec. letters from I.
- (2) Fergusson to Ripon, 18th May, 1884. R.P.
- (3) Minute by Sir D. Stewart, 8th Sept. 1884. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 25, 22nd Sept. 1884. Pol. & Sec. letters from I.

Stewart was strongly backed up by the majority of the Viceregal Council. Ripon, eager to concentrate on the internal development of India, had no hesitation in opposing these proposals. He clearly doubted a sudden and direct Russian attack on India. In his opinion the negotiations already in progress between England and Russia should continue in Europe, and until the negotiations reached a stalemate, new phases should not be thought of. Even if by accident war broke out between England and Russia, Ripon believed, the scene of operations would be in the Black Sea region rather than Afghanistan. Moreover, if India was attacked at all by the Russians from Merv - a really impossible feat - reinforcement from England would shortly arrive in the days of modern communications. Whatever might be the case, Ripon argued, it would be unwise to adopt on the basis of mere assumptions "measures fraught with serious political and financial consequences."¹ The cost of Stewart's proposals was enormous, involving a considerable annual increase in the army budget. The amount did not discourage the adherents of the Forward School and they repeated their old argument of insuring the country against future dangers. In Fergusson's opinion a timely precaution, though apparently

(1) Viceroy's Minute, 22nd Sept. 1884. Encl. to Desp. Govt. of I. to S. of S. Sec. no. 25, 22nd Sept. 1884. Pol. & Sec. Letters from E.

costly, would avert the great expenses of a national crisis. He wrote to Kimberley that measures like increasing the numerical strength of the army would "save alarms if not great expense and danger in the future."¹ But to Ripon the implementation of Stewart's proposals would lead either to the imposition of new taxes or to the squandering of the financial reserve for famine and relief works. It would also imply the cessation of vital public works, neglect of primary education and improvement of agriculture, which according to Ripon were "the first duties of a civilised and civilising government."² Ripon remained uncompromising on the point and he unhesitatingly disallowed Stewart's proposals in the face of a strong opposition. By this decision Ripon upheld the Gladstonian principle that justice to India demanded the elimination of all taxation for military ends.³

On the question of the army organisation and the defence of India Fergusson's views were influenced by considerations of the local interest, the imperial security and the apprehension of external danger. The threat of Russian expansion in Central Asia led to the "forward" tendency of the

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- (1) Fergusson to Kimberley, 19th Feb. 1885. F.C.
 - (2) Viceroy's minute, 22nd Sept. 1884. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 25, 22nd Sept. 1884. Pol. & Sec. Letters from I.
 - (3) R.J. Moore, Liberalism and Indian politics, 1872-1922, 1966. pp 26-27

British frontier policy in India. As regards Afghanistan Fergusson's opinions generally coincided with the pressures and bargains of the adherents of the Forward school for extorting concessions from the liberals in the implementation of a pacific Afghan policy. The outcome of Ripon's Afghan settlement and the Pishin compromise, though not really forced by the advocates of a forward policy, had doubtlessly satisfied them.

CHAPTER II

Aden and the Somali Coast

In the Victorian age British Imperial policy in the Mediterranean, in Africa and in the Middle East was profoundly influenced by consideration of the safety of the British empire in India. Economically, British investment and trade in India were a great asset to Britain. Politically, the military strength of the Indian empire safeguarded British preponderance and promoted British trade in the East. Thus to Victorian statesmen, Tories and Liberals alike, "India and the British Isles were the twin centres of their wealth and strength in the world as a whole."¹ It was widely believed that the British position in the world depended upon the safety of the sea routes between India and the British Isles. The Tories and the Liberals, however, differed as to the method to be adopted to ensure the safety of the passage to India. To the Disraelians the method was one of interference and expansion. The Liberals denounced such "forward" policy and Gladstone criticised the Tory interferences in Cyprus, Egypt, the Transvaal and Afghanistan.² He carried the British voters with him against Disraeli's expansionist policy in the Midlothian election of 1880. The Gladstonian alternative was peace, morality and understanding among nations.

(1) R. Robinson and J. Gallagher, Africa and the Victorians, 1961, p.13.

(2) A. T. Basset, ed. Gladstone's speeches, 1916, p.570

By anti-imperialist professions he committed the Liberals to a policy of non-intervention abroad. The 1880's were a period of increased activities among the European powers to gain ^a foothold in the East. A policy of non-intervention was difficult at this phase and the Liberal policy soon showed signs of inconsistency. The inconsistency was due to a clash between the liberal conscience and concern for the security of the empire, between a policy of non-intervention and a policy of guarding ~~the~~ routes to India. The threat to the security of India was often believed to be so great that the Liberals ~~felt~~ they should sacrifice their conscience to meet the exigency of the situation. In consequence they found themselves involved in increasing Britain's Imperial responsibilities. In 1881 a Liberal Viceroy in India could not relinquish the Afghan territories of Pishin and Sibi for strategic considerations. In 1882 a Liberal cabinet decided upon the occupation of Egypt in order to secure the safety of the Suez canal.¹ The story was repeated when the British followed an active policy in Southern Arabia and Somaliland resulting in the establishment of British protectorates in the Hadramaut and the Somali coast.

The British policy in Southern Arabia and Somaliland was largely under the supervision of the Government of India who exercised their control through the Government of Bombay and the British authorities at Aden. Since its occupation in

(1) R. Robinson and J. Gallagher, Africa and the Victorians, 1961, p.121

January, 1839 Aden had been left under the care of the Government of Bombay subject to the general supervision of the Government of India. The Government of Bombay thus enjoyed an exceptional share in controlling British Imperial policy in the Red Sea area. In the past the Government of Bombay exercised similar direct influence in the Persian Gulf areas, which, however, was transferred to the sole care of the Government of India in 1872. Thus Fergusson after being appointed the Governor of Bombay, found the settlement of Aden as "the last rag of Bombay's foreign relations."¹ In the days of early steam navigation, when engines required large amounts of fuel Aden was important as a coaling station in the vicinity of the Red Sea. But the chief value of Aden was its unique strategic position. Aden was the halfway house overlooking the Suez canal between Britain's Eastern market and the British Isles. The political importance of the settlement lay in the influence that it exercised on the Arabian and African coasts of the Red Sea guaranteeing the security of the course to British Indian possessions.

In 1880 the administrative and defensive arrangements for a British settlement of such importance were quite astonishingly inadequate. The settlement covered an area of 21 square miles and had a population of 19,289.² The settlement proper or the fortified town was so overcrowded that the place became "a fruitful cause of disease and crime".³ The executive head

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- (1) Fergusson to Ripon, 3rd Dec. 1881, R.P.
 - (2) Bombay Admn. Report, 1880-81, p. 2
 - (3) Bombay Admn. Report, 1881-82, p. XIV.

of Aden settlement was a Political Resident appointed by the Government of Bombay. He was the judge of the Court of Resident, under which was the subordinate court of his assistants. He had under him an engineer and engineering staff, a Commissary and arsenal, a Treasury, several departments including police and revenue and a force of troops constituting a brigade of approximately 1,750 men. The defence of Aden unfortunately was not properly cared for. There was no battleship to guard Aden and only occasionally did poorly-armed vessels of the Government of India visit the place. The arsenal of Aden was not properly equipped and the fortress of Aden was incapable of withstanding a long siege. The harbour of Aden was too shallow to admit big ships and the port facilities at Aden were far from satisfactory. The poor condition of the harbour was surprising, especially as Aden authorities received a considerable amount from imports.¹ The Bombay Administration Report of 1881-82 showed that the number of vessels that touched Aden during the year was 1,272 or 239 more than in the preceding year.² In view of all these deficiencies, Captain G.R. Goodfellow, the Acting Political-Resident of Aden, remarked in 1880 that Aden was treated as if "it was nobody's child."³

The real anomaly of the administration of Aden lay in the

- (1) Memo. Capt. G.R. Goodfellow, Acting Pol. Resident, Aden, 31st May, 1880, F.C.
- (2) Bombay. Admn. Report, 1881-82, p. XIV.
- (3) Memo. Capt. G.R. Goodfellow, Acting Pol. Resident, Aden, 31st May, 1880. F.C.

curious position of the Political Resident. He was not only the chief civil officer but also a Brigadier commanding Aden troops. As a civil officer he was under the joint surveillance of the local government and the supreme government and to make matters worse as a military officer he was under yet another authority - the Commander-in-Chief of Bombay Presidency. To add to his difficulties, the Political Resident had to address independently the Secretary of State for India and receive his separate instructions. It was simply impossible for one individual to perform such various duties under so many authorities. On this question of the plurality of authority over Aden, Fergusson was quite unwilling to give up his share of supervision. As a Presidency Governor, oversensitive about the rights, jurisdiction and functions of the local government, Fergusson sincerely believed that the Government of Bombay could attend to the affairs at Aden better than the Foreign Department of the Government of India, which was "busy in multifarious activities." He wrote to General Loch, Resident of Aden : "I shall not willingly give up any more of our functions."¹ This intensely local feeling was characteristic of Fergusson and Ripon once ridiculed this by saying that Fergusson was "as local as if he had been born in a Bombay office."² Apprehending any measure that might exclude Aden from the jurisdiction of the Government of

(1) Fergusson to Gen. Loch, 16th Dec. 1880. F.C.

(2) Ripon to Northbrook, 1st July, 1881, Printed R.P.

Bombay, Fergusson anxiously wrote to Kimberley : "I venture to think that from Bombay we can exercise a beneficial control over local affairs at Aden and that the facility of an occasional visit by the Governor is an advantage which would be lost, were it transferred to the Government of India or the Colonial office."¹ Whatever were his views, there was no doubt that the transfer of the responsibility for Aden from the Government of Bombay to the Government of India would have simplified much of the administrative procedures. The communication among authorities at Aden, in Bombay and in Calcutta often caused delay and inconvenience. However, Ripon's Government showed no inclination to raise any controversy by changing the existing arrangements.

Fergusson was conscious of the difficulties of joining in one person the duties of a Brigadier with those of a Chief Political officer. So far the practice had been to select a senior officer of the army for the post of Resident of Aden. It was burdensome for an army officer to cope with all the responsibilities of a place which was fast assuming political significance. The political importance of Aden vastly increased in view of the movements of the European powers in Red Sea areas. Fergusson thought that the civil and political functions should ^{not} be held by a Brigadier "who happened to be eligible by mere seniority of command." To Ripon he pointed out: "Aden has in many ways become a place of political importance

(1) Fergusson to Kimberley, 5th. Nov. 1884. F.C.

and in view of the dealings with the Turks, the Egyptians, the French, the Italians and the Arabs of the soil, I think that the Resident must be chosen especially for his administrative fitness and experience." Thus Fergusson contended for a senior civil officer at the head of the administration of Aden with a military subordinate commanding the troops.¹ Ripon was in favour of maintaining the existing arrangement. He felt that in so small a place as Aden the presence of two high officials, civil and military "might be productive of friction and inconvenience which we avoided by the present system of uniting the political and military authority in the same hands."² Thus when Fergusson wanted to maintain the anomalous controlling powers of a local government over an aspect of British India's foreign relations, Ripon decided to continue the incongruous functions of the Resident of Aden.

During his stay in Bombay Fergusson was interested in the development of the settlement of Aden. Aden's surplus population urgently needed relief and the Government of Bombay proposed to purchase the two adjacent villages of Sheikh Othman and Imad. In 1881 these two places were bought from their owner, the Abdali Sultan of Lahej for Rs.55,000.³ A new township was soon laid out and the people were induced to go there by the exemption from all rates and taxes. When

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- (1) Fergusson to Ripon, 3rd Dec. 1881. R.P.
 - (2) Ripon to Fergusson, 23rd Dec. 1881. F.C.
 - (3) Bombay Admn. Report, 1881-82, p. XIV.

Fergusson visited Aden in April, 1884 he found these villages constituting "an orderly and healthy town of 5000 people."¹ In spite of insufficient port facilities the trade of Aden was increasing rapidly. In 1882-83 the total value of trade at Aden showed an increase of Rs.35.4 lakhs over the trade of the preceding year and in 1883-84 it showed a further increase of Rs.31 lakhs.² Fergusson felt that trade at Aden would further increase if improvements were effected in the port of Aden. With this view he proposed to constitute a Port Trust for Aden with initial financial help from the government.³ Unfortunately neither the Government of India nor the Secretary of State took any notice of the proposal. For expeditious adjustment of the cases of wreckage and salvage near Aden the appointment of British Consul in the Red Sea area had long been pressed. In 1880 in view of the growing activity of the European powers on the Somali coast such an appointment became a political necessity to maintain British influence over the Somali tribes.⁴ Fergusson's Government strongly recommended that the Assistant Political Resident of Aden, Captain F. M. Hunter should be invested with consular authority in addition to his duties in the settlement⁵ and this was readily conceded by the home authorities.

Fergusson's chief interest concerning the settlement of

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- (1) Fergusson to Kimberley, 18th April, 1884. F.C.
 - (2) Bombay Admn. Report, 1882-83, p. XXV and Bombay Admn. Report, 1883-84, p. 141
 - (3) Fergusson to Kimberley, 14th April, 1884. F.C.
 - (4) Resident Gen. Loch to S. of S. No. 1-121, 27th Jan, 1881. Letters from Aden.
 - (5) Desp. Govt. of I. to S. of S. Sec. No. 200, 31st Aug. 1880. Pol & Sec. Letters from I.

Aden was, however, in its relations with the neighbouring Arab tribes. Since the occupation of Aden the British policy was to develop the settlement not merely as a coaling station and a defensive post but as a profitable trade centre. Aden had the prospect of becoming the main outlet for trade in Yemen. For the safety of this trade route and for supplies to the settlement, the British had to cultivate stable relations with the independent Arab tribes of Aden hinterland. At the beginning these tribes were hostile to the British occupation of Aden and their hostility sprang mainly from financial considerations. The former ruler of Aden, the Sultan of Lahej, used to pay each tribe of the neighbouring area a portion of the customs dues of Aden, partly to encourage their use of the port and partly to secure the roads from their attacks.¹ When the British took possession of Aden the tribes suspected that they might be deprived of their share of the dues. The British, however, had no such intention. They knew that a refusal of the payment was certain to lead to tribal aggression on the Kafila (convoy of travellers or traders) routes or trade links of this southern part of Arabia and on the settlement of Aden itself. Britain felt that the best policy was to improve the defences of Aden, to make friendly agreements with the tribes of the area, to agree to pay them subsidies and to undertake occasional punitive expeditions against them in case of

(1) T. E. Marston, Britain's Imperial role in Red Sea area, 1961, p.78

hostilities. This policy of friendly understanding, stipend and firmness proved to be effective and helped the British dealings with the tribes. The total subjugation of the Arab tribes was difficult and the maintenance of a British administration over them was expensive. If the hinterland of Aden had been economically lucrative, the occupation of Aden might have led to the British occupation of entire South West Arabia. But the sandy, rough, barren lands of the Arabian coast offered no good prospect to the British. So the British authorities were satisfied with the preservation of Aden primarily as a coaling station and a defensive post guarding the passage to India, and secondarily as a trade centre, treating the tribes as their allies without interfering with their independence. The Government of Bombay repeatedly instructed the Residents of Aden not to get involved in the affairs of the interior.¹

Thus the British policy at Aden can be summed up. First, the British authorities decided to grant stipends to the tribes and sub-tribes, originally through the chief of a major tribe like the Abdali Sultan of Lahej, but later on to each tribe independently.² Secondly, the British authorities contracted friendly agreements with most of the tribes, insisting on their good behaviour. These agreements were neither subsidiary alliances nor treaties guaranteeing the tribes their independence. These were merely forms of

(1) T. E. Marston, *Britain's Imperial Role*, 1904, p. 497.

(2) Pol. & Sec. Dept. Memo. Relations of the British Govt. with the tribes of Aden hinterland, R. Ritchie, 19th March, 1936. No. B. 155

agreements by which in consideration of the stipends, the chiefs bound themselves to keep open the roads and maintain an attitude of friendship towards the British Government.¹ Thirdly the British authorities decided to maintain an attitude of strict non-interference with regard to the independence of the tribes and in respect of inter-tribal conflicts which were frequent in the neighbourhood of Aden. To the British imperial interest the defence of Aden was most important and it was presumed that to interfere with the tribes was to weaken the defence of Aden itself by exciting opposition in the interior.² Lastly, the British authorities at Aden, though reluctant to interfere with the tribes in Aden hinterland, were absolutely unwilling to allow in this area a free hand to any other European nation. The Resident of Aden was constantly urged to enforce strictly the policy of exclusion of European powers in the hinterland.³

The year 1869 saw the introduction of new elements in the situation in Red Sea areas. On November 17, 1869 the Suez canal was opened and in one day the Red Sea, economically a backwater, became one of the main sea routes of the world. The result of the opening of the canal was quickly felt at Aden. In January 1870 Resident General Russell reported that Prussian, Dutch, Spanish, French, Italian and Austrian ships were constantly moving along the Arab coast.⁴ Of these

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- (1) Pol.& Sec.Dept.Memo.Relations with the tribes in the vicinity of Aden, F.M.Hunter, 28th Sept.1885. No.B.30.
 - (2) Pol.& Sec.Dept.Memo.Relations of the British Govt.with the tribes of Aden hinterland,R.Ritchie,19th March,1936.No.B.155.
 - (3) T.E.Marston, Britain's Imperial Role,P.497
 - (4) Resident Russell to Govt.of B.12th Jan.1870.Cited in Marston,Britain's Imperial Role,p.388

European powers interested in the Red Sea, France and Italy were to be seriously reckoned with. The French men of commerce vigorously commenced their activities in the Red Sea areas supported by their government. Some French traders in 1868 were said to have purchased a small harbour, Sheikh Sayid, on the Arab shore of the Red sea from the local chief. But the Porte, the suzerain authority in the area, refused to sanction this purchase.¹ There were further reports of the French at Aden attempting unsuccessfully to negotiate with the Somali chiefs for the possession of a place on the African coast, opposite to Aden.² The Italians, realizing the potentialities of the Suez canal, thought that the opening of the canal would put Italy among the Western European countries closest to the East and would revive her trade in the Eastern Mediterranean. As early as 1870 the widespread rumour was that the Italians were trying hard to find a suitable post in the Red Sea area, preferably in Assab, a place on the African littoral where the requisites of a good harbour existed.

That Turkey had an eye on the whole of the Arab coast of the Red Sea was clear when she refused the French any possession at Sheikh Sayid in 1868. The Turkish rule in Yemen in the past was claimed to have covered even the vicinity of Aden. The Turks who evacuated Aden as early as 1633, reoccupied the province of Yemen in 1873 and came face to face with Aden

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- (1) Resident Goodfellow to Govt. of B. 12 16th Nov. 1869. Cited in Marston, Britain's Imperial Role, p. 381
- (2) Resident Russell to Govt. of B. 24th April, 1869. Cited in Marston, Britain's Imperial Role p. 380

hinterland. Meanwhile the British Government had already established direct relations with most of the important tribes of the hinterland, such as / the Abdali, the Fadhli, the Akrabi, the Subaihi, which were nearest to Aden, and the Haushabi, the Alwi, the Amiri, the Yaffai and the Aulaki bordering Yemen.¹ From Yemen the Turkish Government began contending that their Sultan's Sovereignty extended over all these tribes by virtue of their former occupation of the area. The British Government on the other hand strongly maintained that the tribes were independent. In addition to the Turkish claim to sovereignty, there had been ever since 1873 constant disputes in regard to the frontier between the tribes and the territory under the direct administration of the Turks in Yemen. Both the subjects were discussed from time to time by the British Government and the Porte. In 1873, the British ambassador at Constantinople informed the Porte that the British Government would not tolerate the interference of the Ottoman authorities in the territories of the tribes. In the succeeding years this declaration had been repeated on several occasions.²

Thus in 1880, when Fergusson assumed powers in Bombay, the British officials at Aden were apprehensive of the movement of the European powers in the Red sea and of the motives

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- (1) Both the Yaffai and the Aulaki tribes were sub-divided into upper and lower sections.
 - (2) Pol. & Sec. Dept. Memo. Memorandum respecting Aden frontier delimitation, British Foreign Office, Dec. 11, 1905. No. B. 156

of Turkey in Yemen, the immediate neighbourhood of Aden hinterland. Under these circumstances Fergusson's Government showed a tendency ^{to become} ~~of becoming~~ active and ^{interfere} ~~interfering~~ in their relations with the Arab tribes. Ripon's Government on the other hand always preferred to restrain the enthusiasm of the local government, not allowing them to go too far. This was only natural, for ideologically Fergusson, an orthodox Tory, was committed to the Forward ideas of Indian politics and Ripon, on the whole a liberal, preferred to put more emphasis on the tasks of internal reorganisation of India.

Fergusson's eagerness for interference in the affairs of the Arab tribes in Aden hinterland was clearly revealed in a conflict between the Lower Aulaki and the Fadhli. In 1883, the lower Aulaki tribe, in pursuance of a long standing feud with the Fadhli, decided to attack the Fadhli with the assistance of the Abdali. When the news reached General Blair, the Resident, he promptly decided to help the Fadhli chief with ammunition.¹ In April, 1883, in view of the impending aggression on the Fadhli, the Resident proposed to interfere in the conflict and sought Fergusson's orders to employ a British force to assist the Fadhli. He further suggested that in case of necessity, the whole of the Aden troops must be despatched to occupy Hawar, the capital of Lower Aulaki.² Fergusson's government promptly answered that in case of emer-

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- (1) Resident Gen. Blair to Govt. of B. 26th Feb. 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 104, 29th June, 1883. Pol & Sec. Letters from I.
- (2) Govt. of B. to Govt. of I. 17th April, 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 104. 29th June, 1883. Pol. & Sec. Letters from I.

gency the proposals of interference might be carried out, though simultaneously they pointed out the traditional British policy in such cases that "interference in the quarrels of the tribes is to be resorted to as rarely as possible."¹ The settlement of Aden was hardly involved in the conflict except for the fact that the Fadhli was a stipendiary of the British Government and the Lower Aulaki, though not a stipendiary, entered into an agreement of friendship with the British authorities. Fergusson's Government in their urge to maintain peace in the country surrounding the settlement and to discipline the unruly tribes finally resolved to flout the declared policy of non-interference and hurriedly telegraphed the Resident that if the attack was imminent he might send the forces.² As a result of this message, a British force under the command of Major Hume was sent from Aden to aid the Fadhli chief and to put pressure on the Lower Aulaki. On the arrival of the troops at Shugra, the Fadhli capital, it was found that no invasion by the Lower Aulakis had so far taken place. Thus after a stay of several days, the detachment was withdrawn. Soon after the army left the Lower Aulaki suddenly advanced to within 3 miles of Shugra. Fortunately, however, in the fight that followed the Fadhli defeated and drove back the Aulakis.³ Ripon's Government could not approve the proceedings

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- (1) Govt. of B. to Resident Gen. Blair, 1st May, 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 104. 29th June, 1883. Pol. & Sec. Letters from I.
 - (2) Tele. Governor, Bombay to Resident, Aden, 17th April, 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 104. 29th June, 1883. Pol. & Sec. Letters from I.
 - (3) Resident Gen. Blair to Govt. of B. 7th May, 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 104, 29th June, 1883. Pol. & Sec. Letters from I.

and pointed out to the Government of Bombay that interference in the affairs of the Arab tribes should be very cautiously exercised.¹

Fergusson's forward leanings with regard to inter-tribal conflicts found a further opportunity to interfere when a quarrel started between the Kotaibi tribe and the Amir of Zhali. The Kotaibi tribe, which in the past was tributary to the Amir of Zhali, a British stipendiary, was found in 1880 to be endeavouring to free itself from Zhali authority. The principal sheikhs of the Kotaibi built up forts on the Kafila routes and illegally started collecting taxes on Kafilas and disturbing the trade between the Zhali district and Aden. The trade route between Irinihi and Al Suffra, for the safety of which the Amir of Zhali had hitherto been held responsible by the British, was thus usurped by the tribe.² General Blair, the Resident of Aden, was in favour of interfering in the dispute on the plea of re-establishing order on the trade routes and recommended the demolition of the forts built on the highways by the employment of British force from Aden. He also proposed that a treaty should be effected between the Amir of Zhali and the Kotaibi Sheikhs through British mediation, binding the Kotaibi Sheikhs to be obedient to the Amir.³ The district of Zhali, where the dispute broke out, was conti-

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- (1) Govt. of I. to Govt. of B. 7th June, 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 104, 29th June, 1883. Pol. & Sec. Letters from I.
 - (2) Desp. Govt. of I. to S. of S. Sec. No. 25, 6th Feb. 1883. Pol. & Sec. Letters from I.
 - (3) Resident Blair to Govt. of B, 11th Oct. 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 25, 6th Feb. 1883. Pol. & Sec. Letter from I.

guous with Turkish-occupied Yemen and the Turks could easily exploit the dispute in favour of the authority of the Porte. Bearing this consideration in mind, Fergusson's Government promptly decided to sanction the proposed measures of British interference.¹ Ripon's Government, however, quickly interposed, directing that an attempt should be made to effect an amicable settlement by means of direct negotiations with the Kotaibi, instead of an armed intervention.² Resident General Blair was opposed to such^a measure and pointed out that some other trade routes of the region were commanded by the tribes like Al Abdulla and Al Bukri under the authority of the Amir of Zhali. If the Kotaibi claims had been recognised by the British Government by opening negotiations with them, these tribes would levy taxes on the Kafilas and press their claims on the Amir of Zhali. So a separate British understanding would only set up a bad precedent for dealing with the tribes. On the other hand a prompt solution of the disturbance was essential in view of the fact that the Amir of Zhali was in friction with the Turks in Yemen. The Turks, it was believed at Aden, were "looking for an opportunity to create difficulties and to advance further." Thus to General Blair the only course that seemed open was a show of force on the part

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- (1) Resolution, Pol. Dept. Govt. of B. 7th Nov. 1882. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 25, 6th Feb. 1883. Pol. & Sec. Letters from I.
- (2) Secy. for Dept. Govt. of I. to Secy. Pol. Dept. Govt. of B. 1st Feb. 1883. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 25, 6th Feb. 1883. Pol. & Sec. Letters from I.

of the British and strengthening the hands of the Amir.¹ The situation continued unchanged for sometime, after which General Blair informed the Government of Bombay that a section of the Kotaibi had reconciled itself to the Amir of Zhali's authority but that the other sections had manifested no disposition to come to terms and were levying taxes by violating the authority of the Amir. Fergusson's Government under this circumstance strongly pleaded with the Government of India to permit the Resident of Aden to put pressure on the disturbing Kotaibi elements. They wrote "...it is necessary for the peace and good order of the neighbourhood of Aden that the authority of the superior chiefs should be supported and that petty chiefs should not be permitted to defy their superiors under the cover of the disapproval of the British Government of war and hinder trade by irregular exactions."² The Government of India under such pressure sanctioned financial aid and help in armaments and ammunition to the Amir of Zhali to suppress the rebels.³ The Amir of Zhali was accordingly given gun powder and shot but he was hesitant to attack the Kotaibi. Thus the dispute continued to drag on without any settlement.

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- (1) Resident Gen.Blair to Ch.Secy.Govt.of B.5th March,1883. Encl.to Desp.Govt.of I. to S. of S. Sec.No.90, 8th June, 1883. Pol.& Sec.Letters from I.
 - (2) Secy.Pol.Dept.Govt.of B. to Secy.for Dept.Govt.of I.4th March,1884. Encl.to Desp.Govt.of I.to S.of S.Sec.No.90, 8th June,1883. Pol.& Sec.Letters from I.
 - (3) Secy.for Dept.Govt.of I. to Ch.Secy. Govt. of B. 17th March,1883. Encl.to Desp.Govt.of I. to S.of S. Sec.No.90, 8th June,1883. Pol. & Sec.Letters from I.

In June, 1884 the merchants of Saana in Turkish Yemen protested to the Aden authorities against the illegal exactions of the Kotaibi. The Aden authorities at this point were suspicious that the Turks in Yemen might fish in the troubled waters of inter-tribal quarrels. Major Hunter, officiating Resident of Aden, suggested that the only way of settling the question and freeing trade from the "rapacity of the troublesome Bedoins" was to support the Amir by the presence of Aden troops and by the forcible demolition of the forts on the roads of the Kafilas. He proposed to despatch a company of Aden troops and anticipated no real resistance from the Kotaibis.¹ The Government of Fergusson on 12th June, 1884 sanctioned the proposal of armed intervention. On 17th July, 1884 the Aden troops demolished the Kotaibi forts and forced the tribe to acknowledge the Amir of Zhali's authority.² Thus once again ~~for~~ the reason of maintaining peace in the neighbourhood of Aden armed interference was resorted to. Ripon as usual was in favour of restraint and his Government thought that the case "was not one of sudden emergency or imminent danger" and that Fergusson's Government had unnecessarily departed from the general policy towards the tribes.³

As regards British relations with the Arab tribes Fergusson suspected the intentions of the Turks in Yemen. He was

(1) Maj. Hunter to Secy. Pol. Dept. Govt. of B. No. 216-1407, 27th June, 1884. For Dept. Proc. Govt. of I. Ext. Nov. 1884.
 (2) Report of Capt. J. S. King, Officer commanding troops, 20th July, 1884. For Dept. Proc. Govt. of I. Ext. Nov. 1884.
 (3) Secy. For Dept. Govt. of I. to Ch. Secy. Govt. of B. No. 2599E, 10th Sept. 1884. For Dept. Proc. Govt. of I. Ext. Nov. 1884.

afraid that Turkey was threatening the neighbourhood of Aden in the same manner as Russia did on the North West Frontier of India. The suspicion of Fergusson was largely facilitated by the fact that after 1880 in the politics of ^{The} Eastern Question there was marked estrangement between the liberal cabinet of Gladstone and the Porte. A firm believer of non-conformist conscience Gladstone felt that foreign policy should be conducted on moral principles. Since 1876 the denunciation of the Turks for the Bulgarian massacre and for oppression of the subject nationalities became "a strong obsession" with Gladstone.¹ Thus during his second ministry, Gladstone, guided by his passionate hatred of Turkish oppression, decided to drop by 1881 the Conservative scheme for defending the Turkish empire. The Gladstonians felt morally bound to dispense with "the unspeakable Turks" as an ally. But what is more interesting is to note Fergusson's concern for the movement of the Turks in Yemen in contrast with the then Tory slogan supporting the cause of Turkey in Europe. Essentially, however, a Tory like Fergusson was concerned only for the security of India. The Disraelian expediency to maintain the "sickman" of Europe was largely inspired by the same consideration, namely, to disallow Russia a footing in the Mediterranean and thus to obtain the naval security of the

(1) J. Morley, Life of Gladstone, 1903, Vol.II, P.565

Indian possessions. Besides, if the Russians had Constantinople, Disraeli believed, they could at any time march their army towards India through Syria. Thus to Disraeli Constantinople was "the key to India".¹ Apart from this question of a Russian aggression, the Indian authorities in the 1880's gravely suspected the Turkish movements in the Red Sea region. The British interest in the Persian Gulf and in the settlement of Aden was of paramount importance to the safety of India and it was believed that the Porte had a long-cherished plan for the extension of Turkish authority along the Arabian coast towards the Persian Gulf. The Government of India considered any extension of the Turkish influence on the Arabian coast "as detrimental as closing the whole Arabian coast round Aden and subjecting it to the direct influence of Turkey"²

In the Zhali affairs the Government of Fergusson and their agents at Aden were clearly influenced by this apprehension of a Turkish advance. In 1873 with the occupation of Yemen the wave of Turkish aggression began to approach the Amiri district, contiguous to Yemen and 90 miles from Aden. The chief of the district was directed by the Ottoman authorities in Yemen to submit to the power of the Porte. At the outset he was compelled by the force of the circumstances to give in to the Porte, but he expressed to the Resident

(1) G. E. Buckle, Life of Disraeli, 1910, Vol. VI, p. 84.
 (2) Desp. of Govt. of I. to S. of S. Sec. No. 146. 30th Oct. 1881.
 Pol. & Sec. Letters from I.

of Aden his desire to retain British friendship. As a matter of fact no clear treaty then existed between the British Government and Ali Mokbil, the Amir of Zhali, but Ali Mokbil's predecessors were always friendly towards the British. At the time when the Porte pushed its conquests in 1873, the boundary of the Amir stretched upto Yaffai district. In consequence of a visit to Aden Ali Mokbil was imprisoned by the Turkish authorities in Yemen, but was released after a strong diplomatic remonstrance by the British Government in January, 1874. On his return to Zhali, Ali Mokbil found his capital in the hands of a Turkish nominee who resisted him for some time. In March, 1878, Ali Mokbil with the help of the Abdali was successful against the usurper. Though he regained his territory Ali Mokbil had to dispense with 16 villages which remained nominally under the Turkish authority. Some of these under pressure paid allegiance to the Porte and in case of the others the people voluntarily preferred Turkish rule.¹ Meanwhile in 1880 a formal agreement of friendship was signed between the Aden authorities and the Amir of Zhali in which a stipend was granted to him for keeping the safety of the trade routes through his domain.² But Ali Mokbil always remained aggrieved for the loss of his territory to the Turks and the Turks in Yemen in their turn never failed to exert pressure on him. A series of boundary frictions broke out

(1) Resident Gen. Blair to Ch. Secy. Govt. of B. No. 395, 17th Nov. 1884. Letters from Aden. 2518

(2) Desp. Govt. of I. to S. of S. Sec. No. 23, 31st July, 1883. Pol. & Sec. Letters from B.

and this undesirable state of affairs was often brought to the notice of the Resident of Aden who wrote strong letters of protest to the Governor of Yemen against Turkish encroachment on Zhali territory.¹ In June, 1880 by the order of Fergusson's Government Aden troops were despatched to Zhali to resist Turkish intrigues.²

To Fergusson's Government and to the Government of India the cause of Zhali against Turkey was very important and it was believed that as the settlement of Aden was largely dependent for supplies on the neighbouring country "it was important to restrain the spread of Turkish influence over the independent tribes of South West Arabia".³ Fergusson always emphasized the importance of a high level diplomatic negotiation between England and Turkey in Europe to solve the Zhali question permanently.⁴ Ripon's Government also took the same attitude and implored the government at home "to cause the matter to be placed before the Turkish Government in a manner that will prevent any interference on their part in the Zhali country."⁵ At this point the Resident of Aden, General Loch informed the Government of Bombay that the Turkish officials in Yemen were endeavouring to bring under Ottoman rule all

(1) Act. Resident Goodfellow to Ch. Secy. Govt. of B. No. 161, 24th Jan. 1880. Letters from Aden. 8121

(2) Desp. Govt. of I. to S. of S. Sec. No. 177, 10th Aug. 1880. Pol. & Sec. Letters from I.

(3) Ibid.

(4) Fergusson to Hartington, 4th June, 1880. F.C.

(5) Desp. Govt. of I. to S. of S. Sec. No. 177, 10th Aug. 1880. Pol. & Sec. Letters from I.

the Sheikhs who remained the subjects of the Amir of Zhali. This they did, he thought, "no doubt in the hope that in time the whole of the Amiri district may become subject to the Porte."¹ It was further reported in October, 1882 that the Turks in collaboration with the personal enemies of the Amir were inducing people to waver in their allegiance to their ruler and that the Porte considered the Amiri district - far away from Aden - as beyond the zone of direct British influence. General Loch requested the Government of Bombay to sanction the despatch of Aden troops to Zhali.

Meanwhile the Turks in Yemen were complaining against the activities of Ali Mokbil damaging their interests. In September, 1884 Izzat Pasha, the Governor of Yemen, accused Ali Mokbil of disturbing the tranquillity of the frontier region by acts of aggression and violence on Turkish subjects. He even accused the Aden authorities of inciting the Amir in these hostile and unfriendly acts.³ The Turkish allegations against the Amir were not probably without any foundation and Ali Mokbil was possibly attempting to use the British support not only against the Turks in an unjust manner, but also against his personal enemies and relatives by painting them as pro-Turkish. General Blair, the Resident, confessed that the chief was "the veritable old man of the sea" who hung on the

(1) Res.Gen.Loch to Ch.Secy.Govt.of B.25th April,1881.Encl.to Desp.Govt.of I.to S.of S.Pol.No.154,26th Dec.1881.Pol.& Sec.Letters from I.

(2) Res.Gen.Loch.to Ch.Secy.Govt.of B.17th Oct.1881.Encl.to Desp.Govt.of I.to S.of S.Pol.No.154,26th Dec.1881.Pol.& Sec.Letters from I.

(3) Res.Gen.Blair to Ch.Secy.Govt.of B.No.395,17th Nov.1884. Letters from Aden.

2518

British authorities and led them to paths "far from pleasant".¹ It was thus potentially harmful for the British Government to support such an ally consistently against the Turks. This consideration prompted the Government of India to instruct Fergusson's Government to restrain the Amir from giving "legitimate cause of offence to the Turkish authorities."² Still Fergusson's Government and the Resident of Aden apprehended Turkish movements as such a real menace that they continued their advocacy of strengthening the hands of the Amir by a considerable addition to his stipend to enable him to keep his turbulent vassals in order. Though the British had merely a friendly agreement with the Amir, the Resident of Aden refused "to abandon him now."³ General Blair's views were in conformity with the policy of the Government of Bombay. In connection with the Turkish allegation against the British support of the Amir's anti-Turkish activities, he remarked: "so long as Her Majesty's Government consider it desirable- as it undoubtedly is, that Aden should be surrounded by a zone of independent stipendiaries, so long will Turkish jealousy ascribe to the Aden Residency interference with Ottoman possessions."⁴

The only remedy to the whole problem was a proper delimitation of the Zhali-Yemen frontier. The home authorities felt

- (1) Resident Gen. Blair to Ch. Secy. Govt. of B. No. 395, 17th Nov. 1884. Letters from Aden. 2518
- (2) Desp. Govt. of I. to S. of S. Pol. No. 39, 10th March, 1885. Pol. & Sec. Letters from I.
- (3) Resident, Gen. Blair to Ch. Secy. Govt. of B. No. 395, 17 Nov. 1884. Letters from Aden. 2518
- (4) Res. Gen. Blair to S. of S. No. 74, 5th Dec. 1884. Letters from Aden. C

that the Governor of Yemen should receive immediate instruction from Constantinople to come to terms with Aden. With this object in view British negotiations began at Constantinople in 1883. In March 1884, Resident General Blair received an invitation from the Governor of Yemen to depute an officer to hold a friendly talk with him on Zhali affairs. However, at this point, affairs on the Somali coast attracted the whole attention of Aden Residency and this prevented the despatch of ^{the} proposed deputation from Aden.¹ By this time reports of fresh Turkish attacks on some Zhali villages arrived and the Resident informed the home authorities and the Government of Bombay that the Turkish officers in the neighbourhood of Zhali had compelled the sheikhs under the Amir's authority to sign a complaint against the Amir for blocking the roads and committing acts of aggression on Turkish frontier villages. Such fabrication, it was alleged, was to be used by the Porte while holding talks with the British.² On the other hand the Porte formally lodged a complaint that the Amir of Zhali illegally occupied a place called Chonar in Shaari country. This place, it was claimed, belonged to Turkish Yemen.³ The Governor of Yemen, Izzat Pasha, further complained about the proceedings of the Amir of Zhali in

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- (1) Desp. Govt. of I. to S. of S. Sec. No. 39, 10th March, 1885. Pol. & Sec. Letters from I.
 (2) Resident Gen. Blair to S. of S. No. 7, 17 Feb. 1885. Letters from Aden.
 (3) Desp. Govt. of I. to S. of S. Sec. No. 39, 10th March, 1885. Pol. & Sec. Letters from I.

threatening people of the frontier villages of Yemen.¹ In the midst of such charges and counter-charges, Fergusson's tenure of office in Bombay came to an end. The Zhali-Yemen frontier delimitation question was finally taken up in 1886 and in 1887 delimitation was effected.

Fergusson's governorship in Bombay witnessed renewal of activities on the part of the European powers to gain^a foothold on the coastal areas of the Red Sea. The Italians were the first to obtain a position in Assab where the Dankali chief of the African littoral sold the place to Italian Rebattino Company for establishing a coaling station there.² By August, 1880 the settlement of Assab was extended by further purchase of territories.³ In January, 1881 the Agent of the Rebattino Company returned and the Italian Government appointed a political officer to act as the governor of Assab.⁴ In September, 1880 a French Company called Comte de Revoire with the authority of the French Government proceeded towards Obokh on the African littoral.⁵ In December, 1881 the news reached Aden that Obokh had been sold to the French by the local chief.⁶ The French also renewed their attempt to seize

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- (1) Resident Gen. Blair to Ch. Secy. Govt. of B. No. 8 12th Jan. 1885
Letters from Aden. 53,
- (2) Act. Res. Goodfellow to Ch. Secy. Govt. of B. No. 229, 20th July, 1880. Letters from Aden. 1062
- (3) Desp. Govt. of I. to S. of S. Sec. No. 183, 17th Aug. 1880. Pol. & Sec. Letters from I.
- (4) Resident Gen. Loch to S. of S. No. 1-121, 27th Jan. 1881, Letters from Aden.
- (5) Act. Resident, Goodfellow to Ch. Secy. Govt. of B. No. 317, 23rd Sept. 1880. Letters from Aden. 1455
- (6) Res. Gen. Loch to Br. Consul-Gen. Cairo, No. 1929, 13th Dec. 1881 Letters from Aden.

Sheik Sayid on the Arabian coast with the sanction of the Porte.¹ In the context of these proceedings of the Italians and the French and the British friction with the Turks in Yemen, it was but natural that Fergusson would be determined to safeguard the British influence in the Red Sea. For ~~this~~ purpose he was inclined to employ diplomatic pressure on the tribes, threat of violence and the actual use of force to exploit inter-tribal conflict in the neighbourhood of Aden. All these methods were illustrated in the single incident of the quarrel between Shehr and Makalla.

Makalla and Shehr were two principal ports on the south coast of Arabia, 250 and 270 miles away respectively from Aden. The chiefs belonged to Kasadi and Kaiety branches of the Yaffai tribe. Since 1873 the two chiefs had been engaged in a feud, which was actively prosecuted upto 1877. The quarrel had its origin in a temporary alliance of the two chiefs against their common enemy, the Kathiri tribe. To prosecute the feud against the Kathiri tribe, it was agreed by the two chiefs of Makalla and Shehr that the cost of the operations should be borne by the two allies equally. It was actually defrayed in the first instance by the financially solvent chief or Jemadar of Shehr, to whom the ruler or Nakeeb of Makalla finally owed 160,000 Austrian dollars. This was

(1) Resident Gen.Loch to Ch.Secy.Govt.of B.No.33, 17th Feb.

1882. Letters from Aden.

never paid and in 1873 was wiped off by an agreement between the two chiefs, under which one half of Makalla and one half of its allied small port, Bunder Broom, were sold to Shehr for 240,000 dollars. The balance of 80,000 dollars was promptly paid by the Jemadar to the Nakeeb in cash. The Nakeeb, meanwhile refused to abide by the bond on the ground that it was extorted by treachery.¹ Whatever might have taken place, it was certain that the Nakeeb had kept the money and the Jemadar had never obtained the possession of the stipulated territory.

The British Government had treaty relations with both the parties dating from 1863, when the two chiefs entered into engagements to prohibit the slave trade. Besides this link, the Government of India was interested in the conflict because both the chiefs had relatives serving the Nizam of Hyderabad and in ^{the} course of the conflict these relatives supplied arms, men and money to continue the struggle. Strong British pressure, however, was put on the Nizam to prohibit assistance going from his territory to strengthen the conflict in South Arabia.² But the primary interest of the British authorities in this struggle was to prevent hostilities by sea between the contestants. Without hostilities at sea the conflict was bound to remain inconclusive as Makalla was only vulnerable

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- (1) Res.Gen.Loch to Ch.Secy.Govt.of B.No.190-902, 3rd June, 1879.
Encl.to Desp.Govt.of I.to S.of S.Sec.No.16. 2nd Feb. 1881.
Pol.& Sec.Letters from I.
- (2) Pol.& Sec.Dept.Memo.Shehr and Makalla, A.W.Moore, 7th March, 1881. No.B.23.

by sea. The Government of India stated clearly that they were interested in the dispute in order to prevent hostilities by sea, for such hostilities would lead to piracies and hinder trade in general on the coast.¹ All these considerations led the British authorities to attempt mediation through the Resident at Aden. The Resident General Loch in 1876 was successful in concluding a truce between the parties for some time. General Loch's attempted negotiations, however, failed to produce any settlement of the dispute though the truce was allowed to continue by the two parties.

During this period of lull Fergusson appeared as the Governor of Bombay and immediately took lively interest in the affair. In November, 1880 General Loch pointed out the dangers of continued British inaction which might lead to Makalla coming into the possession of either the Turks or the French or the Italians. Makalla was the "gateway" through which all trade of ^{the} South Arabian coast or Hadramaut usually passed. Thus any strong power holding Makalla would soon possess the whole of the Hadramaut and if the Turks managed to occupy Makalla they would soon extend their sway towards Oman and ^{the} Persian Gulf. It was apprehended strongly that the Nakeeb of Makalla, finding the British not helpful might throw ⁱⁿ his lot with the Turks or with a European power.²

(1) Desp. Govt. of I. to S. of S. Sec. No. 16, 2nd Feb. 1881. Pol. & Sec. Letters from I.

(2) Resident Gen. Loch to Ch. Secy. Govt. of B. 29th Nov. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 16, 2nd Feb. 1881. Pol. & Sec. Letters from I.

To avert such a possibility General Loch proposed a British protectorate over Makalla by suggesting that Makalla should remain with the Nakeeb under the protection of the British Government paying one-sixth of the revenue of the place for such protection and making suitable arrangement to pay off the debt to Shehr.¹ Fergusson promptly supported this plan and wrote to Ripon that Shehr and Makalla both in course of time would fall into the hands of the Turks "if we do not take hold of them"² This proposal of a moderate extension of British influence was to allure Ripon and the Liberal Cabinet at home who on principle were opposed to shouldering any expenditure and responsibility of fresh direct annexation. The Government of Fergusson officially advocated the scheme of a protectorate on the ground that under a little pressure the Nakeeb of Makalla would be likely to accept the proposal and that "if the British Government abstained for the present in the affairs of the Hadramaut, they might be hereafter involved in more difficult complications."³

While the proposal was in consideration hostilities broke out and Broom was seized by the troops of Shehr. Fergusson's Government caused the British ship "Philomel" to move towards Makalla in order to prevent war at sea. An officer of the

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- (1) Govt. of B. to Govt. of I. No. 6197, 21st Dec. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 16, 2nd Feb. 1881. Pol. & Sec. Letters from I.
 - (2) Fergusson to Ripon, 16th Feb. 1881. R.P.
 - (3) Govt. of B. to Govt. of I. No. 6197, 21st Dec. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 16, 2nd Feb. 1881. Pol. & Sec. Letters from I.

Residency was empowered to attempt to effect a further truce for sometime. The Nakeeb, however, was unwilling to make a truce, having invited to his aid his former foe, the Kathiri. Soon it was found that the Nakeeb regretted his decision of inviting the Kathiris and was afraid that the Kathiris, while protecting him against Shehr, might themselves occupy Makalla. This led him to write to the Resident of Aden offering to make over his country to the British in consideration of a monthly stipend of 500 dollars for himself and his successors. He hinted plainly that the offer if refused by the British should be made elsewhere.¹

Resident General Loch was strongly in favour of accepting the offer without hesitation. "I can not but fear," he wrote to Fergusson, "that unless we accept the Nakeeb of Makalla's offer, Makalla will be sure to fall into the hands of the Turks."² The Government of Fergusson thus proposed in January 1881 that "the Government without incurring any permanent obligation might offer to administer the territory in question for a term of 5 to 7 years in the name of the Nakeeb with power to extend the period on payment of 500 dollars per month to the Nakeeb and setting a portion of the revenue to meet the debt of Shehr."³ This was in fact a very mild approach

(1) Resident Gen. Loch to Ch. Secy. Govt. of B. 16th Dec. 1880. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 16, 2nd Feb. 1881. Pol. & Sec. Letters from I.

(2) Loch to Fergusson, 27th Dec. 1880. F.C.

(3) Govt. of B. to Govt. of I. 3rd Jan. 1881. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 16, 2nd Feb. 1881. Pol. & Sec. Letters from I.

to suit the susceptibilities of Ripon. Ripon's Government, though disturbed by the constant reference to the Turks, were in favour of merely continuing to prevent war by sea. However in view of the importance of excluding the Turkish influence from the Hadramaut coast they caused the Nakeeb to be warned against "attempting to dispose of his country without the assent of the British Government."¹

In February, 1881 the whole affair took a dramatic turn. The Jemadar of Shehr told the Resident of Aden that he wanted to purchase Makalla and Broom outright from the Kasadi family on payment of 3 lakhs of dollars and thus to settle the dispute. He also agreed to place himself under the suzerainty of the British provided that the sale was sanctioned and carried out. General Loch considered the proposal as satisfactory and recommended it on the ground that the Nakeeb, who was very much pressed by the Kathiris for money, would agree to the scheme.² To Fergusson this was another opportunity of establishing a British protectorate in the Hadramaut and he advocated the scheme to Ripon by emphasizing that the Jemadar, if allowed to purchase Makalla, would promise "to give us a comparatively strong, friendly and tributary neighbour."³

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- (1) Desp. Govt. of I. to S. of S. Sec. No. 16, 2nd Feb. 1881. Pol. & Sec. Letters from I.
 - (2) Loch to Fergusson, 28th Feb. 1881. F.C.
 - (3) Fergusson to Ripon, 25th April, 1881, R.P.

To Hartington he wrote "the tribe of Shehr is a rising and dominant force in this little region and it will secure in future both the independence and peace of the coast under British influence."¹ The Resident of Aden immediately induced the two chiefs to sign an agreement proposing the sale of Makalla to Shehr. Ripon's Government by this time succumbed⁶ to the notion that "no foreign intervention should be permitted in the dispute between Shehr and Makalla" and sanctioned the deed of purchase. The Jemadar promptly paid the first instalment of the purchase money to the Resident's treasury at Aden. But it soon became evident that the Nakeeb of Makalla, weak and vacillating, was not disposed to agree to any arrangement which did not entirely meet his views. He accordingly declined to carry out the agreement in spite of all that the Resident of Aden could do.²

Believing that the chief of Makalla would be held to the sale of his possessions, the Jemadar of Shehr withdrew his garrison from the port of Broom which he had previously occupied. On the refusal of the Nakeeb to comply with the agreement, Fergusson thought that the British Government "ought to go through with the settlement" for they were committed to the Jemadar who had withdrawn from a position of advantage at Broom.³ This justified the British use of force

(1) Fergusson to Hartington, 25th May, 1881. F.C.

(2) Desp. Govt. of I. to S. of S. Sec. No. 146, 30th Oct. 1881.
Pol. & Sec. Letters from I.

(3) Fergusson to Ripon, 25th April, 1881. R.P.

in aid of the Jemadar, if necessary, to hold the Nakeeb to his agreement. It was at once decided to allow the Jemadar of Shehr to attack and occupy Makalla by sea which had so long been forbidden. This, however, was to be done by blockading the ports of Broom and Makalla by a ship of the Royal Navy which would cover the landing of the troops of Shehr and subdue any fire from the fort of Makalla by the use of the ship's guns. Accordingly, Her Majesty's ship "Dragon" under commander Hulton was despatched and a blockade was laid around Makalla. But due to some miscalculation of the Resident it was found that the Jemadar was not prepared to take possession of Makalla. Under the misapprehension that all necessary operations would be undertaken by the British, he had allowed his troops to dwindle away.¹ The misunderstanding resulted in the setback of the grand project. Fergusson in utter disgust wrote to General Loch : "You do not appear to understand how annoying it was after we had procured assent [from the Government of India] to the use of force to find that you had not seen that the Jemadar was ready."² Fergusson was afraid that the miscarriage of the plan might lead Ripon to think that the Government of Bombay had "got into a mess." In desperation he proposed another plan by which the Jemadar of Shehr would be

(1) Desp. Govt. of I. to S. of S. Sec. No. 146, 30th Oct. 1881. Pol. & Sec. Letters from I.

(2) Fergusson to Loch, 19th Sept. 1881. F.C.

placed in possession of Broom and that Makalla should become a protectorate of the British. A British agent would collect the revenue of Makalla, paying one-half to the Nakeeb and the other half to repay the debt of Shehr.¹ Ripon in reply commented : "...the whole affair is now in an unpleasant state and I am afraid that it will be difficult to bring it to a really satisfactory conclusion."² It was heard at this point that the Nakeeb of Makalla had appealed for help to the Sultans of Zanzibar and Muscat and that having failed to obtain help from them he declared himself a Turkish subject and desired to place himself in the hands of the Turkish Government. The information considerably strengthened Fergusson's hands and he wrote to Ripon : "I do not think we can be indifferent to the troubles that would ensue were we now to withdraw from intervention."³

By this time the Jemadar had prepared to seize Broom and Commander Hulton helped him by towing the boats containing his troops to the neighbourhood of Broom. When all was ready, the Jemadar proceeded on 1st November 1881 to land at Broom under the cover of the guns of the British ship and the place was speedily captured. When the Jemadar's troops were approaching Makalla from Broom, Commander Hulton with his ships helped the Jemadar in obtaining from the Nakeeb the cession of Makalla.⁴

(1) Fergusson to Ripon, 3rd June, 1881. R.P.

(2) Ripon to Fergusson, 13th July, 1881. F.C.

(3) Fergusson to Ripon, 6th July, 1881. R.P.

(4) Desp. Govt. of I. to S. of S. Sec. No. 66, 14th July, 1883.
Pol. & Sec. Letters from I.

Fergusson promptly informed Hartington about the settlement of the dispute through British coercion and expressed satisfaction that the Jemadar of Shehr was placed in possession of Makalla and Broom.¹ Curiously Ripon's Government also seemed to be satisfied with this arrogant and dangerous intervention. They wrote : "...seeing that the result has been the speedy and complete settlement of a very troublesome dispute, it is unnecessary to take any further note of it."² On 29th May, 1882 a treaty was signed by the Jemadar of Shehr and the Resident of Aden by which the Kaiety tribe became a stipendiary of the British and resolved not to dispose of Shehr, Makalla and Broom to any power other than the British Government. It was further decided that the purchase money of Makalla and Broom should be passed over by the Resident of Aden to the Nakeeb from the Jemadar.³ Thus Fergusson's plan for intervention was satisfied and a British protectorate was firmly established on the Hadramaut. The case of Shehr and Makalla was a clear indication that the former British policy of non-interference in tribal affairs in Aden neighbourhood had definitely been abandoned.

In January, 1882 General Loch, Resident of Aden proposed the establishment of a British protectorate over the territo-

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- (1) Fergusson to Hartington, 15th Dec. 1881. F.C.
 - (2) Govt. of I. to Govt. of B. 11th July, 1882. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 66, 14th July, 1883. Pol. & Sec. Letters from I.
 - (3) Agreement between Jemadar and Resident of Aden, 29th May, 1882. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 66, 14th July, 1883. Pol. & Sec. Letters from I.

ries of the Lower Alonku and Wahidi tribes on the Hadramaut in view of increasing activities of the French and the Italians in the Red Sea. The wealthy Kaiety family, the new stipendiary of the British, had for long an eye on Dhofar - an important position on the Hadramaut under the possession of the Imam of Muscat. General Loch reported that the Kaiety in fact were trying to persuade the Imam to sell Dhofar to them. Thus, in the opinion of the Resident, if a British protectorate over the Wahidi and the Lower Alonku could be established and if the Jemadar of Shehr succeeded in purchasing Dhofar, the whole of the coast from Aden to ^{The} Persian Gulf would come under the British control. "No power would then be able", General Loch remarked to Fergusson, "to obtain a footing on any part of it".¹ The scheme of General Loch was strongly supported by his successor, General Blair. Fergusson promptly took up the scheme, which seemed to him "perfectly just", and forwarded it to the Viceroy for serious consideration.² Ripon, however, did not like the proposal and wrote to Fergusson: "I am always inclined to hesitate about proposals for extending our obligations in Arabia and of course if we induce the tribes to bind themselves not to hand over their territories to any foreign nation, we shall be obliged in return to undertake not merely to pay them some small subsidies - which is a minor matter, but to defend them against attacks - which is an engagement not to be entered into

(1) Loch to Fergusson, 8th Jan. 1882. F.C.

(2) Fergusson to Blair, 12th April, 1882. F.C.

without careful consideration."¹ Though fundamentally the Liberals were as eager for the security of British Indian possessions as the Conservatives, the difference of attitude between Ripon and Fergusson was clearly one of outlook and not of mere emphasis. The scheme was then hurriedly dropped.

Fergusson's Government played an important role in the affairs of the Somali coast mainly through their jurisdiction over the settlement of Aden. In fact Aden's contact with the ports of the Somali coast and the security of British interests in the Aden Gulf always determined the British policy towards the African coast. With its poverty of local resources, the settlement of Aden was largely dependent on the food supplies from the Somali coast, especially on the supply of livestock. The Aden authorities and the Government of Bombay were thus directly concerned that orderly conditions should prevail on the Somali coast and that the feeder caravan routes from the interior should be clear and free. A definite British occupation of the Somali coast was never seriously contemplated by the British authorities and the government was not willing to take any expansionist measure unless the supply from the Somali coast was seriously threatened by any new development.

The Ottoman authorities always claimed the sovereignty of the Porte over the whole of the Somali coast on the grounds of

(1) Ripon to Fergusson, 17th March, 1882.F.C.

the past conquests of the Ottoman power. The Ottoman Sultan, Salim I, the conqueror of Egypt, in 1517 occupied the area. With the withdrawal of the Turkish garrison in 1633, most of the Somali coast came into the hands of the independent tribes, with the exception of Zeyla. Zeyla passed under the sheriff of Mocha, a dependent of the Porte. From 1827 the Government of India contracted a number of treaties with the tribes at Berbera, Tajourah and Zeyla securing the safety of commerce and the protection of the British interest. At Zeyla, however, the British negotiated two treaties of commerce and peace in 1840 - one with the Sheriff of Mocha and the other with the chiefs of the Arab tribes. An understanding with the Sheriff of Mocha showed that the British considered Zeyla under Turkish influence though in case of other places, the tribes were treated as independent.¹ Besides the British, two other European powers, Italy and France, had their eyes fixed on the Somali coast. As early as 1859, the French were negotiating with the Dankali chief for the cession of Obokh. Since 1869 the Italians were active in obtaining a position at Assab.² With the opening of the Suez canal in 1869 the movements of Italy and France increased to a great extent. Primarily as a reaction to these moves of the European powers, Egypt revived Turkey's ancient claims on the African littoral of the Red Sea. In 1866 the Turkish Sultan granted a Firman to the

(1) Pol.& Sec.Dept.Memo.Somali Protectorate, W. Lee-Warner, 25th Nov.1896. No.B.74.

(2) I.M.Lewis, Modern History of Somaliland, 1965. p.41

Khedive of Egypt by which Egypt claimed the Somali coast as her dependency. In July, 1875 Zeyla was **farmed** to Egypt by the Porte for a fixed annual subsidy and Tajourah as a tributary of Zeyla also passed into the hands of the Egyptians. In 1870 one Jamal Bay was sent by the Egyptian authorities to the Somali coast to raise the Egyptian flag at Berbera and Bulhar. In 1873 an Egyptian corvette "Surka" treated the British ship "Dalhousie" near Somali coast as if the country belonged to Egypt. In January, 1874 the report of the Resident of Aden indicated that the Egyptian occupation of the Somali coast was almost complete.¹

The Egyptian occupation provoked immediate British protests. While not herself seeking to occupy Somali territory, in the interests of the safety of the supplies to Aden, Britain did not wish to see any other power established on the opposite side of the Gulf of Aden. To achieve this end emissaries were often sent from Aden to intrigue among the Somalis against Egypt.² Due to constant pressure from Aden authorities and the Government of Bombay, the India Office caused the Foreign Office to resist Egyptian claims to the coast east of Zeyla through diplomatic channels from 1870 to 1874. In 1874 the newly-formed cabinet of Disraeli favoured a change of British foreign policy as regards the Somali coast. Faced with other less predictable rivals like Italy and France they came to

(1) Pol. & Sec. Dept. Memo. Egyptian claim to Sovereignty over Somali coast, A.W. Moore, 11th Oct. 1879. No. B.3.

(2) I. M. Lewis, Modern History of Somaliland, 1965, p.41

regard the Egyptian occupation as more in keeping with British interests than hostile to her. This change in attitude was inspired by General Stranton, British Agent and Consul General in Cairo. In October, 1874 he emphatically argued in his despatch to the Foreign Office that a regular system of government under the Egyptians on the Somali coast offered more serious guarantee of friendly relations with Aden than were afforded by the existing commercial treaties with the Sheikhs of Berbera, Zeyla and Tajourah. In his opinion the fears expressed by the Indian authorities that Egyptian occupation of Berbera would endanger provisioning of Aden appeared to be "chimerical". Following this the Government of Bombay and the Government of India shifted their stand and declared that if Aden's interests were not affected adversely they had no objection in recognising Egyptian sovereignty over the Somali coast. Both General Stranton and the authorities in India agreed that if Egyptian authority was allowed to prevail on the Somali coast it would be detrimental to other European powers seeking to obtain^a a foothold.¹ Accordingly the matter was settled by a Convention between Britain and Egypt, signed at Alexandria on 7th September, 1877. By this agreement the British Government recognised the Khedive's jurisdiction under the suzerainty of the Porte over the Somali coast as far as Ras Hafun. The agreement was to

(1) Pol. & Sec. Dept. Memo. Egyptian claim to Sovereignty over Somali coast, A. W. Moore, 11th Oct. 1879. No. B.3.

come into operation under the terms of Article V by which the Turkish Sultan should give a formal assurance to the British Government that no portion of the territory of the Somali coast would be ceded to any foreign power. Another important provision of the agreement was that Berbera and Bulhar should be free ports and that the duties at Zeyla and Tajourah should not exceed 5 per cent on imports and 1 per cent on exports.¹ The assurance from the Porte to ratify the Convention, however, was never given and from that point of view the Anglo-Egyptian convention of 1877 was not strictly binding. But the settlement composed differences for the moment and an Anglo-Egyptian understanding over the Somali coast was definitely reached. Lord Salisbury, the Foreign Secretary, described the Convention as "our only security against other European powers obtaining a footing opposite Aden."²

After this the Egyptians had little difficulty in establishing their authority over the ports of Berbera, Bulhar, Zeyla and Tajourah and they even succeeded in expanding behind Zeyla and established a garrison in the ancient commercial city of Harrar in the Galla country. But their influence over the nomads of the interior was limited and it was customary on the part of the Aden authorities to characterise the Egyptian rule as oppressive and unjust. The British authorities in India, as expected, were vigilant in safeguarding their supply

(1) Pol.& Sec.Dept.Memo.Somali Protectorate, W. Lee-Warner, 25th Nov.1896, No.B.74.

(2) I. M. Lewis, Modern History of Somaliland, 1965, p.42

from Somali ports. In 1875-76 about 63,000 sheep and 1100 cattle were imported to Aden and the number gradually swelled.¹ When Fergusson assumed charge at Bombay the situation on the Somali coast from the British point of view was apparently satisfactory. Officers at Aden found greatly improved port facilities at Berbera and Zeyla. Some lighthouses were erected and the lawless population had been coerced into subjection. But some concern always existed as to the position of trade. Captain Hunter, ~~an officer~~ at Aden reported in April, 1880 that at Berbera and Bulhar taxes on merchandise were levied by the Egyptian authorities. "This proceeding", he wrote, "is in direct violation of the Convention with Khedive of 1877 which stipulated that they [Berbera and Bulhar] should be free ports."² One Captain Heron of the Royal Navy was of the opinion that the Egyptian occupation of the Somali coast was doing "infinite harm" and that British imports and exports had considerably decreased.³ However, it was quite reasonable for the Egyptians to think that the ports should be self-supporting by the levy of moderate dues. The British policy was not to insist on Berbera and Bulhar being absolutely free ports but to limit the British demand to the removal of every tax, duty and cess on import by land and export by sea of

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- (1) Memo. on Somali coast, Gen. M. Schneider, Ex-Resident, Aden, 22nd Jan. 1884. For Dept. Pro. Govt. of I. Ext. April, 1884.
- (2) Report of Capt. F. M. Hunter, 20th April, 1880. Encl. to Acting Resident Goodfellow to Govt. of B. No. 151, 17th May, 1880. Encl. Letters from Aden. 783
- (3) Report of Capt. Heron, 5th June, 1880. Encl. to Actg. Resident Goodfellow to Govt. of B. No. 177-862, 7th June, 1880. Letters from Aden.

livestock and provisions. Fergusson's Government were disposed to think that as long as the exactions of the Egyptians were not oppressive, it was hardly necessary to insist upon the two ports being absolutely free.¹ The British vigilance against the levy of dues by the Egyptians was so effective that Egypt, while incurring a heavy expenditure for the administration of Somali ports "was compelled to content herself with declaring her supremacy in Somaliland without any adequate return."² In July, 1882 when Arabi Pasha's movement against the Khedive's power shook Egypt, a rumour became current that the Governor of Berbera, Ferhat Pasha was a sympathiser of Arabi and anti-Khedive in attitude. It was feared that this might lead to a closure of Berbera's supply to Aden as a reaction to British assistance to the Khedive in putting down the revolt of Arabi. This naturally made Fergusson and his Government exceedingly anxious. Later on it was found that Ferhat Bay had written a friendly letter to Aden assuring uninterrupted supply.³

In 1884 Arabi's revolt in Egypt was quickly followed by the Mahdi's revolt in ^{the} Sudan against the authority of the Khedive. The enormity of the outbreak in ^{the} Sudan necessitated a concentration of Egyptian resources and a drastic curtailment of Egypt's responsibilities in such outlying areas as Eritrea, Harrar and the Somali coast. This abruptly resulted in the termination of

- (1) Desp. Govt. of I. to S. of S. Sec. No. 200, 31st Aug. 1880. Pol. & Sec. Letters from I.
- (2) Memo. on Egyptian withdrawal from Somali coast by the Resident of Aden. Maj. F. Hunter, Offg. Resident to S. of S. No. C/I, 5th June, 1884. Letters from Aden.
- (3) Resident Gen. Blair to Ch. Secy. Govt. of B. No. 219, 18th July, 1882. Letters from Aden.

the Egyptian regime on the Somali coast. The occupation of the Somali coast involved the stationing of Egyptian garrisons to discipline the Somalis, which could no longer be allowed in the contingency of a revolt in the Sudan. Moreover, financially, the Somali coast area was an impracticable liability for Egypt.¹ It was decided in May, 1884 that the Egyptians would shortly evacuate ^{The} Somali coast. The proposal of Egyptian evacuation immediately raised again the question of administering the Somali coast to the advantage of Aden. Meanwhile France and Italy had become remarkably active. Recent French acquisitions in Madagascar and Indo-China and the collapse of the Anglo-French condominium in Egypt by 1884 gave France an impetus to strengthen her base of Obokh on the Red Sea route. In 1884 the French also emphatically laid claim to Tajourah and the Aden authorities believed that in consequence of the evacuation of the Egyptians, if Zeyla fell under the Turks, Tajourah under the French and Italian influence extended from Assab, the whole Somali coast and Southern Abyssinia would be dominated subsequently by foreign powers. Thus to the

(1) Estimate of Egyptian income and expenses :-

<u>Place</u>	<u>Revenue</u>	<u>Expenditure in 1883</u>	
Harrar -	75510 dollars-	60229 dollars -	Surplus of 15281 dollars
Zeyla -	5600 "	- 9105 "	- Deficit of 3505 dollars
Berbera-	6074 "	- 9037 "	- Deficit of 2963 dollars.

Mr. Egerton, Act. Br. Agent, Cairo to Earl of Granville, For S. of S. No. 740, 26th July, 1884. For Dept. Pro. Govt. of I. Ext. Nov. 1884.

British interest in obtaining easy supplies from Somali coast was added the apprehension of the penetration of France, Italy and Turkey.¹

Fergusson's Government could not remain indifferent to this question as the Somali coast was the chief source of Aden supplies and as the area was under the consular jurisdiction of Major Hunter, an officer of Aden.² To Fergusson the Egyptian withdrawal meant a golden opportunity for the British to extend their authority on the Somali coast. This he felt necessary on strategic grounds. He had no doubt that the French and the Italians, already active in the Red Sea, would take advantage of the Egyptian evacuation unless prevented by the British. To Cranbrook, ~~a leading Tory~~, in the House of Lords, Fergusson wrote, "it seems that we must recognise our responsibilities and interests and that naval strength in these seas is important."³ He denounced "the wavering attitude in English politics" as regards the strategic objectives. To Kimberley he wrote: "I know how many considerations must determine action in such instances as that of the Somali coast. In the narrow range of view which a local government have, it seems a pity to lose the attachment of the tribes-whose relations with us are friendly and through which we may preserve the prestige which has hitherto belonged to us in those parts."

(1) Memo. on Egyptian evacuation of Somali coast, Resident, Aden. Maj. Hunter, Off. Resident to S. of S. No. C/I, 5th June, 1884. Letters from Aden.

(2) Fergusson to Ripon, 27th April, 1884. R.P.

(3) Fergusson to Cranbrook, 14th April, 1884. C.C.

He was frankly in favour of the military occupation of the whole area.¹ The British policy on the Somali coast at this phase was conducted by the concerted action of the India Office and the Foreign Office in London. The India Office worked through the Resident of Aden and the British Consul on the Somali coast, Major Hunter, while the Foreign Office moved through the British Agent and Consul General in Egypt, E. Baring. As the immediate authority over the settlement of Aden Fergusson largely expressed the opinion of the men on the spot and much of the working of British policy depended on the discretion of these men. Major Hunter confirmed the opinion of Fergusson that British indifference to the Egyptian evacuation would result in the occupation of the area by the French or the Italians.² General Blair, Resident of Aden, also pleaded strongly in favour of the friendly tribal feeling towards the British and the preference of the tribes for a British protectorate.³ Fergusson advocated to Kimberley the necessity of the interference of the Aden troops before the Egyptian evacuation on the plea of tribal anarchy. He contended on the basis of Major Hunter's report that the Somalis would become undisciplined and might even attack the withdrawing Egyptians, throwing the country into utter confusion. To maintain order the Aden troops must be despatched to different parts of Somaliland.

(1) Fergusson to Kimberley, 21st June, 1884. F.C.

(2) Maj. Hunter, Off. Resident to S. of S. No. C/I, 5th June, 1884. Letters from Aden.

(3) Memo. on Egyptian withdrawal from Somali coast by the Resident of Aden. Maj. F. Hunter, Off. Resident to S. of S. No. C/I, 5th June, 1884. Letters from Aden.

In his opinion, on the behaviour of the tribes depended "the peaceable withdrawal of the Egyptians and the subsequent good order of the country."¹ It was in fact expressed emphatically by Major Hunter to the Secretary of State in July, 1884 that the relations between the Egyptian Governor of Harrar and the Eesa Somal tribes became so strained that the latter refused all obedience to the Egyptian officers. Under the circumstances he recommended the despatch of Aden troops to maintain order.² In August, 1884 Major Hunter reiterated his stand by stating that a temporary British military occupation of Zeyla would prevent the Eesa Somals from obstructing the march of the outgoing Egyptians and would pacify the country.³

Fergusson was aware of the reluctance of the Liberal Government at home and of the Government of India to establish a permanent military occupation of the region. So he proposed a temporary military occupation backed up by a plan of British protectorate over the Somali tribes, guaranteeing their autonomy. In Fergusson's opinion the Somalis were "ready to accept as much British protection as they can get." He wrote to Kimberley : "I am well aware that the last thing you want is any responsibility and I believe that Major Hunter would incur none beyond mutual friendship and some slight reward

(1) Fergusson to Kimberley, 30th June, 1884. F.C.

(2) Maj. Hunter to S. of S. No. C₄, 5th July, 1884. Letters from Aden.

(3) Maj. Hunter to S. of S. No. 3_Z, 4th Aug. 1884. Letters from Aden

for engagements not to treat with foreigners."¹ To Ripon, Fergusson repeated his stand and implored him to send Major Hunter from Aden to the Somali coast to treat with the tribes and facilitate the Egyptian evacuation without disturbance. He explained that the tribes wished for ^a British protectorate and that "Major Hunter's business will be to get the effects of this without the obligations."²

In consistence with the Liberal policy, Ripon from the beginning was averse to any military occupation of the Somali coast.³ He however agreed that Major Hunter should be sent to the Somali coast "to look after our interests at Berbera and etc. when the Egyptians withdraw."⁴ To this the home authorities were agreeable. In view of the activities of the Italians and the French it was necessary for the British to safeguard their interests on the Somali coast. In the opinion of Kimberley : "With the French at Obokh and the Italians at Assab it is quite necessary that we should secure such a footing as will enable us to get our supplies for Aden without interruption."⁵ But there was considerable difference of opinion as to the limit of the coastal area over which the British should exert their influence. The Egyptians occupied the whole Somali coast from the straits of Bab el Mandeb to

(1) Fergusson to Kimberley, 30th June, 1884. F.C.

(2) Fergusson to Ripon, 25th June, 1884. R.P.

(3) Tele. Viceroy to S. of S. 10th May, 1884. For Dept. Pro. Govt. of I. Ext. June, 1884.

(4) Ripon to Fergusson, 19th June, 1884. F.C.

(5) Kimberley to Fergusson, 14th Nov. 1884. F.C.

Ras Hafun, including Tajourah, Zeyla and Berbera. The supplies for Aden were mainly drawn from the coast eastward from Zeyla to Ras Hafun which included Berbera. The other portion of the coast, from Zeyla westward to Bab el Mandeb, stood on a different footing. There the Porte was said to possess rights which had never been practically disputed by the British Government. Under these circumstances it was decided by the home authorities to acquiesce in any steps the Porte might take to maintain its authority from Zeyla to Bab el Mandeb while the British should enter into direct relations with the tribes to the east of Zeyla.¹ To this decision the Aden officials protested by pointing out that the Turkish sovereignty over Zeyla, based on a conquest made in the medieval period should not be acknowledged by Britain.² Fergusson contended that "it would be very inconsistent besides being hardly humane to hand over the poor people of these areas to the Turks whose rule is even worse than the Egyptians."³ This was a repetition of the common British imperial argument generously used for the retention of Kandahar, ~~Pishin~~ and Sibi in North Western frontier. Fergusson imagined that the quasi-recognition of the Turkish authority over Zeyla and Tajourah was "to hinder the extension of foreign European advance," but considered it a wrong step.⁴

- (1) Under Secy. of State for India to Under Secy. of State for Foreign Affairs, 8th May, 1884. For Dept. Pro. Govt. of I. Ext. June, 1884.
- (2) Memo. on Egyptian evacuation by Resident of Aden. Maj. F. Hunter, Offg. Resident to S. of S. No. C/I, 5th June, 1884. Letters from Aden.
- (3) Fergusson to Kimberley, 21st June, 1884. F.C.
- (4) Fergusson to Ripon, 25th June, 1884. R.P.

Personally Ripon did not like the idea and informed Fergusson that this recognition of Turkish authority over Zeyla and Tajourah "might be inconsistent and inconvenient some day."¹ The home government in the meantime asked the Porte to take occupation of Zeyla and Tajourah, failing which the British would temporarily occupy Zeyla to maintain order on the eve of Egyptian evacuation.² The Turks, however, hardly took any notice of this request.

Finally, it was decided that Major Hunter should go "to facilitate arrangements for the withdrawal of the Egyptians and to anticipate the contingency of local disturbance or any attempt at foreign occupation by entering into direct agreements with the Sheikhs of the local tribes." The agreements would be contracted on the basis that the tribes would not dispose of any part of their territory to any power without the consent of the British Government and would maintain peace and order in their areas.³ Major Hunter at once proceeded to the Somali coast with a small escort party. With the Egyptian evacuation from Berbera, he promptly negotiated with the local tribes and effected a sort of British supervision of the port

(1) Ripon to Fergusson, 19th June, 1884. F.C.

(2) Under Secretary of State for India to Under Secy. of State for Foreign Affairs, 8th May, 1884. For Dept. Proc. Govt. of I. Ext. June, 1884.

(3) Secy. for Dept. Govt. of I. to Ch. Secy. Govt. of B. No. 1547E, 18th June, 1884. Encl. to Desp. Govt. of I. to S. of S. Sec. No. 103, 8th Aug. 1884. Pol. & Sec. Letters from I.

under a British agent and police.¹ At Zeyla Major Hunter insisted on a temporary military occupation, as proposed, of the place on the eve of the withdrawal of the Egyptians. It was his belief that unless Zeyla be occupied by a British force, the tribes were certain to create difficulty in the withdrawal of the Egyptian garrison at Harrar.² The home authorities, receiving no reply from the Porte concerning the fate of Zeyla and Tajourah, sanctioned the despatch of the Aden troops to Zeyla.³ On 21st August, 1884 troops from Aden were sent to Zeyla, presumably for a temporary occupation which in reality turned out to be a permanent one. Thus as the events stood, Fergusson's plan of the military occupation of ^{the} Somali coast was largely realised and the Liberal policy defeated. The logic of imperialism in India led Britain, despite the Gladstonian reluctance, to assume imperial burdens in Africa. The military occupation of Zeyla, however, was precipitated by an unforeseen^e incident - the Turkish indifference to resume control over distant and unremunerative places like Zeyla and Tajourah. Tajourah, the only place on which the British Government laid no hand, was promptly acquired by the French through direct negotiation with the local Dankali chief.⁴

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- (1) Maj. Hunter to S. of S. No. C4. 5th July, 1884. Letters from Aden.
 - (2) Maj. Hunter to Govt. of B. No. 2-H, 30th July, 1884. For Dept. Proc. Govt. of I. Ext. Oct. 1884.
 - (3) Teleg. S. of S. to Viceroy, 2nd Aug. 1884. For Dept. Pro. Govt. of I. Ext. Oct. 1884.
 - (4) Teleg. Resident, Aden to Governor, Bombay, 24th Nov. 1884. Letter from Aden.

In November, 1884 the Egyptians evacuated the whole of the Somali coast and by the end of the year Major Hunter concluded formal treaties, replacing the earlier Anglo-Somali trade agreements, with the Eesa, Habr Awal, Godabursi, Habr Garhajis and Habr Sol Jalo clans. Though the new treaties practically established a clear British influence over the Somalis, they had not effected any British protectorate in the area in a formal sense. Certainly little was ostensibly conceded to Britain. By the treaties the Somalis only entered into an agreement with the British Government for "the maintenance of our independence, the preservation of order and other good and sufficient reasons" Nor did the Somalis expressly cede their land to Britain. They merely pledged themselves "never to cede, sell, mortgage or otherwise give for occupation save to the British Government any portion of the territory under their control." The Somalis only granted to the British Government the right to appoint British agents to reside on the Somali coast.¹ Still this was most of what Fergusson and his officials at Aden aimed at. In December, 1884 Fergusson sounded Kimberley for clarification by stating that in his opinion the British position at Berbera and Zeyla was not quite secure. "Would it not be well to assume a protectorate at once?"²

⁽¹⁾ Copy of the treaty with Eesa Somals, 31st Dec. 1884. Maj. Hunter to E. Baring, Br. Agent and Consul-Gen. in Cairo, No. I, 5th Jan. 1885. Letters from Aden. The British treaty with Eesa Somals was representative of all the treaties effected with the Somali tribes.

⁽²⁾ Fergusson to Kimberley, 17th Dec. 1884. F.C.

British had already established a virtual protectorate over the Somali coast. It became "indispensable", in view of the European activities there, he pointed out, that the British should "hold a position of authority as protectors." However, Kimberley informed Fergusson that the British had no intention "to deprive the Somalsⁱ of the control over their internal affairs."¹ Sometime later, in 1886, the position was made clear by a further supplementary treaty with the Somalis which announced that the British Government undertook to extend to the tribes "the gracious favour and protection of Her Majesty the Queen Empress."²

Though authorities in Simla and Bombay were connected to a large extent with the British policy towards the Somali coast, the future affairs of the area should in propriety have been conducted by the British Foreign Office or Colonial Office. The Somali coast was not only far away from the Indian territories but was intimately connected with the developments in Africa and Europe. This Lord Ripon realised and decided that all matters connected with Africa should be left to the Foreign Office. "The Government at home", he wrote to Fergusson, "will never be content to leave any Indian Government free to deal with them and I am afraid that there will be a constant source of difficulty and friction."³ It was difficult for Fergusson,

(1) Kimberley to Fergusson, 8th Jan. 1885. F.C.

(2) Supplementary British Treaty with the Somali tribes. Cited in I.M. Lewis, Modern History of Somaliland, 1965, p. 47

(3) Ripon to Fergusson, 8th Dec. 1884. F.C.

who by virtue of his jurisdiction over Aden gained an influence in Somali affairs, to accept such a view. He was firmly of the opinion that the management of the Somali affairs should be continued for the sake of convenience under the Residency at Aden.¹ Lord Dufferin, the successor of Ripon, held similar views.² Thus in 1885 Fergusson hardly faced any difficulty in obtaining sanction from the Secretary of State to the existing arrangement. So the curious anomaly of entrusting the Government of Bombay with the intricate task of managing the British affairs in the Red Sea from Aden continued unabated. In the past the difficulty of communication was responsible for such shifting of the charge of a comparatively unimportant area to a local government of British India. But in the days of steamship and telegraph in 1885 such an arrangement was simply anachronistic, especially in view of the growing importance of the Red Sea after the opening of the Suez canal.

Whatever might be the disadvantage of the jurisdiction of a local government in the Red Sea area it afforded Fergusson an opportunity to display his ideas of Tory imperialism. With great tact and timely pressures he influenced a Liberal Viceroy and the home government to pursue an active policy, despite their anti-imperialist professions, in the African and Arabian littoral of the Red Sea. The consequence of such ^{an} active policy

(1) Fergusson to Kimberley, 17th Dec. 1884. F.C.

(2) Teleg. Viceroy to S. of S. 22nd Jan. 1885. Encl. to Desp. S. of S. to Govt. of I. Pol. No. 7, 20th Feb. 1885. Pol. & Sec. Letters to India.

was an increase of Britain's imperial responsibilities. Thus Fergusson committed the British Government to a policy of interference with the tribes in the neighbourhood of Aden, established one British protectorate in the Hadramaut and worked for another in the Somali coast.

CHAPTER III

Relations with the Native States

Dealings with the native¹ states was always a delicate responsibility of British Indian statesmen. It was complicated by varied administrative jurisdiction of the native princes, allegations of misgovernment against them by their subjects, the unscrupulousness of factions contending for power and the extent of interference that had to be exercised. To such problems were usually added, as Fergusson found, "rival-heir plots, subdivision of holdings, semi-pauper aristocracy and intrigues for offices"². Fergusson was so much aware of this state of affairs that he supervised with the utmost personal care the Political Department of his government which conducted the relations with the native states.

The territories under the native princes formed almost one-third of the total area of Bombay Presidency, an aggregate of 73,753 square miles, and a population of seven million inhabitants.³ The relations of these Indian states with the Bombay Government were regulated by a series of treaties and engagements many of which dated from the last quarter of the 18th century. On the whole, however, the treaties rested upon the general settlement effected for Western India at the close of the Third Maratha War. The native states under the jurisdiction of the Government of Bombay were varied in their extent and population.

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- (1) The word "native", though^k acquired a derogatory connotation is neutral in meaning. It was freely used in official documents and in the private letters of Ripon and Fergusson.
 (2) Fergusson to Kimberley, 9th Feb. 1883, F.C.
 (3) W.W. Hunter, Bombay 1885-90, 1892, p.80.

The great Kathiawar group of states had, according to the census of 1881, an area exceeding 20,338 square miles and a population of 2½ million. The little state, Savanur had hardly an area of 70 square miles, while Narukot had only 6,837 inhabitants.¹ The characteristic feature of the Bombay native states was the great number of petty principalities. The peninsula of Kathiawar alone contained 193 separate states.² The jurisdiction and powers of the rulers of the states of Bombay varied from absolute civil and criminal authority to the mere right to collect revenue in a village and the enjoyment of immunity from taxation. The control of the Bombay Government over these states was exercised through the political agents. According to their importance the native states were divided into three categories. In the first category were those big and populous states in each of which the Government of Bombay was represented by a political agent. The second category was formed by the groups of smaller states, for each of which a political agent residing at a central station, was responsible. The last category comprised the isolated small states in close proximity to the British districts, the collectors of which were ex-officio agents of the government.³ The position and duties of the political agent varied considerably in different states, being governed by the terms of the original treaties or by recent sanads or letters patent. In such states as Cutch, Kolhapur and Junagad the functions of the agent were limited to general advice. But in certain other

(1) Bombay Admn. Report, 1880-81, p.81.

(2) Imperial Gazetteer of India, 1908, Vol. VIII, P.341.

(3) Ibid. p.343.

states, the political agent was invested with an effective share in the administration. The states, whose rulers were minors, were often directly managed by the political agents or by mixed agencies appointed by the government.¹

Fergusson's dealings with the native states of Bombay Presidency were essentially a part of the policy of the Government of India towards the native states during the Viceroyalty of Ripon. From 1858 the most dominant tendency in the British attitude towards the native states was the growth of the conception of Paramountcy of the British Crown over the Indian princes. The paramountcy of the Crown was a de facto status and not a de jure one. The chiefs and princes of India had not agreed by any of their treaties to vest in the Crown any power other than those which they expressly surrendered. In practice the paramountcy of the Crown turned out to be an unlimited growth of the central authority over the native states and the claim of the Government of India to extra-treaty rights of encroachment on the affairs of the native princes. This outcome was partly due to the fact that the treaties were concluded between unequals and partly due to the changed conditions of the country. By coming into treaty arrangements with the Indian princes the British Government, an infinitely superior power, had all the practical advantages of going beyond the treaty stipulations. To these advantages were added the development of communications, the building of railways, the construction of telegraph lines and the growth of ^{the} public press resulting in an ever-increasing closeness

(1) W. W. Hunter, Bombay, 1885-90, 1892, p.82

between the British Government and the native states.

Another notable tendency of the British Government in the post-mutiny period was the deliberate undermining of the former distinction between those states which had treaty relations with the government as allies, and those, which were expressly dependents of the government. Thus after the proclaimed annulment in 1858 of the British policy of annexation, the native states, though relieved from threat to their existence, were subjected to the constant interference of the Paramount Power. The great exponent of the policy of annexation, Lord Dalhousie, had earlier objected to such a policy. Dalhousie was always in favour of classifying the native rulers in three categories, namely, sovereign or quasi-sovereign rulers, subordinate and dependent chiefs and the sovereignties created or revived by the sanad of the British Government.¹ As regards the states belonging to the first group, Dalhousie denounced constant British interference in their affairs. In his memorable despatch to the Resident of Hyderabad he objected to "a system of unwarranted and officious meddling" in the jurisdiction of these states and was opposed to the British right "of deciding authoritatively on the existence of native independent sovereignties and the arbitrarily setting them aside when their administration may not accord with its own views."² The period that followed the Governor-Generalship of Dalhousie witnessed the gradual evolution of the principle of interference of the Paramount

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- (1) W. Lee-Warner, Life of Lord Dalhousie, 1904, Vol.2, p.155.
 (2) K. M. Panikkar, Indian states and the Government of India, 1932, p.37.

power and the consequent repudiation of the distinction between the allied states and the dependent states. The evolution of the policy was almost complete when at the installation of the Nawab of Bhawalpur in 1903 Lord Curzon declared that the Indian states represent "a series of relationships that have grown up between the Crown and the Indian princes under widely differing historical conditions, but which in process of time have conformed to a single type." Curzon defined the position of the Paramount power by concluding that "the sovereignty of the Crown is everywhere unchallenged...."¹ Twenty-three years later Lord Reading reaffirmed this by announcing that when imperial interests were concerned or the general welfare of the state was affected "it is with the Paramount power that the ultimate necessity for taking remedial action, if necessary, must lie."²

Broadly, Ripon's tenure of office in India was a phase in this transition of the British attitude towards the native states from Dalhousie to Curzon. Ripon was eager to follow the post-mutiny British liberal policy towards the native states, that of rejecting the plea of annexation and courting good relations with the Indian princes. He firmly believed what Lord Canning expressed in his despatch of 30th April, 1860 (No.43.A): "the safety of our rule is increased and not diminished by the maintenance of the native chiefs well-affected to us....One of our best mainstays will be found

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- (1) Lord Curzon in India - being a selection from his speeches 1906, p.227. Published by Macmillan and Co.Ltd.
 (2) Lord Reading's letter to the Nizam, March 22, 1926. Cited in K.M.Panikkar, Indian States and the Government of India, 1932, p.38

in these native states."¹ Ripon never considered the British treaties with the native states as obsolete. In his opinion the Parliamentary recognition of the binding nature of these agreements by the Act of 1858 imposed an obligation on the Government of India to observe them. But Ripon could not disregard a general consideration which ought to override on occasions the literal engagements of the treaties, namely, the responsibility of the Crown to the subjects of the native states. He believed that British interference in the jurisdiction of the native states was justified on the ground of the responsibility of the Government of India for "seeing that the inhabitants of the native states did not suffer from oppression and misgovernment." He further thought that in the past a native prince, guilty of grave misgovernment, would run a risk of being overthrown by insurrection or supplanted by some more popular rival. One of the effects of strict maintenance of law and order in India was the difficulty, if not the impossibility, the people of the native states felt in overthrowing the oppressive chief. "We incur in consequence", Ripon remarked, "a responsibility for their protection against evils against which we prevent them from protecting themselves."² Thus Ripon in accordance with the Gladstonian liberal professions was in favour of abstention from imperial involvement in the affairs of the native states unless misgovernment in these places compelled him to interfere. In case of practical application such a policy

- (1) "The Native States of India", a paper by Lord Ripon read before Leeds Philosophical and Literary Society on 20th October, 1885
 (2) "The Native States of India," a paper by Lord Ripon

involved a conflict between the necessity of curbing the powers of the native rulers and the desire to maintain princely authority. About this conflict Ripon was personally conscious and knew very well "how difficult and delicate a task it is to reconcile that freedom from all harassing and needless interference which we desire to secure to the native princes and chiefs with that protection from injustice and wrong which we are bound to afford to the people who dwell within their territories."¹

Fergusson on the whole accepted the general policy of the Government of India towards the native states. Theoretically he acknowledged the necessity of balancing British responsibilities towards the inhabitants of the native states against the British observance of the jurisdiction of the princes and chiefs. But in practice Fergusson was in favour of judging every case on its merits and he wanted to remain unfettered where he considered interference necessary. His belief in the civilising mission of the British rule in India inspired him to think in terms of the assertion of imperial power over the native states. To Ripon he wrote, "if a government like this [Bombay] cannot control wicked and cruel practices and mal-administration in states over which we exercise that elastic influence called political, it will be so weakened and discredited that it will have little power for good."² Thus in his dealings with the native states Fergusson showed a tendency to push Ripon's policy of judicious interference

(1) "The Native States of India," a paper by Lord Ripon.
 (2) Fergusson to Ripon, 22nd Oct. 1880. R.P.

a little too far. This, however, was in conformity with his annexationist leanings in the North West Frontier of India and his assiduity for interference in the Aden hinterland and on the Somali coast.

Fergusson often claimed that his personal relationship with the native rulers of Bombay Presidency was satisfactory. To Ripon he wrote, "I do not believe that any of my predecessors has done more than I to be courteous and considerate to the native chiefs of all degrees and I feel sure that I have gained the confidence of a good many."¹ But during Fergusson's stay in Bombay several significant instances of assertion of the Paramount power occurred which speak of the application of the principles of interference and acknowledgement of the authority of the chiefs. One such case was associated with the name of Chota Udaipur, a petty state in Rewakantha Agency in Gujarat. The chief or the Maharawal of the state had jurisdiction over only the criminal offences of his own subjects. In July, 1880 information reached A. Grant, Acting Political Agent in Rewakantha that Maharawal Jitsinghji's favourite son, Chandrasinghji, had murdered his young wife. It was rumoured that Chandrasinghji had learned that his wife committed adultery with another person in the palace. Torture of "incredible barbarity" was inflicted on her, resulting in her death.² The body was burnt and a medical man was induced to report that the lady died from snake bite. A police officer was at once despatched to Chota Udaipur. His report showed that

(1) Fergusson to Ripon, 18th Jan. 1883. R.P.

(2) Fergusson to Ripon, 5th Oct. 1880, R.P.

there was a prima facie case against Chandrasinghji. The Maharawal, being too affectionate for his son, had taken no notice of the incident so far. However, he informed the Agent of his anxiety to have a full enquiry into the case and of his willingness to assist him.¹ Grant, having ascertained who would be required as witnesses, called upon the Maharawal to produce them in order that they might be taken to Godhra, a British territory and the headquarters of the Political Agency, for formal examination. The witnesses mostly dependents of the palace were then brought to Godhra and detained there. The government, on receipt of these proceedings, directed the Acting Political Agent to try Chandrasinghji on the charge of murder, to submit the report to the Government but not to pass any sentence.² To this the Maharawal of Chota Udaipur strongly protested, stating that he had agreed only to the confidential enquiry into the case at Chota Udaipur but "not to the trial in supersession of his jurisdiction."³ Fergusson and his Government, however, refused to recognise any distinction between trial and enquiry in such a case, but having regard to the chief's jurisdiction they decided to accept his nominee who would be associated with the Acting Political Agent in the trial. The Raja concurred in this arrangement by making the nomination of his Dewan.⁴ Soon Chandrasinghji begged the Government

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- (1) Ch.Secy.Govt.of B. to Secy.for Dept.Govt.of I, 30th Oct. 1880. Encl.to Desp.Govt.of I.to S.of S.Pol.No.12,19th Jan.1881. Pol.& Sec.Letters from I.
 - (2) Ibid.
 - (3) Maharawal Jitsinghji to the Governor,Bombay,30th Aug. 1880.Encl.to Desp.Govt.of I.to S.of S.Pol.No.12,19th Jan 1881. Pol. & Sec.Letters from I.
 - (4) Fergusson to Ripon, 5th Oct.1880. R.P.

that the trial might not be conducted by the Acting Political Agent, who had been involved in the enquiry, but by any one from the judicial service.¹ As this request seemed quite reasonable the Government appointed H.M. Birdwood, the Judge of Surat, to preside over the trial. When required to appear before the court Chandrasinghji came down to Godhra with a large armed retinue and his father followed him with an armed mob. The armed procession created such a threat to peace that some troops were sent to intercept the violent mob outside Godhra and Chandrasinghji was put under arrest.² His trial commenced at Godhra on 1st October 1880.

All these steps were taken by the Government of Bombay before the matter was reported to the Government of India, who meanwhile received a remonstrance of the Maharwal addressed to the Viceroy in August, 1880. Soon the incident got into newspapers, which complained of the illegality of the trial and pointed out that the Government should not have directly interfered in the jurisdiction of the native chief.³ Ripon also felt very strongly about the incident. "I am afraid," he wrote to Lord Northbrook in England, "that the Bombay Government are very likely to get us into a mess by the action they have taken without our knowledge." The whole proceeding, in Ripon's opinion, was without any warrant of law whatsoever. He apprehended that such an act of setting

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- (1) Chandrasinghji's appeal to the Governor, Bombay, 15th Sept. 1880. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 12, 19th Jan. 1881. Pol. & Sec. Letters from I.
 - (2) Ripon to Northbrook, 16th Oct, 1880.
 - (3) Reports of Native Newspapers on the case. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 12, 19th Jan. 1881. Pol. & Sec. Letters from I.

aside of the chief's recognised jurisdiction would be looked upon with uneasiness and alarm by other native princes with similar judicial rights and powers.¹ The Government of India accordingly demanded explanation from Fergusson's Government as to the consideration that led them to interfere in the criminal jurisdiction of the chief. Fergusson justified his government's case on the grounds of customs and precedents. He agreed that all small native states like Chota Udaipur were legally foreign territories. Nevertheless it had been found necessary for the Paramount authority in the past to interfere in the jurisdictional independence in most of the small native states. As instances of such interference, the Government of Bombay cited the cases of the Rana of Porebandar and the Nawab of Janjira. In 1869 both the chiefs were severely censured by the Government of Bombay for the practice of judicial barbarity.² Thus in the opinion of Fergusson the Paramount authority had considered itself entitled by virtue of its controlling authority to interfere in the jurisdiction of the native states whenever necessity arose. The same power of the Paramount authority existed in regard to any particular case which, from exceptional circumstances, the native chief might not be disposed to deal with. He believed that the circumstances of the case of Chota Udaipur and the tendency of the chief to hush it up had "justified the Paramount power assuming

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- (1) Ripon to Northbrook, 16th Oct. 1880, Printed R.P.
 (2) Ch. Secy. Govt. of B. to Secy. for Dept. Govt. of India.
 30th Oct. 1880. Encl. to Desp. Govt. of I. to S. of S. Pol.
 No. 12, 19th Jan. 1881. Pol. & Sec. Letters from India.

jurisdiction.¹" Fergusson further pointed out that in cases of unjust and cruel treatment, the interference of the government had been justified by the British authorities in the past. The case of Chota Udaipur, he argued, was one of such character and it was not consistent with the duties of the British Government to acquiesce in such a case and to allow it to pass without proper judicial enquiry. Pointing to the barbarous oppression committed on the deceased, Fergusson commented : "Were such acts passed unnoticed how could we hang poor people for the like?"²

Contrary to the above arguments, Ripon thought that the chief of Chota Udaipur, though petty, enjoyed substantial powers of sovereignty, namely, the criminal jurisdiction over his people. In this respect his position was hardly different from that of the ruler of a big state, such as Holkar or the Nizam. He argued that the chief of Chota Udaipur might perhaps by a voluntary cession have invested an officer of the British Government (the Political Agent) with jurisdiction within the limits of his dominions. But the commencement of the trial at Godhra - a British territory, the arrest of Chandrasinghji and the detention of the witnesses were acts for which there was no legal warrant. In fact the present interference on the part of Fergusson was a pure and simple act of the state in which the necessity of the intervention must be clearly established. Ripon felt that an act of the state of this kind might have to be resorted to

(1) Fergusson to Ripon, 5th Oct. 1880, R.P.

(2) Ibid.

in serious cases as was done in the deposition of the Gaekwar.¹ But so grave an act of the state should not have been taken by the Government of Bombay without the sanction of the Viceroy. So he informed Fergusson that "the unanimous feeling of the Council was that the case was a curious one and that your Government appeared to have overlooked some of its most serious aspects."² Ripon also pointed out that in acts of the state, such as in the Tonk³ and Gaekwar cases, the proceedings were held in the native territory. "The real question upon this point is," Ripon wrote to Fergusson, "whether precedent can be found for the exercise of such an act of the state ousting and casting aside the recognised jurisdiction of a native prince."⁴ In the cases of Janjira and Porebandar in 1869 the Government of Bombay merely censured the chiefs without flouting their criminal jurisdiction.

Fergusson, however, thought that when the Raja agreed to send his nominee to participate in the trial at Godhra he seemed to have recognised the validity of the proceedings. So "the question of jurisdiction was never brought distinctly to an issue." Regarding his own motive in the act Fergusson declared ".....it seemed to me that such acts as are alleged against Chandrasingh were such as could not be tolerated and that as this petty state is under the control

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- (1) Malhar Rao Gaekwar, the ruler of Baroda, was deposed in 1875 on charges of maladministration.
 - (2) Ripon to Fergusson, 18th Oct. 1880. F.C.
 - (3) In 1867 the Nawab of Tonk was deposed and his son set up in his stead for complicity in an affray in which 15 relatives of a dependent chief were shot down.
 - (4) Ripon to Fergusson, 18th Oct. 1880. F.C.

of this Government, it was our duty to investigate it."¹

While this argument continued, Birdwood completed the trial of the case. The verdict of the judge was that the death of the lady could not be clearly connected with the assault and tortures which were undoubtedly committed on² her. Thus Chandrasinghji was freed from the police custody and Ripon was relieved from an embarrassing position. He caused the Foreign Department of the Government of India to write an epilogue on the case stating the general principle of interference in the jurisdiction of a native state. Ordinarily, it was essential to respect the jurisdiction of a native chief, however small might be his authority. There might arise exceptional cases where the British Government might be compelled to exercise its own supreme and ultimate authority. But an interference of this nature, "being an act of the state, is a measure reserved for grave and rare exigencies andexcept for reasons of unquestionable urgency such measure should not be adopted."³ In the case of Chota Udaipur the Government of India were not convinced that the wish of the chief to screen a criminal was sufficient for any interference.

Fergusson readily recognised the broad principle laid down by Ripon's Government. But he differed from Ripon as

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- (1) Fergusson to Ripon, 18th Oct. 1880. R.P.
 - (2) Findings of H. Birdwood, 6th Nov. 1880. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 12, 19th Jan. 1881. Pol. & Sec. Letters from I.
 - (3) Secy. for Dept. Govt. of I. to Ch. Secy. Govt. of B. 17th Dec. 1880. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 12, 19th Jan. 1881. Pol. & Sec. Letters from I.

to the gravity of the cruelties practised in the native states. "Such acts as have been committed by Chandra," he wrote to Ripon, "if permitted, would be damaging to our credit more than any jealousy of the native princes would be to our powers."¹ This Ripon refused to believe and he was inclined to think that "the maintenance of the acknowledged rights of native rulers is of more importance than the punishment of an individual crime."² Such an absolute opinion was not wholly justified in the circumstances of the native states. Often it was necessary to judge a case from the point of view of its merits and not from the perspective of a preconceived notion. Ripon had to admit this at a later date when he stated: "there are no doubt some forms of misgovernment of which the British Government cannot be patient spectator and foremost among them, I should say, is the practice of cruelty."³ The Chota Udaipur case exposes clearly the conflict between policies of upholding princely authority and just government in the native states.

The interference of the Paramount authority in a native state to check persistent maladministration was always a justifiable proceeding on the part of the British Government. Such interferences were in conformity with the responsibility of the British Government to look after the interests of the subjects of the native states. In cases of this sort, Ripon, though in favour of moderation, had no real hesitation. Fergusson was so convinced of the need of such assertions of the Paramount authority that he hardly spared

(1) Fergusson to Ripon, 22nd Oct. 1880. R.P.

(2) Ripon to Northbrook, 16th Oct. 1880. Printed R.P.

(3) "The Native States of India", a paper by Lord Ripon.

any opportunity to intervene in cases of maladministration. The most striking example of this kind of interference was the case of Porebandar state. In September, 1882 Fergusson complained to the Viceroy against the misrule of the Rana of Porebandar, "whose misgovernment was oppressive to his subjects and hurtful to the trade of his neighbours which his port should accommodate." He pleaded for authority from the Viceroy to interfere in the management of the state, without which he was afraid that the government would not get the Rana to be reasonable.¹ Porebandar was one of the most important states of the Kathiawar group and had a good port under its jurisdiction. The Rana, a formidable prince among the Kathiawar chiefs was first censured by the Government of Bombay in 1869 in consequence of judicial barbarity. The Government of Bombay again had to deal with the Rana in view of two sets of problems, namely, the mismanagement of the port of Porebandar and the abuses of internal administration. Attention of the Government was first drawn to the mismanagement of the port by the complaints of the British India Steam Navigation Company and by the personal observations of Fergusson when he visited Kathiawar.² The government in October, 1882 forced the Rana to draw up approved rules for port management and to appoint an approved officer of the Government as Port Superintendent. For a

(1) Fergusson to Ripon, 17th Sept. 1882. R.P.

(2) Ch. Secy. Govt. of B. to Secy. for Dept. Govt. of I. No. 5133, 19th Oct. 1882. For. Dept. Proc. Govt. of I. Jan. 1883.

time these steps resulted in a marked improvement of the port. Soon, however, Col. Burton, the Political Agent of Kathiawar, reported numerous complaints to the government. These showed that in Porebandar, the traders were subjected to miscellaneous oppressive exactions in addition to fixed customs duties. The Port Superintendent, appointed at the instance of the government, was alleged to be often harassed interfered with and threatened by the Rana.¹ Regarding the abuses of the internal administration the Agent complained that the state was in reality being governed by a clique of unworthy intriguers headed by the Karbhari or the Dewan. The Agent reported instances of gross judicial lapses indicating how the favourites of the Rana received favours from the law-courts. There were also innumerable examples of the execution of unjust decrees. The Police Department of the State was so badly managed that the situation as regards law and order became grave. The inhabitants of the state, it was reported, constantly complained against the levy of irregular taxes. There was widespread popular discontent in Porebandar and the turbulent Mers, a tribe who once constituted the feudal militia of the state, were agitated. It was said that the Rana was encroaching on their lands by violating their privilege as tenants by service (Bhayats) and by considering them only as tenants at will. (Prasaits)²

(1) Ch. Secy. Govt. of B. to Secy. for Dept. Govt. of I. No. 5133, 19th Oct. 1882. For. Dept. Proc. Govt. of I. Jan. 1883.

(2) Col. Burton, Pol. Agent, Kathiawar to Govt. of B. Pol. Dept. No. 64, 28th Feb. 1882. For. Dept. Proc. Govt. of I. Jan. 1883

Considering these complaints, the Government called on the Rana in strong terms to reform the abuses of the administration and to get rid of the corrupt officials including the Karbhari.¹ But the Rana showed no sign of undertaking a single necessary reform and exhibited "a stolid indifference to all remonstrances."² Fergusson was determined to put an end to this intolerable state of affairs and to make the Rana understand that unless he followed the advice given to him the administration of his state would be assumed by the Government. The Government of Bombay thus decided that a memorandum should be drawn up detailing the abuses of the state on behalf of the government and this should be placed before the Rana. "He should then be informed that unless he carries out the desired reforms.....he will be deprived of all his authority."³ Regarding the mismanagement of the port of Porebandar, the government of Fergusson thought that no further discussion with the Rana was desirable, for the proper management of the port was a matter of interest to the whole province of Kathiawar and not of Porebandar only. By treaty between the British Government and the Porebandar state in 1809, "one half of the port of Porebandar with a full participation in all its rights" was ceded to the British Government. So the government was fully entitled by the treaty to assume the management of the port in the interests of the Porebandar state, the whole of Kathiawar

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- (1) Res.Govt.of B. Pol.Dept.No.1413, 21st March,1882,Pol. Dept.Proc.Govt.of B. March,1882.
 (2) Fergusson to Ripon, 26th Aug.1883. R.P.
 (3) Ch.Secy.Govt.of B. to Secy.For.Dept.Govt.of I.No.5133, 19th Oct.1882.For.Dept.Proc.Govt.of I.Jan.1883.

and trade generally.¹

Ripon's Government agreed to the proposal of placing a memorandum on the abuses of the administration before the Rana with a view to giving him a final warning "in fulfilment of the special responsibilities which devolve upon the Paramount power."² But the Government of India was reluctant to sanction any interference in the affairs of the port management and consequently held Fergusson back on this issue.² The proposed memorandum was placed before the Rana in June, 1883 and the Government urged him to take immediate steps. In response the Rana wrote an evasive letter praying for further time.³ Fergusson in utter dejection wrote to Ripon : "I think, you will agree that we must put absolute pressure on the Rana, for the example of a chief who sets government at a defiance is evil."⁴ Fergusson decided to send an ultimatum to the Rana declaring that if he refused to appoint a suitable Karbhari, the government would appoint one who was not to be removed without their sanction. The Government of Bombay further suggested that a settlement should immediately be effected between the Mers and the Porebandar state by applying to the Agency court in Kathiawar. To both these proposals the Supreme Government agreed.⁵ The Rana finally gave way and eventually carried out both the measures.

(1) Ch.Secy.Govt.of B.to Secy.For.Dept.Govt.of I.No.5133, 19th Oct.1882. For.Dept.Proc.Govt.of I.Jan.1883

(2) Secy.For.Dept.Govt.of I.to Ch.Secy.Govt.of B.No.2271, 29th Jan.1883.For.Dept.Proc.Govt.of I.Jan.1883

(3) Rana,Porebandar to Sir J.Fergusson,14th Oct.1883.For.Dept.Proc.Govt.of I.May,1884.

(4) Fergusson to Ripon,25th Feb,1884. R.P.

(5) Secy.For.Dept.Govt.of I.to Ch.Secy.Govt.of B.No.1391I, 18th April,1884, For.Dept.Proc.Govt.of I.May,1884.

The interference of Fergusson's Government in the administration of Rajpipla state was similar to that in the case of Porebandar. In 1882 the attention of the Government of Bombay was drawn to the repeated expressions of dissatisfaction at the misgovernment of the state of Rajpipla by the subjects of Raja Gambhir Singhji. Enquiry into the complaints of the subjects satisfied the Political Agent that many of them were well-founded. The principal grievances of the people were "sale of offices, corrupt administration of justice, imposition of new and arbitrary taxes, the ejection of old resident cultivators, the farming of the revenues to rapacious middlemen and the capricious enhancement of transit duties."¹ Fergusson's Government thought that the popular discontent caused by continued misgovernment of a native ruler had always been considered "to justify the interposition of the Paramount power." Besides, when in 1821 the state of Rajpipla came into treaty relations with the British Government, the then Raja and his successors found themselves acting in conformity with the advice of the British Government. So Fergusson was of opinion that the time had come to hold Raja Gambhirsinghji to this engagement and that a genuine reform must be effected in every branch of the administration of the state.²

In spite of distinct warnings of the Government, the Rajpipla Durbar failed to take any effective measure for disciplining the administration. As a consequence, in

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- (1) Res.Govt.of B.Pol.Dept.No.1223,11th March,1882. Encl.to
Desp.Govt.of I.to S.of S.Pol.No.20,1884.Pol.& Sec.
Letters from I.
(2) Ibid.

June, 1883 the inhabitants of the state submitted further petitions to Fergusson complaining against the misrule of the Durbar. The Government of Bombay considered this situation sufficiently grave to call for immediate intervention.¹ So in November, 1883 Fergusson appointed Major Hancock to enquire into the alleged abuses and misgovernment of the Durbar of Rajpipla. He informed Ripon that the Rajpipla state would require "more severe remedy."²

Major Hancock enquired into an immense body of complaints against the general administration of the state. He observed that oppressive taxes were current in the state and that land revenue was excessive. He found that the records of the law courts were ill-kept and judicial officers inadequately qualified. The sale of offices like "Patelship" or village "Havildarship" and the corrupt conduct of the officials were amply proved. The enquiry also confirmed the serious charge of the ejection of old resident cultivators. "It is very necessary", Major Hancock concluded, "for the chiefs to understand that the Government will sometime intervene and deprive them for a time at least of the powers they abuse."³ Fergusson was convinced that the charges of maladministration ^{were} ~~was~~ sufficiently proved by Major Hancock's enquiry and that it was opportune for the Paramount authority to intervene. His

(1) Res. Govt. of B. Pol. Dept. No. 5912, 29th Nov. 1883. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 20, 1884. Pol. & Sec. Letters from I.

(2) Fergusson to Ripon, 4th Feb., 1884. R. P.

(3) Report of Maj. Hancock, 1st Feb. 1884. For. Dept. Proc. Govt. of I. June, 1884.

government were sensible that the policy of interference should be used as little as possible with the native states. However, they felt that "in the long run surest effect will be given to this policy by measures of effectual interference in cases of mal-administration so notorious as that of Rajpipla."¹ Fergusson informed Ripon "many of our native states are so well that it is intolerable to have some so flagrantly bad."²

Fergusson's Government recommended the appointment of a British officer as the joint administrator of the state of Rajpipla for five years to look after all the branches of administration. The Government of Bombay thought that after five years when the time for restoring the state to the sole management of the Raja arrived, a scheme of administration should be drawn up on the pattern of the famous Instrument of Transfer for the Rendition of Mysore by which the Raja should be bound to abide.³ Ripon's Government accepted this recommendation of the Government of Bombay and agreed that interference in the unsatisfactory administration of Rajpipla was justified. Yet, in their opinion, the Raja was young and the abuses of the state "although serious were not without any hope of amendment." So they decided that the appointment of the joint administrator should be made not for five years but only for two years.⁴

(1) Ch.Secy.Govt.of B.to Secy.for Dept.Govt.of I.No.1881, 7th April,1884.For.Dept.Proc.Govt.of I.June,1884.

(2) Fergusson to Ripon, 26th Feb.1884.R.P.

(3) Ch.Secy.Govt.of B.to Secy.For.Dept.Govt.of I.No.1881, 7th April,1884.For Dept.Proc.Govt.of I.June,1884.

(4) Secy.For.Dept.Govt.of I.to Ch.Secy.Govt.of B.No.2219 I, 14th June,1884.For.Dept.Proc.Govt.of I.June,1884.

This was clearly a case of Fergusson being restrained by Ripon. Fergusson reluctantly accepted this verdict of the higher authority but expressed his dissatisfaction to Ripon: "I don't think it possible that a state so utterly without any system or organisation can be got into order in that time (two years) and I think it very expedient that the Raja should be led to believe that the period of his tutelage is dependent on his docility and cooperation."¹ The case further reveals a contrast between Ripon's policy of judicious interference and Fergusson's ideas of effectual interference.

Fergusson's enthusiasm for interference on the grounds of mal-administration was again revealed when he drew up a plan of joint administration in the small isolated state of Khairpur in Sind. The chief of Khairpur, Ali Murad Khan, was an old man with antiquated ideas of government. According to the British officials in Sind the chief had "half ruined" his prosperous state.² The agriculture was thoroughly neglected, the taxation was oppressive and the civil and judicial administration was unsystematic. The state, according to H.N.B. Erskine, the Commissioner of Sind, was simply "a refuge of thieves and bad characters."³ Fergusson drew the attention of the Viceroy to the mismanagement at Khairpur, which was "as unimproving as can be imagined." However, he felt that "in the old man's time no great improvement can be expected..."⁴

An opportunity for interference suddenly appeared in April,

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- (1) Fergusson to Ripon, 13th Feb. 1884. R.P.
 - (2) Erskine to Fergusson, 14th April, 1882. R.P.
 - (3) Erskine to Fergusson, 24th April, 1882. R.P.
 - (4) Fergusson to Ripon, 18th Sept. 1881. R.P.

1883 when a murderous attack resulting from personal feud was made upon the chief by one of his subjects. The chief suffered seriously from a bullet wound and there was deep concern for his life.¹ In consequence of this incident the future of Khairpur state became very uncertain. The heir-apparent and the eldest son of the chief was confronted with the enmity of his brothers and each of the wives of the ruler started plotting for her own offspring.² The Commissioner of Sind at this point proposed the joint administration of the state for sometime. Fergusson readily accepted the idea and informed Ripon of his intention of setting up, in case of the death of the chief, a joint administration of a British officer and the successor of the chief. This, he thought, was "the only way of procuring universal reforms" in the state.³ Fergusson even directed the Commissioner of Sind to negotiate with the heir-apparent, who in return for the British support against his brothers, might agree to a joint administration and the occupation of his capital by a British detachment.⁴ Before this plan could mature the chief recovered from his bullet wound and Fergusson hurriedly abandoned his scheme.

During Fergusson's tenure of office there arose several intricate questions of succession where government interference was both indispensable and embarrassing. Of these the succession questions relating to Navanagar and Kolhapur

(1) Fergusson to Ripon, 14th April, 1882. R.P.

(2) Sinclair, Collector of Shikarpur, to Fergusson, 6th April 1882. R.P.

(3) Fergusson to Ripon, 14th April, 1882. R.P.

(4) Fergusson to Erskine, 29th April, 1882. F.C.

were most significant. Navanagar in Kathiawar was ruled by a Jareja Rajput, bearing the title "Jam". Fergusson found the Jam of Navanagar an old-fashioned fellow who had his faults but who was kind to his own people. He felt that "the Jam realises the idea of 'Old King Cole' in his own ways."¹ The Jam's only son, Kalubha, was born of his marriage with a Muhammadan wife. In 1872 the British Government had recognised Kalubha as heir to the chiefship after a good deal of discussion as to the validity of the Jam's marriage to a Muhammadan lady. Soon Kalubha turned out to be a man of loose morals and he incurred the displeasure of the Jam. In 1877 the Jam formally disinherited and banished him. Having no other issue, the Jam in 1878 adopted an infant of the Jareja stock. The infant having died within a year the Jam adopted in January, 1879 another boy of the same house, Ranjit Singhji by name. This selection was formally approved by the British Government. In this case of adoption there was a stipulation in the deed by which the natural father made over his child for adoption, that in the event of the Jam getting a son by any of the Ranis such son would be heir to the chiefship. The adopted son in that case would receive a money allowance according to the usage of the state.² In August, 1882 a son was born to Janbai, another Muhammadan wife of the Jam. This led the Jam to apply formally for the recognition of this son, named Jaswant Singh, as his heir and successor, to the exclusion of

(1) Fergusson to Kimberley, 17th Nov. 1884. F.C.

(2) The Jam's petition to the Govt. of B. 21st April, 1884.
Desp. Govt. of I. to S. of S. Pol. No. 50, 1884. Pol. & Sec.
Letters from I.

the boy adopted in 1879.¹

Fergusson's Government was opposed to this application of the Jam. They suspected an intrigue in the whole proceeding and argued that the selection of 1879, confirmed by the Paramount authority, was a solemn act of the state not lightly to be cancelled. They further stated that the rights of the adopted son belonging to the Jareja Rajput family were superior to those of the low-born son of Janbai, a Muhammadan lady. As to the reservations in the 1879 deed of adoption on the rights of a son by a Rani of the Jam, they, in the opinion of the Government of Bombay, were understood to apply to a son by a Rajput wife.² Ripon's Government, however, decided that the newly-born son of the Jam by his Muhammadan wife should be recognised as the heir and successor to the state. They believed that the legitimacy of the Jam's marriage with a Muhammadan lady was recognised in 1872 by the British Government. As regards the adoption of 1879, the Government of India pointed out that the birth of a legitimate son was "a sufficient and proper cause for withdrawing a recognition which from the nature of the case was conditional."³ On principles of Hindu law Ripon's Government was justified in their decision, for the son born to a wife should always take precedence of the previously adopted son. But politically, Fergusson claimed, the decision of the Government of India was unpopular and particularly distasteful to the Rajputs.⁴

- (1) The Jam's petition to the Govt. of B. 21st April, 1884. Desp. Govt. of I. to S. of S. Pol. No. 50, 1884. Pol. & Sec. Letters from I.
- (2) Ch. Secy. Govt. of B. to Secy. For. Dept. Govt. of I. No. 3910, 26th July, 1884. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 50, 1884. Pol. & Sec. Letters from I.
- (3) Secy. For. Dept. Govt. of I. to Ch. Secy. Govt. of B. No. 35571, 20th Sept. 1884. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 50, 1884. Pol. & Sec. Letters from I.

It should be recalled in this context that in 1857 the young Raja of Alwar wanted to marry a Muslim lady. This so shocked the Rajput nobles of the state that they rose in rebellion.¹ The Navanagar Succession question was another case of Ripon upholding the prince's rights and Fergusson looking to the sentiments of the people.

The question of Kolhapur Succession was significant for the complicated nature of the problem itself, as well as for the public attention it attracted. A prominent Maratha principality of a million people, Kolhapur held a notable position among the native states of Bombay. For fifteen years it had the misfortune of passing through uncertainty of succession. In 1866 Maharaja Shivaji III of Kolhapur died without a natural heir. His adopted successor named Patankar died in 1870 in Florence while returning to India from an European tour. In September, 1871, a minor boy called Shivaji was adopted by the widow of the late Raja. From 1866, during the minorities of the two adopted Rajas, Kolhapur was directly under the management of the Government of Bombay. The chances of the restoration of a native regime brightened up when the young Raja Shivaji became 18 years of age and was ready to assume the reins of administration. At this point Fergusson informed the Viceroy that the Raja, who had been for sometime in a weak condition of health had become an occasional lunatic.² The Raja was first suspected to be developing insanity in September 1879, one year after his marriage. In September, 1881 the Raja's case was found to be unfavourable to the highest degree.³

(1) Cambridge History of India, 1958, Vol.VI, p.498.

(2) Fergusson to Ripon, 12th July, 1880. R.P.

(3) Fergusson to Ripon, 8th Oct, 1880. R.P.

The committee of doctors who examined him reported that his recovery was uncertain and that he would hardly be capable of taking care of himself or managing his state affairs.¹ Soon popular anxiety over the Raja's condition led to suspicion and rumours. It was supposed that the insanity of the Raja was fabricated by interested parties and so constant libellous attacks were made upon the Dewan of the state by Marathi newspapers like Maratha and Kesari.² The mother of the Raja and her agents pretended to believe that the Raja was not really insane and thus helped the progress of rumours. A big public meeting at Poona in November, 1881 resolved to demand the end of the Raja's seclusion and giving him over to the care of his mother.³

To the government the main concern was the future rulership of the state. If the Raja would never be fit to be entrusted with administration of Kolhapur state then steps should immediately be taken with a view to adopting a successor. Fergusson referred to Ripon the necessity of an early settlement in view of the popular outcry and the intricacy of the case. The young Raja was hardly in a condition to adopt and his wife could not do so in his life time according to a previous Supreme Court decision.⁴ To get out of this difficulty Fergusson's government had three future courses before them, namely, the appointment of a Regent, the appointment of joint administrators, British and native and the appointment of a

(1) Report of the Committee of Doctors, 21st Jan. 1881. For. Dept. Proc. Govt. of I. June, 1882.

(2) Bomb. Admn. Report, 1880-81, p. IV and XVIII.

(3) Teleg Raibahadur G. R. Desmukh to Viceroy, 25th Nov. 1881. For. Dept. Proc. Govt. of I. June, 1882.

(4) Fergusson to Ripon, 8th Oct. 1881. R. P.

single native minister or Council of ministers. The government was opposed to any joint administration as "the position of a British officer at the head of a native administration in its normal independence is anomalous."¹ Fergusson disliked the idea of appointing a single native agent or a Council of native ministers who would become arrogant to the government after being promoted. Besides, he felt that the disloyal and restless educated Indians of the Deccan would not like some of their members placed in prominent positions.² Under the circumstances, Fergusson's Government was in favour of a native regency and they suggested the name of the Chief of Kagal, a tributary to Kolhapur, and one who was a relation to the Kolhapur royal family, as the Regent.³ Ripon approved this step but pointed out that if the insane prince recovered he would be restored to his position. The chief of Kagal must hold the Regency subject to that condition and also to any adoption after the Raja's death, made by a person legally entitled to adopt.⁴ In the event of the Raja's death his wife or the surviving widow would have the right of adoption.⁵ So in July, 1882 with the approval of the home authorities the chief of Kagal was declared the Regent of Kolhapur. The tension, however, persisted and, Fergusson reported to Ripon, a conspiracy to bring the Raja into the society of his wife with a view to facilitating the birth of a putative son.⁶ Such a

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- (1) Ch.Secy.Govt.of B.to Secy.For Dept.Govt.of I.1st Nov.1881.
For.Dept.Proc.Govt.of I.June,1882.
 - (2) Fergusson to Ripon, 13th Feb.1882. R.P.
 - (3) Chief Secy.Govt.of B.to Secy.For Dept.Govt.of I.1st Nov.
1881.For.Dept.Proc.Govt.of I.June,1882.
 - (4) Ripon to Fergusson,18th Feb.1882.F.C.
 - (5) Fergusson to Ripon, 13th Feb.1882.R.P.
 - (6) Fergusson to Ripon, 3rd March,1882. R.P.

circumstance would certainly have complicated matters and this consideration led Fergusson to arrange for ~~the~~ continued seclusion of the Raja. The Kolhapur question finally came to a definite conclusion when in, December 1883, the insane Raja died and the two Ranis unanimously adopted one of the sons of the chief of Kagal as the successor.¹

In the Kolhapur case the succession question was interwoven with the issue of the restoration of native rule in the state and the reversion to the normal condition after 15 years of direct British management. "The management of the British Government, however good and wise," said Fergusson, "was not an arrangement which would be considered permanently satisfactory in a native state and would hardly be consistent with the firm determination of the Queen Empress to maintain the native states in their integrity and independence."² Fergusson achieved both succession and the restoration of native rule in Kolhapur with great tact and a thorough grasp of the situation.

Another important case of the restoration of native rule during Fergusson's tenure of office took place in Sawantwadi state. The British Government had been directly managing Sawantwadi through a Resident for nearly 45 years. In 1838 in consequence of rebellion and disorder in the state, the British Government set aside the Chief, Khem Sawant, and

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- (1) Secy. for Dept. Govt. of I. to Ch. Secy. Govt. of B. No. 552-I, 14th Feb. 1884. For. Dept. Proc. Govt. of I. Oct. 1884.
 (2) Fergusson's speech at Kolhapur, March, 1883, Bomb. Admn. Report, 1882-83, P. II.

assumed the entire administration. Anna Saheb, the chief's eldest son, was rebellious against the British. He was pardoned in 1849 but in consequence of his treason his rights of succession were forfeited. The chief was merely allowed to stay as a titular head and it was decreed that after his death the state was to be annexed to the British territory. However, after the outbreak of 1857 the British policy of annexation was dropped. Anna Saheb, who behaved well during the mutiny, was recognised by the British Government as heir to his father's chiefship in 1863, "purely as a matter of grace and favour". The chief died in 1867 and it was discovered that Anna Saheb by this time had become so degenerate through indulgence in all forms of sensuality that he was unfit for undertaking the responsibilities of chiefship. It was, therefore, thought necessary by the British Government to impose certain conditions on Anna Saheb's assumption of power. But before this could be done Anna Saheb died in 1869, leaving a minor son, Sirdesai. The British Government, who ruled over the state in place of the deposed chief, Khem Sawant, had to continue their management on behalf of Sirdesai upto 1883. The state of Sawantwadi during this long British rule was vastly improved and the general administration was brought upto the standard of a non-regulation British district.¹

Sirdesai, who was so long a ward of the British Government, attained his majority in 1883 and thus was ready to be entrusted with the charge of administration. With the question of Sirdesai's assumption of authority were connected the interests

(1) Ch. Secy. Govt. of B. to Secy. For Dept. Govt. of I. No. 5005, 10th Oct. 1883. For. Dept. Proc. Govt. of I. April, 1884.

of the subjects of the state. The people of Sawantwadi had enjoyed two generations of security and advantages of British rule and they would expect the same from the new chief. Sirdesai who attended the Rajkumar College at Rajkot, was apparently fit for the management of the state. Still, the Government of Bombay were not absolutely certain about his character and integrity and remarked, "....his habits and dispositions as yet have offered no guarantee for the good government of the people."¹ Fergusson felt that the character of Sirdesai and the anarchic past of the kingdom rendered it expedient that his assumption of power "should be not without checks."² Thus the Government of Bombay proposed to enter into specific stipulations with Sirdesai when he was installed in power "for ensuring continuance of good government to which the people are accustomed." Such stipulations, they thought, would assign the limits within which the chief should exercise his authority and avoid all occasions of British interference.³ In the meantime the Political Agent of Sawantwadi informed the government that the prince had contracted settled habits of drinking and mixing with disreputable persons, that he had not controlled himself in spite of repeated warnings and that he was indifferent to administrative responsibility.⁴ Under these circumstances, Fergusson had to change his mind regarding the

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- (1) Ch.Secy.Govt.of B.to Secy.for Dept.Govt.of I.No.5005,10th Oct.1883. For.Dept.Proc.Govt.of I.April.1884.
 - (2) Fergusson to Ripon, 4th Feb.1884. R.P.
 - (3) Ch.Secy.Govt.of B.to Secy.For.Dept.Govt.of I.No.5005,10th Oct.1883.For.Dept.Proc.Govt.of I.April.1884.
 - (4) Ch.Secy.Govt.of B.to Secy.for.Dept.Govt.of I.No.1168,29th Feb.1884. For.Dept.Proc.Govt.of I.April,1884.

immediate installation of Sirdesai and decided that "it would be contrary to good policy to entrust Sirdesai with the administration of his state when he is giving no proof of his capacity, but falling into evil courses." He suggested an indefinite postponement of the chief's investiture to offer him opportunities "to give better proofs of his steadiness and disposition to qualify himself."¹ The Government of Bombay, however, decided to continue to draft the proposed agreement embodying permanent bindings upon the future rulers of Sawantwadi.

In August, 1884, the Government of India sanctioned the Instrument of Transfer of Sawantwadi, drafted by the Government of Bombay. The document defined the conditions subject to which Sirdesai and his successors should exercise the government of the state. The succession of the state was to devolve upon the lineal descendants of Sirdesai, whether by blood or by adoption. Each case of adoption must be sanctioned by the Paramount power. Import and manufacture of arms, unless authorised by the British Government were, prohibited. The state of Sawantwadi was forbidden to interfere in the affairs of other native states or to maintain any relations with foreign powers. The Instrument insisted on the extradition of persons accused of committing offences in British India and on the grant of land, free of charge, to the British Government for telegraph lines and railways. The salt and opium arrangements of the British Government with the state should strictly

(1) Minute by Sir J. Fergusson, 16th Feb. 1884. For. Dept. Proc. Govt. of I. April, 1884.

be respected. All laws and rules in force in the state during its management by the British Government were directed to be maintained and without the prior permission of the British Government the Durbar should not modify them. The Instrument held the chief responsible to publish, for the information of the Government, an annual budget estimate of income and expenditure. Finally, the Instrument laid down that the Chief "shall follow any advice that the Government may think proper on any matters of administration."¹

By nature this Instrument of Transfer was a regrant of rulership and as such it ran on lines similar to those in the document for the Rendition of Mysore (1881) which was drafted under the watchful eyes of Ripon himself. The circumstances of a re-grant in the case of Sawantwadi as in that of Mysore were exceptional. As a result, the conditions which were imposed in cases of this sort could afford no precedent for attaching similar terms and conditions to the recognition by the Paramount power of successions which did not involve re-grant. However, the terms of the Instrument of Transfer of Sawantwadi contained a comprehensive statement of the obligations of the future rulers in respect of various matters of political importance, for the settlement of which re-grant of chiefship afforded a good opportunity. In other words, the Sawantwadi case represents the extent of British interference in the domains of a native state. It represents a model of British interference as understood by Ripon and Fergusson.

(1) Instrument of Transfer of Sawantwadi. Encl. to Ch. Secy. Govt. of B. to Secy. For. Dept. Govt. of I. No. 4170, 9th Aug. 1884. For. Dept. Proc. Govt. of I. March, 1885.

Fergusson's perseverance in asserting the Paramountcy of British authority led him to a complaint against Baroda, a state over which he had no direct political jurisdiction. British relations with the powerful Baroda state had, in the past, been conducted by the Government of Bombay. Following the trial and deposition of Malhar Rao Gaekwar in 1875 Lord Northbrook transferred the political control of Baroda from the Government of Bombay to the supreme Government.¹ In spite of this shifting of the responsibility the connection between Baroda and the Government of Bombay was not absolutely severed. The Baroda territory overlapped and intercepted the British districts in Gujrat and Baroda had a number of tributary states in Kathiawar peninsula under the supervision of the Government of Bombay. This link between them was emphasised when Ripon deputed Fergusson as his representative to instal Sayaji Rao Gaekwar as the new ruler of Baroda on 1st January, 1882.² However, during Fergusson's stay in Bombay the relations between his government and the Baroda Durbar were far from cordial. In February, 1881 Fergusson complained to Ripon against Baroda's attitude of non-cooperation and "selfish isolation".³ The tributaries of Baroda in Kathiawar, comprising one-seventh of the whole peninsula, were subjected to the Political Agency of Kathiawar. All the Kathiawar states used to contribute for the general improvement of the province to a common fund annually, from which

(1) W.W.Hunter, Bombay, 1885-90, 1892, p.80.

(2) Ripon to Fergusson, 8th Aug.1882.F.C.

(3) Fergusson to Ripon, 13th Feb.1882. R.P.

expenses incident to education, trunk roads and other public works of general interest were paid. But Baroda, Fergusson's government pointed out, had always held itself and its tributaries aloof from this system of co-operation.¹ The Baroda Durbar in their turn stated that their political relations were in the hands of the supreme government and as such the position of their dependencies was distinct from that of other states of Kathiawar.² Ripon's Government concurred in the views expressed by the Durbar of Baroda.³

Fergusson always felt the need to check Baroda's influence over its tributary states in Kathiawar. "No time should be lost," he wrote to Ripon, "in repulsing a disposition to revive a past supremacy which could not but be prejudicial to the proper influence of the Paramount power."⁴ To the Viceroy he complained against some "unwarranted pretensions" of the Gaekwar of Baroda. At the end of the year 1882, the Gaekwar arrived at Ahmedabad, a British city, at a date of his own choosing. He held a Durbar at Ahmedabad accompanied by large troops and followers without the prior sanction of the Government of Bombay. Next, in January, 1883, the Gaekwar expressed his pleasure to come to Sadra, a British station in one of the tributary states of Baroda, and claimed that the British Political Agent of Mahikantha should ceremoniously receive him and assist him at a Durbar of the tributary chiefs of Baroda.

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- (1) Ch.Secy.Govt.of B.to Secy.For Dept.Govt.of I.No.189, 15th Jan.1881. For. Dept.Proc.Govt.of I.Oct.1881.
 (2) Gov.Gen's Agent, Baroda to Secy.For.Dept.Govt.of I.No.1361, 17th Feb.1881.For. Dept.Proc.Govt.of I.Oct.1881.
 (3) Under-Secy.For.Dept.Govt.of I.to Ch.Secy.Govt.of B.No.414.I. 9th May, 1881.For. Dept.Proc.Govt.of I.Oct.1881.
 (4) Fergusson to Ripon, 18th Jan.1883. R.P.

Fergusson believed that the states subjected directly to the Government of Bombay would not dream of such impertinence. "Why should Baroda do what Kolhapur, Bhavanagar or Cutch would not?" For a long time the Government of Bombay had administered the tributaries of Baroda and had established a regular system of government. "It is to such influence", he asserted, "rather than the nominal suzerainty of Baroda that these tributary states should be encouraged to look for guidance".¹ This consideration led Fergusson to claim the resumption of authority of the Bombay Government over Baroda. The outlying provinces of Baroda, Fergusson argued, were so mixed up with the states under the direct control of Baroda that Baroda itself should conveniently come under the control of the Government of Bombay. To Kimberley he wrote, "...we could have kept a more effective control [over Baroda] and not have allowed...the assertions of independence which have now crept in."² But the authorities in India and at home thought otherwise and decided to continue the supervision of ~~of~~ the Government of India over Baroda.³

On the question of the disbandment of the Gaekwar's contingent, Fergusson became particularly sensitive. According to a treaty between the Company and Baroda of November, 1817, the Durbar were to maintain a contingent of 3000 cavalry at the disposal of the British authorities for service in Kathiawar and Gujrat.⁴ In course of time the force was found to be

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- (1) Fergusson to Ripon, 18th Jan. 1883. R.P.
 - (2) Fergusson to Kimberley, 5th Nov., 1883. F.C.
 - (3) Kimberley to Fergusson, 9th Nov., 1883. F.C.
 - (4) Desp. Govt. of I. to S. of S. Pol. No. 128, 16th Oct. 1881. Pol. & Sec. Letters from I.

irregular and badly managed. In view of this unsatisfactory condition of the contingent, the principle of a money ~~commu-~~
~~tation~~ was recognised by both the British Government and the state of Baroda and eventually an agreement was executed by the parties in September, 1881. By this agreement, the Baroda state agreed to pay annually $3\frac{3}{4}$ lakhs of rupees to the British Government in lieu of the services of the contingent and the sum was to be expended on the maintenance of a police force.¹ This new police force would remain at the command of the Government of Bombay "for the general purposes of the Paramount power in the native states of Gujrat and Kathiawar."²

The Baroda state, by this arrangement, gained considerably as the sum envisaged was only one-third of the annual cost of the contingent.³ But the arrangement was damaging to the pride of the state. Baroda was always reluctant to see the abandonment of a system which added to their power and prestige. In view of the unpopularity of this plan in Baroda, the British Government postponed the implementation of the measure until the accession of Sayaji Rao Gaekwar.⁴ The Gaekwar, when he acceded to power, proposed that the agreement might be frozen for 5 years. Later on he submitted through the Governor-General's Agent in Baroda a scheme for thoroughly reforming the contingent instead of disbanding it outright. It was contended that the force "symbolised the superiority

(1) Copy of the Agreement signed at Baroda, 8th Sept. 1881. For. Dept. Proc. Govt. of I. Nov. 1881.

(2) Ch. Secy. Govt. of B. to Secy. For Dept. Govt. of I. 5th June, 1882. For. Dept. Proc. Govt. of I. Sept. 1882.

(3) Desp. Govt. of I. to S. of S. Pol. No. 128, 16th Oct. 1881. For. Dept. Proc. Govt. of I. Nov. 1881.

(4) Secy. For. Dept. Govt. of I. to Agent. Gov. Gen. Baroda No. 6231P, 10th Aug. 1881. For. Dept. Proc. Govt. of I. Nov. 1881.

of Baroda" over the tributary states and that the reformed contingent would be as advantageous to the Government of Bombay as the creation of a new police force.¹ The Government of Bombay, however, expressed their "decided opposition to any departure from the agreement agreed to."² Fergusson was of opinion that the tributary states should look towards the British Government rather than Baroda and that the visible signs of power, such as the maintenance of an army, should be entirely connected with the Paramount power. "I can imagine nothing more impolitic," he wrote to Ripon, "than to perpetuate the appearance of the military supremacy of the Gaekwar over petty states..."³ But, though in favour of controlling the military forces of the native Durbars, Ripon wanted to bear in mind the personal susceptibilities of the princes, who considered the maintenance of a certain amount of military pomp as essential to their dignity. "To wound their feelings without an absolute necessity upon a point upon which they are very sensitive would be impolitic in the highest degree."⁴ So the Government of India consented to postpone the agreement for a further period of three years during which the scheme for the reorganisation of the force was to be carried out.⁵ With regard to Baroda Fergusson urged the assertion of imperial power while Ripon advocated moderation in order to safeguard

(1) Agent, Gov. Gen. Baroda to Secy. For. Dept. Govt. of I. 18th June, 1883. For. Dept. Proc. Gov. of I. July, 1883.

(2) Ch. Secy. Govt. of B. to Secy. For. Dept. Govt. of I. No. 4583, 19th Sept. 1883. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 23, 1884. Pol. & Sec. Letters from I.

(3) Fergusson to Ripon, 5th Sept. 1883. R.P.

(4) "The Native States of India", a paper by Lord Ripon

(5) Secy. For. Dept. Govt. of I. to Ch. Secy. Govt. of B. No. 1498 I, 28th April, 1884. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 23, 1884. Pol. & Sec. Letters from I.

princely dignity.

Fergusson's persistence in interference with the native chiefs was reversed when the Bhils rose in rebellion in the native states in Gujarat. He acted in the case of the Bhils essentially from considerations of political stability. The Bhils, a wild and predatory tribe of western and central India lived in great numbers in the jungle tracts of Khandesh in Bombay, in the native states of Gujarat, under the native chiefs in Central India and in some of the states of Rajputana. The Bhils belonged to the non-Aryan Mundari group of tribes.¹ They were divided into an endless number of highly organised clans who believed in nature worship.² The pacification and settlement of the Bhils in agricultural life remained incomplete even in the last quarter of the nineteenth century. Only in the British district of Khandesh in Bombay Presidency, where the Bhil tract was directly administered by the Government, was the settlement of the Bhils complete. The grant of rent-free land or land at a low rental inspired the Bhils there to accept the agricultural life.³

In 1881 a wave of Bhil risings suddenly affected the Bhil-inhabited native states and attracted the attention of the British authorities. The trouble started in Meywar in Rajputana where Udaipur Durbar officials were said to have maltreated the Bhils. The Bhils retaliated by indiscriminate looting and killing and forced the Durbar to yield to the redress of

(1) G. A. Grierson, Linguistic Survey of India, 1927, Vol. I, Part I, P. 179, and E. M. Enthoven, Tribes and Castes of Bombay 1920, Vol. I, p. 152.

(2) E. M. Enthoven, Tribes and Castes of Bombay, 1920, Vol. I, p. 152.

(3) Secy. for Dept. Govt. of I. to Agent, Govt. Gen. Rajputana, No. 63 637TP, 13th Aug. 1881. For Dept. Pro. Govt. of I. Aug. 1881

their grievances.¹ Meywar in Rajputana and the native states of Gujarat under the Mahikantha agency were adjacent territories. Soon it was rumoured that the Bhils in the native states of Mahikantha had shown a feeling of uneasiness. Ripon was anxious and advised Fergusson to keep an armed detachment ready under a competent officer who would tackle the Bhils not by severity but by tact. "In the suppression of a rising among such tribes," he wrote to Fergusson, "force goes a much less way than the moral qualities which gain influence over savage nature."²

But before anything could really be done, in June, 1881 the Bhils in the petty native state of Pol, under Mahikantha Agency, started burning and looting the villages. In this rising the Bhils of Pol were probably encouraged by the success of their Meywar brethren. They compelled the chief of Pol to sign an agreement by which the chief was bound to reduce his claims for land rent, to punish criminals sympathetically and to release prisoners.³ The Political Agent of Mahikantha, Col. Goodfellow, rushed to the scene, but was forced by a violent mob of Bhils to put his signature to the agreement. The Bhils considered this endorsement as a guarantee of the observance of the terms of the agreement. Fergusson severely condemned the officer for signing the document at Pol⁴ and instructed him to intimate to the Bhils that his signature on the document did not mean

(1) Fergusson to Ripon, 27th April, 1881. R.P.

(2) Ripon to Fergusson, 22nd April, 1881. F.C.

(3) Ch. Secy. Govt. of B. to Secy. For. Dept. Govt. of I. No. 9P, 17th June, 1881. For. Dept. Proc. Govt. of I. Aug. 1881.

(4) Fergusson to Ripon, 15th July, 1881, R.P.

the acceptance of the agreement by the government. The satisfaction of the claims of the Bhils, the Government of Bombay thought, "even if just, can not be obtained through turbulence and insubordination."¹

Meanwhile the Bhil disturbance was spreading very fast. On 30th June, 1881 several thousand Bhils came upon Gallora, Mahikantha, looting the nearby villages and then clashing with the state police at Edur.² This was followed by a series of Bhil raids in the minor Rajput states bordering Gujarat. To check the Bhil risings in Mahikantha it was necessary that the general Bhil question in India should be settled. This led Ripon's Government to propose to convene at Mount Abu a conference of officers experienced in the ways and thoughts of the Bhils. Simultaneously it set up an enquiry into the causes of the Bhil disturbance. A commission was appointed, composed of Major O. Probyn of Bombay and Col. C. R. Blair of Rajputana Political Agency.³

The Bhil riots in the native states, though apparently sporadic, were in fact organised with care and shrewdness. The leaders used to send ^a symbolic arrow and bodice to the Bhil villages inducing them to join the uprising by accepting the arrow, a symbol of manhood and militancy or to take ^{The} bodice like women if they were afraid to join.⁴ The Enquiry Commission had to admit in their report that the volume of Bhil disturbance

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- (1) Ch.Secy.Govt.of B.to Secy.for Dept.Govt.of I.No.9P,17th June,1881. For Dept.Proc.Govt.of I.Aug.1881.
 - (2) Asst.Pol.Agent,Edur to Col.Goodfellow, No.141,4th July, 1881. For Dept.Proc.Govt.of I.Aug.1881.
 - (3) Telg.Foreign,Simla to Govt.of B.14th July,1881.For Dept. Proc.Govt.of I.Aug.1881.
 - (4) Officiating Pol.Agent,Meywar to First Asst.Agent,Govt.Gen. Rajputana,No.29J,1st Aug.1881.For Dept.Proc.Govt.of I. June,1882.

was unusual and that such scenes were unprecedented. Leaders like Chitu, Maria Damur and Bhowani Turi could not be arrested by British or native forces. In 1883 they submitted to the police only of their own accord after leading a massive Bhil raid in the native state of Ali Rajpur in Central India.¹

The very fact that Bhil risings were taking place not in the British administered districts but in ^{the} Bhil-inhabited native states of Gujarat and Rajputana points to some sort of responsibility on the part of the native chiefs. The high land assessment in the native states and the rapacious and harsh conduct of the Durbar officials were certainly the strongest factors behind the Bhil risings. The Meywar Bhil trouble started due to the maltreatment of the Bhil Sirdars by the local Thanadar of Udaipur Durbar, who had long been hated by the Bhils because of his oppressive character.² The Bhil raid on Gallora in Bombay Presidency was largely incited by the police officer of the native chief, "who had made himself obnoxious to the Bhils"³ Regarding the disturbance in Pol state in Bombay, Col. Goodfellow wrote in his report : "The Pol Rao, I find now, has undoubtedly been acting and still acts harshly and is in the habit of screwing money out of his Bhil rayats. They rose against him seeing their opportunity and undoubtedly I believe, could prove their case for complaint if records were examined."⁴ That the

- (1) Agent, Govt. Gen. C. India to Secy. for Dept. Govt. of I. No. 9P-67 17th March, 1883. Encl. to Desp. Govt. of I. to S. of S. Pol. No. 73, 1883. Pol. & Sec. Letters from I.
- (2) Report of the recent disturbances among the Bhils, A. Wingate Udaipur, 26th April, 1881. For Dept. Proc. Govt. of I. Aug. 1881.
- (3) Col. Goodfellow to Ch. Secy. Govt. of B. 18th June, 1881. For Dept. Proc. Govt. of I. Aug. 1881.
- (4) Ibid.

Bhils were supported by other sections of the aggrieved people of Pol state can easily be proved with a reference to the agreement imposed on the chief by the rebel Bhils. The clauses of the agreement showed that the interests of the Banias or money-lenders, carpenters, potters etc. were accurately voiced in these and that the chief was accused of gross judicial abuse.¹

Major Wodehouse, replacing Col. Goodfellow as the Political Resident of Mahikantha felt that the chiefs of the area, including the Rao of Pol, should "be reminded that their jurisdiction carried with it "higher duties than amassing money."² Fergusson's Government acknowledged that "a rooted antipathy exists between the Bhils and the chiefs of the states in which they dwell."³ The Government of India was also aware of the various exactions of the native chiefs, the high assessment of Bhil lands and the administrative mismanagement by the Durbar officials.⁴

Fergusson who was usually concerned for the welfare of the subjects of the native states, reversed his attitude in the case of the Bhils. The reference to the Banias in the Bhil agreement in Pol led Fergusson to believe that the Bhils were acting as tools of others. To Ripon he wrote, "...we have reasons to believe that the whole movement was instigated by the Banias who had the cultivators under their hands as their

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- (1) Copy of the Bhil agreement with the Chief of Pol, June, 1881. For Dept. Proc. Govt. of I. Aug. 1881
 - (2) Major Wodehouse to Ch. Secy. Govt. of B. 20th June, 1881. Pol. Dept. Proc. Govt. of B. Sept. 1881.
 - (3) Ch. Secy. Govt. of B. to Secy. for Dept. Govt. of I. No. 11P, 23rd June, 1881. For Dept. Proc. Govt. of I. Aug. 1881.
 - (4) Secy. for Dept. Govt. of I. to Agent, Gov. Gen. Rajputana No. 6371P, 13th Aug. 1881. For Dept. Proc. Govt. of I. Aug. 1881.

debtors and they intended, by greatly reducing the claims of the state, to improve their own position. This predisposition was strengthened by Fergusson's dislike for disorder. He was reluctant to treat the indisciplined Bhils with sympathy and thought that any "extravagant concession" would create further trouble."¹ Such an attitude might have been motivated by considerations of political stability. In effect, however, it relieved the native chiefs of any charge of misgovernment towards the Bhils. The findings of the Bhil Enquiry Commission of 1882 ran almost on similar lines. In their opinion the Bhil disturbance in Rajputana and Gujarat was not the outcome of a general rising, but each raid "had its origin in some supposed grievance" (enhanced salt and opium rates and the census proceedings etc.) which probably would not have been thought of but for the example of success of other raids.² The Commission categorically rejected the idea that the native chiefs were "in any way responsible for the grievances of the Bhils."³ Much was then said about the rehabilitation of the Bhils, their impulsive nature and their readiness to avenge fancied wrongs. But not a stricture, not to think of any administrative intervention, was passed against any of the large or small Bhil-dwelling states of Bombay and Rajputana. In face of the Commission's report the Government of India hurriedly abandoned the proposed Bhil conference at Mount Abu.

(1) Fergusson to Ripon, 12th June, 1881. R.P.

(2) Col. Blair and Major Probyn to First Asst. Agent, Gov. Gen. Rajputana, 18th April, 1882. For Dept. Proc. Govt. of I. June, 1882.

(3) Ibid.

In the massacre of the Maiyas¹ by the police of Junagad Durbar in January, 1883, Fergusson's Government not only stood behind the cruel act of a native prince but even acted in collaboration with him. On the contrary, Ripon in this case gave up his usual position of liberal abstention in the affairs of the native states and acted from considerations of justice. The Maiya tribe in Junagad had in the past served the Durbar in maintaining law and order in the state. In the early days of British paramountcy over Kathiawar peninsula when the country was still politically unsettled, the Maiyas established themselves as a turbulent lawless people. The British authorities strongly felt the necessity to control them and after several attempts they succeeded in disarming them in 1872. Thereafter, the tribe ceased to be a formidable threat and became a peaceful section of the cultivators. At the beginning of December, 1882, an exodus of the Maiyas from their villages towards the nearby Kanera hill took place in protest against the oppression of the Junagad Durbar. On 29th January, 1883 a horrible slaughter of men was committed on Kanera hill as a result of the Durbar's determination to subjugate the Maiyas.

An examination of the Maiya grievances reveals that the Maiyas always claimed their lands in Junagad by hereditary right. But the Durbar contended that the Maiyas were holding land only in return for their police service and that these

(1) By descent the Maiyas or Mahias were Jadhav Rajputs and they migrated to Kathiawar from Chittor. R. E. Enthoven, Tribes and castes of Bombay, 1920, Vol.2, p.418

lands were therefore resumable by the state if it chose to dispense with the police service of the Maiyas. In 1871 the Government of Bombay held that the lands occupied "by the Maiyas were hereditary and were not resumable, though a condition of service was attached to them. In 1876 the Secretary of State, Lord Salisbury, however, suggested that in lieu of service, which the Maiyas were expected to render, it might be expedient to substitute "a moderate money payment by the Maiyas to the Durbar."¹ Following this the Government of Bombay concluded that the Maiyas should pay a fixed "Jama" or lumpsum for each village and the proportion of this Jama was fixed as two-thirds of the "Vero" (sum leviable on each "Shanti" or a plot of 20 acres) at the rate current in Junagad state. The Durbar insisted that their usual collection of Vero was at the rate of Rs.30 per Santi and this rate of Vero was accepted by the British Political Agent in Kathiawar as the basis of calculation.² Thus it was finalised that the Maiyas should pay annually Rs.20/- per Santi to the Durbar. But the statement of the Durbar regarding the usual rate of Vero in Junagad was wrong, for the average Vero levied by the Durbar was only Rs.17/- per Santi. Thus the Durbar maliciously obtained the sanction of the Government of Bombay for the imposition of "an unreasonable tax"² This high rate of Vero was imposed without any reference to the quality of the lands and the lands of the

(1) Res.Govt.of B.Pol.Dept.No.2003,26th April,1883. For Dept. Proc.Govt.of I. June, 1883.

(2) Ibid.

(3) Enquiry Report, Maj.G.E.Hancock,20th Feb.1883.For Dept. Proc.Govt.of I.June, 1883.

Maiyas were generally poor. It was natural that the Maiyas would refuse to pay such a high tax for the simple reason that they could not. "To impose a Vero of Rs.5100/- per annum on Amro Kalo's (the Maiya Headman) estate of 255 Santis of jungle lands yielding Rs.3883/- was simply to ruin him."¹ Thus Amro Kalo, the Maiya leader had to remark to the British Political Agent : "You may blow us away at the point of a gun if you like, but we will not pay."² The Junagad Durbar decided in 1881 to coerce the Maiyas. They sent armed forces to the Maiya villages, attached the entire crop of the Maiyas for three consecutive years for non-payment of Vero and thus simply drove the Maiyas to despair.³

In December, 1882 the aggrieved Maiyas left their villages in protest and departed to Kanera hill, leaving their property and families. They carried with them some rusty swords and old matchlocks for the security of their persons. The Junagad Durbar, terrified by these "unlawful arms," urged the Maiyas to disperse from the hill, which they refused to do. Some attempts at negotiation between the Durbar and the Maiyas were made by one British Political Officer, Captain Scott, in vain. The Durbar then thought it necessary to dislodge the Maiyas from their "fortifications" and resolved to besiege the hill to capture the Maiyas. The Political Agent of Kathiawar,

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- (1) Enquiry Report, Maj.G.E.Hancock, 20th Feb. 1883. For Dept. Proc. Govt. of I. June, 1883.
 - (2) Res. Govt. of B. Pol. Dept. No. 2003, 26th April, 1883. For Dept. Proc. Govt. of I. June, 1883.
 - (3) Enquiry Report, J.W. Watson, 2nd March, 1883. For Dept. Proc. Govt. of I. June, 1883.

Col. Burton, gave his sanction to this "innocent measure".¹ On the morning of 28th January, 1883 the Junagad Police surrounded the Kanera hill and attacked the Maiyas. The Maiyas could offer no resistance and were easily routed by the police. A number of fugitives were tied up and butchered. An old Maiya woman reported that she was compelled to carry down the severed heads of her clansmen. Cart loads of heads were taken towards Junagad and on the outskirts of the town the Nawab in royal procession welcomed the victorious police force. Later on, the jubilant Durbar delivered a congratulatory letter to the commandant of the police force.² According to the version of the Junagad Durbar 74 Maiyas were killed and 26 injured while loss to the Junagad police was negligible.³

From the very outset Fergusson defended the Junagad Durbar. In his opinion the Maiyas obstinately refused to pay any vero in opposition to the unquestionable decision of the British Government. If the levy fixed by the Durbar was too high and its collection oppressive, the Maiyas should have approached the government.⁴ Fergusson was convinced that "the Durbar showed great forbearance and were clearly in the right."⁵ To emphasize this, he pointed out that it was absolutely necessary "to disperse without delay the gathering of the Maiya tribe who were defying all terms, subsisting by plunder and

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- (1) Res.Govt.of B.Pol.Dept.No.2003,26th April,1883.For Dept. Proc.Govt.of I.June,1883.
 - (2) Enquiry Report,J.W.Watson,2nd March,1883.For Dept.Proc. Govt.of I.June,1883.
 - (3) Res.Govt.of B.Pol.Dept.No.2003,26th April,1883.For Dept. Pro.Govt.of I,June,1883.
 - (4) Fergusson to Ripon, 18th March,1883.R.P.
 - (5) Fergusson to Kimberley,9th Feb.1883. F.C.

endeavouring to get the other tribes to join them."¹ Fergusson believed that the indiscriminate massacre was due to the precipitate action of the Maiyas in firing on the police party first and thus inviting trouble. His conclusion was that the Maiyas required a lesson and he was sorry that "it has been so severe".² However, as a matter of routine Fergusson appointed a Commission, consisting of Col. Watson and Major Hancock, to enquire into the whole case. The Commission, at the conclusion of their enquiry, accused the Junagad Durbar of imposing an excessive Vero. They were of the opinion that the Durbar "appeared to have made up their mind from the very first to coerce the Maiyas." The Commission suspected that the Durbar gave an oral order to the police to destroy the Maiyas and they rejected the plea that the Maiyas shot first at the police party.³ E. Ravenscroft, a member of the Governor's Council at Bombay, supported the findings of the Commission. The imposition of a high Vero, he believed, was due to the British Political Agent and Durbar officials, "who mismanaged matters between them." Regarding the massacre, he declared that the Nawab of Junagad and his officers exhibited unparalleled brutality "calling for exemplary reprobation and punishment."⁴

But the majority of Fergusson's Government found no fault with the Durbar. They were convinced that the Maiyas who opposed the decision of paying a Vero were "open rebels,

(1) Fergusson to Ripon, 13th Feb. 1883. R.P.

(2) Ibid.

(3) Enquiry Report, J.W. Watson, 2nd March, 1883. For Dept. Proc. Govt. of I. June, 1883.

(4) Minute by E. Ravenscroft, 26th April, 1883. For Dept. Proc. Govt. of I. June, 1883.

assembled in arms in defiance of lawful authority." For the common security of Kathiawar, they asserted, the Junagad Durbar was duty bound to dislodge the Maiyas from Kanera hill.¹ Such stout defence of the Durbar could only come from a Government acting in collaboration with the Durbar. Previously, the Government of Bombay had not only sanctioned a high Vero fixed by the Durbar but also permitted it to attach the crops of the Maiyas on the plea of the non-payment of the tax. When the Maiyas approached the Government of Bombay in May, 1882 for redress, they refused to interfere in the proceeding.² Finally, when the Maiyas took refuge on Kanera hill, Col. Burton the Political Agent of Kathiawar, sought military aid from the Government to assist the Junagad operations against the Maiyas. He requested the Government to supply a detachment of British force and a mountain-battery "to make a successful attack on the position of the Maiyas"³ Fergusson's Government welcomed the suggestion and instructed the Military Department to be ready to despatch such a contingent by sea from Bombay.⁴

Ripon's Government, however, were not prepared to support the Durbar in the face of a derogatory Commission Report. They more or less supported the Commission's findings and held the Durbar responsible for "the deplorable occurrence."⁵ The Government of Bombay were naturally loud in their protest

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- (1) Res. Govt. of B. Pol. Dept. No. 2003, 26th April, 1883. For Dept. Proc. Govt. of I. June, 1883.
 - (2) Res. Govt. of B. Pol. Dept. No. 3984, 16th Aug. 1882. For Dept. Proc. Govt. of I. June, 1883.
 - (3) Col. Burton to Ch. Secy. Govt. of B. 14th Jan. 1883. For Dept. Proc. Govt. of I. June, 1883.
 - (4) Res. Govt. of B. Pol. Dept. No. 243, 18th Jan. 1883. For Dept. Proc. Govt. of I. June, 1883.
 - (5) Secy. for Dept. Govt. of I. to Ch. Secy. Govt. of B. No. 1532I, 7th June, 1883. For Dept. Proc. Govt. of I. June, 1883.

against this verdict of the Government of India. They said that they were not in favour of showing any sympathy to the Maiyas "that is calculated in any way to sanction the imitation of their lawless proceedings by other disorderly classes"¹ Fergusson pointed out that the Maiyas defied both the Junagad Durbar and the Paramount power, for "the tribe was revolting against exactions, avowedly founded on the decision of the British Government."² He urged Ripon to modify the opinion of his Government, which, in his opinion, would "give sanction to an act of rebellion."³

This defence by Fergusson and the Government of Bombay was weak in foundation. They could neither substantiate their allegation of the first shot having been fired by the Maiyas nor justify the rejoicings of the Durbar at the massacre. The Durbar could not be acquitted of their responsibility in fixing an excessive Vero. Further, Fergusson's charge against the Maiyas that they were open rebels committing violence, could not be firmly established. The Enquiry Commission stated: ".....it must be reported that the Maiyas had shed no blood and were not even proclaimed outlaws and criminals."⁴ Fergusson's assertion that to denounce the Durbar for the suppression of the Maiyas was to lower authority and encourage the rebels was logically unsound. The

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- (1) Ch.Secy.Govt.of B.to Secy.For Dept.Govt.of I.No.3144,4th July,1883.For Dept.Proc.Govt.of I.Aug.1883.
 (2) Fergusson to Kimberley,3rd May,1883.F.C.
 (3) Fergusson to Ripon, 21st June,1883. R.P.
 (4) Enquiry Report, J.W.Watson,2nd March,1883. For Dept.Proc. Govt.of I.June,1883.

behaviour of the Durbar should be deplored, for effecting harsh measures, for oppressing people in the name of tax collection and for massacring harmless people. Thus to accuse Junagad Durbar was to strengthen legitimate authority and not to weaken it. The fact was that Fergusson himself was not unaware of this. To Ripon he confessed, "In the case of Junagad, there were certainly faults on the side of the state, but the Maiyas were impracticable."¹ To Fergusson's extreme concern for law and order was added his eagerness to promote the alignment between the British Government and the native chiefs. His Government's despatch to the Secretary of State clearly stated that in refusing to hold the Durbar responsible for the massacre of the Maiyas they were "actuated by a sense of what was due to the responsibility of first class chiefs, which it has hitherto been the policy of the British Government to enforce for the suppression of rebellion within their limits."²

The strong defence of Fergusson saved the Nawab of Junagad from outright denunciation, punishment and supersession. Only the Dewan of the state and his assistant were forced to resign and the Jamadar of Police was dismissed. The Nawab was mildly informed of the disapproval of the British Government of his proceeding in the Maiya affair. A new Commission was set up to fix a moderate Vero on the Maiyas.³ Judging from these results it can be concluded that the Nawab of Junagad came out

(1) Fergusson to Ripon, 26th Aug. 1883. R.P.

(2) Desp. Govt. of B. to S. of S. Pol. No. 28, 28th Aug. 1883. For Dept. Proc. Govt. of I. Oct. 1883.

(3) Secy. for Dept. Govt. of I. to Ch. Secy. Govt. of B. No. 1532I, 7th June, 1883. For Dept. Proc. Govt. of I. June, 1883.

without much harm being done to him from a situation in which his complicity in the massacre was undoubted. The Junagad case further illustrates the contradiction of British policy towards the native states; namely, the policy of supporting the rulers, which was in conflict with the principle of ensuring just rule.

On the whole, Fergusson's policy towards the native states lacked consistency. He diligently interfered in the jurisdiction of the native rulers where issues were small and interferences safe. But on larger issues, like the Bhils and the Maiyas, where interference was essential, he preferred not to interfere but to support princely authority in the name of law and order. In consequence, Fergusson did not raise himself to the delicate task of mingling occasional and justified interference with the general British policy of non-interference in the native states. Ripon was more consistent in his views with regard to the native chiefs and displayed a greater sense of justice. Generally, he was anxious to uphold princely authority and to favour moderation in ordinary cases of interference. But on issues like the massacre of the Maiyas Ripon displayed a just inclination to intervene.

CHAPTER IV

Local Self-Government

In 1880 local self-government in Bombay Presidency, though efficient and organised in comparison with other parts of India, was languishing under official control and the indifference of the people. The educated community, the only section of the public who could take ^{an} interest in the local bodies, found governmental supervision obstructive and oppressive. Such a state of affairs throughout India inspired Ripon and his Government to strive for a real and substantial change. The change was to be brought about through legislation and in Bombay Fergusson had to undertake new enactments for local self-government. The issue brought Ripon's liberalism and Fergusson's conservatism into a clash and Fergusson's position in relation to the move for reform became significant not so much for his urge for reform but for his opposition to it. The result was a bitter conflict of ideas followed by a serious misunderstanding between the Supreme Government and the Presidency Government.

Local self-government in India is not altogether an imported element. The panchayats or the village councils, which carried on the internal government of the villages, have survived in a recognisable form in every part of India.¹ But the modern institutions and ideas of local self-government

(1) John Matthai, Village Government in British India, 1915, p.15

in India were introduced during the British rule. In Bombay Presidency self-government developed in three directions - in the city of Bombay, in the mofussil (country) towns and in the rural areas. In 1793 by an Act of Parliament (33.Geo.III. C.52) the municipal administration of the town of Bombay was entrusted to a corporate body of the Justices of the Peace under strict government control. By this Act the Justices were to be appointed by the government from among the European inhabitants of the Presidency for judicial and civic functions. In course of time the Bench of the Justices of the Peace included Indian residents of the town and developed into a body of variable number. In 1845 a Board of Conservancy was created in Bombay town from among the Justices and the government officials to undertake the executive function of the local administration. This body, strangely, was not responsible to the Justices but only to the government for all its actions. Thus municipal administration in these days in Bombay town was shared by the Justices and the government and this dualism was productive of constant friction. Bombay Municipal Act IX of 1865 later on turned the Justices into a body with independent powers and entrusted them with the undivided control of the municipal fund. The Justices, though they considerably represented the opinion of the residents, were in reality only nominees of the government. Following a phase of extreme financial extravagance in the civic administration of Bombay

a cry for reform was soon raised. Under the leadership of Pheroze Shah Mehta a demand for the substitution of an elected body to control the municipal affairs in place of the Justices of the Peace was gaining ground.¹ The outcome was Bombay Municipal Act III of 1872 which replaced the Bench of the Justices by a Corporation of 64 members of whom 32 were to be elected by the ratepayers, 16 by the Justices and 16 nominated by the government. A town council was also created, composed of 12 members, 8 elected by the Corporation and 4 including the official Chairman nominated by the government. The general supervision of the works of the municipality was entrusted to a civilian commissioner with special executive powers.²

Bombay Municipal Act XXVI of 1850 first inaugurated local self-government in the mofussil towns of Bombay Presidency. The Act provided for the constitution of Town Committees, the levy by them of certain indirect taxation and the establishment of ^a municipal agency in any town on the application of its residents. The agency was declared to be the Collector assisted by a committee of members, official and non-official, appointed by the government. In 1870 Lord Mayo's Government called upon the local governments to give their attention to the development of local self-government.

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- (1) R. P. Masani, Evolution of Local Self-Government in Bombay 1929, p.216
 (2) R. P. Masani, Evolution of Local Self-Government in Bombay 1929, p.82

The Government of Bombay responded by passing Bombay Municipal Act VI of 1873 which declared the municipalities to be bodies corporate capable of holding and conveying property and of suing and being sued in their corporate capacity. The Act made distinction between the Town Municipalities and City Municipalities, the town municipality comprising not less than 2000 inhabitants, the city municipality not less than 10,000 inhabitants. According to the Act, the town municipalities were comprised of non-official members nominated by the government not exceeding 12 and certain ex-officio government officials. The collectors of the districts were Presidents of such committees and the executive power was placed in the hands of the Presidents. The city municipalities on the other hand were composed of two-thirds non-official members nominated by the government and the executive power was placed in the hands of the committee as a body. The Act of 1873 further conceded permissive authority by which the government, if satisfied with the public spirit of a city municipality, could direct a portion of the committee to be appointed by election.

Provision for local taxation always existed in Bombay Presidency as in other parts of India and the local taxes were collected to be spent on local requirements. However, this provision was not much utilised in Bombay Presidency before 1864. In 1864 the Government of Bombay under Sir Bartle Frere sanctioned the establishment of a district local fund in each

(1) R. G. Shah, The Growth of local self-government in the province of Bombay, 1955, p.26

of the districts of the Presidency. This Fund was to consist of local cess on land, local toll and ferry collection and the surplus cattle pound fund. The Local Funds Acts VIII of 1865 and III of 1869 of the Government of Bombay constituted District Local Fund Committees for the management of the funds. The government also framed rules under these Acts by which sub-divisional local fund committees or Taluk committees were formed. The Taluk committees were mere consultative bodies without powers of appropriation and distribution of local funds. Both the District Local Fund Committees and the Taluk Committees were composed of officials and non-official landholders appointed by the government. As a rule the collector was the President of the District Local Fund Committee and the entire executive power vested in him.¹ On the whole, organisationally, the development of local self-government in Bombay Presidency was considerable. Fergusson proudly contended that his Presidency was "absolutely pretty advanced in local self-government" in comparison with other parts of India.² Ripon's Government seemed to have taken the same view that in Bombay Presidency mofussil municipal organisation was complete and the municipal law best in India.³

The municipal organisations during the tenure of office of

(1) R.G.Shah, The growth of local self-government in the province of Bombay, 1955, p.60.

(2) Fergusson to Ripon, 3rd April, 1882. R.P.

(3) Secy.Home Dept.Govt.of I.to Secy.Govt.of B.Home, No.3516, Oct.10.1881. R.P.1883, Vol.51, p.58.

Fergusson seem to have worked quite efficiently under official supervision. But the system lacked very much popular enthusiasm, the very essence of local self-government. The number of the municipalities in the Presidency was 163 in 1880, of which 10 were city municipalities.⁴ In 1883 the number increased to 165 and 14 more town municipalities were upgraded to city status.² The total funds at the disposal of the municipalities increased from Rs.76,87,879 in 1880-81 to Rs.94,56,141 in 1882-83. Usually Octroi duties or town taxes formed a very considerable part of the total income of the municipalities. Income derived from Octroi and direct municipal tax or house tax were 49% and 46% respectively in 1880-81.³

The unrestricted imposition of Octroi by the municipalities on goods coming into or going out of the towns tended to become a transit duty seriously interfering with the freedom of trade. This led Ripon's Government to express their dissatisfaction with the prevalence of Octroi duties in Bombay municipalities. Fergusson's Government in their turn issued instructions to their district officials to restrain the collection of Octroi.⁴ But in spite of this effort the Octroi continued to be imposed unreservedly by the municipalities of the Presidency.⁵

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- (1) Municipal Report, Bomb.Pres.1880-81,Mun.Proc.Govt.of B. April,1882.
 - (2) Municipal Report,Bomb.Pres.1882-83.Mun.Proc.Govt.of I. June,1884.
 - (3) Municipal Report,Bomb.Pres.1880-81.Mun.Proc.Govt.of B. April,1882.
 - (4) Res.Govt.of B.General Dept.No.2047,28th June,1881.Mun. Proc.Govt.of I.Sept.1881.
 - (5) Municipal Report,Bomb.Pres.1882-83,Mun.Proc.Govt.of I. June,1884.

The municipalities of Bombay Presidency, like those in other parts of India, suffered from the burden of the police charges. Customarily the townspeople were required to pay through the municipality for the police establishment in the town for the maintenance of law and order. The municipalities provided funds for meeting the cost of the town police force but exercised no real control over the police. The Government of India remarked in October, 1881 that the municipalities in Bombay were "saddled with more than 5 lakhs of rupees of police charges while their expenditure on education and sanitary establishments does not exceed 2½ lakhs of rupees."¹ When the Government of India expressed their opinion against the obnoxious police charge Fergusson's Government decided to relieve the mofussil municipalities of their police expenses.² In 1882 the mofussil municipalities in general were freed from the police charge and the costs of police in the district towns were to be met from the provincial budget.³ However, the police charge was not discontinued in case of Bombay City Municipality.

Fergusson's regime in Bombay witnessed an unfortunate decrease in the number of non-official members in the municipalities in comparison with the number of the official members. In 1883 the total number of the official members was 909

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- (1) Under Secy. Dept. of Finance & Commerce, Govt. of I. to Secy. Finance Dept. Govt. of B. No. 3516, 10th Oct. 1881. P.P. 1883, Vol. 51, p. 58.
 (2) Res. Govt. of B. No. 3583, Sept. 19, 1882. P.P. 1883, Vol. 51, p. 39.
 (3) Municipal Report, Bomb. Pres. 1882-83. Mun. Proc. Govt. of I. June, 1884.

showing an increase over the number of the previous year, 901. On the other hand, the number of the non-official members showed a marked reduction, being 1593 in 1883 while the number was 1695 in 1882.¹ Fergusson's Government, though they appreciated on occasions the examples of public spirit of the Indian members of the municipalities, placed the utmost emphasis on the performance of the official members and the district officers. In the opinion of the Government "the energies of the district officers can hardly be more usefully employed than in endeavouring to reform the abuses which affect the welfare of the community at large."² The Government of Bombay complained of a lack of attendance on the part of the non-official members in municipal meetings. They felt that municipal commissionerships were not popular.³ The government officials were of the opinion that in many cases "desirable improvements can not be carried out, if the opinion of the non-officials ~~were~~ acted upon."⁴ Fergusson noticed that the non-official members in some cases considered essential municipal activities like conservancy and road repairs as unnecessary. Even in the highly advanced town of Poona the municipality declined to proceed with a drainage scheme and stood upon their vested right to drain in the

(1) Municipal Report, Bomb. Pres. 1882-83, Mun. Proc. Govt. of B. June, 1884.

(2) Municipal Report, Bomb. Pres. 1880-81, Mun. Proc. Govt. of B. April, 1882.

(3) Municipal Report, Bomb. Pres. 1881-82, Mun. Proc. Govt. of B. May, 1883.

(4) Municipal Report, Bomb. Pres. 1880-81, Mun. Proc. Govt. of B. April, 1882.

nearby river which had already been turned into a source of cholera epidemic.¹ These facts convinced Fergusson that there had been little or no disposition on the part of the non-officials to take ^{The} initiative or to co-operate with the officials.²

The official preponderance was overwhelming in the administration of the local funds in the rural areas of the Presidency. Generally the District Committees were instructed by the government to adopt a long term budget of 5 or 7 years to work out extensive plans for water works and road construction with the aid of the Public Works Department of the government. The work was usually carried out efficiently and the development of communications in the districts was remarkable. But local funds thus spent upon the roadways of the district left nothing for the local works concerning the immediate interests of the villagers.³ In consequence scant consideration was paid to village development in Bombay Presidency in spite of the existence of the Taluk Committees and the administration of local funds became exclusively a government concern. Fergusson was conscious of the defect of the system and observed that there were complaints against "the application of the local fund on plans so extended as arterial roads that minor works in every petty locality are often alleged to be neglected."⁴

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- (1) Fergusson to Kimberley, 2nd July, 1883. F.C.
 - (2) Fergusson to Ripon, 31st May, 1882. R.P.
 - (3) Secy. Govt. of B. to Secy. Legis. Dept. Govt. of I. No. Legis. I, 9th May, 1883. Legis. Dept. Proc. Govt. of B. May, 1883.
 - (4) Fergusson to Ripon, 31st May, 1882. R.P.

It was true that the general public with the exception of the educated class were very indifferent towards the administration of their own local affairs. The government in their turn practically made no effort to foster enthusiasm and relied on the efficiency of their district officials. The picture was ^{the} same everywhere in India and excluding the Presidency cities of Bombay, Madras and Calcutta there was no local self-government in the true sense of the term. Although a framework of local administration and local taxation existed, control was firmly in the hands of the officials. The public indifference to local self-government was due to well-known general factors. Ordinarily people considered municipalities as means of imposing fresh taxation. To the commercial class the Octroi was a veritable nuisance and municipal business unjustly interfering. Prominent residents were reluctant to come forward in municipal activities for fear of misusing time and energy. The rule of conducting the municipal proceedings in the English ~~Language~~ ^{also} proved to be an obstacle to many. Only some men of the legal profession and young educated Indians took some interest. However, the intelligentsia as a whole constituted a "microscopic minority" of the people. Besides these, the people were unconcerned about health and hygiene and were accustomed to relying on a highly centralised government. But what was important was not the inertia of the people but the fact that the British regime never wanted to break this general lethargy.

rather the government took advantage of this. Despite the isolated liberalism of Lawrence and Mayo to develop local self-government in the period preceding Ripon's Viceroyalty no real effort was made by those in immediate control of affairs to infuse life into the organs of local government. Local government virtually degenerated into a mere department of the government. The non-official members were usually those "who nod their heads to everything that is proposed by the President."¹ Thus the municipalities and local fund committees lacked life and vigour. It was to the credit of Ripon that he realised that the primary requisite was the infusion of fresh life. This was true of India as a whole and of Bombay Presidency in particular. The fresh life could only be instilled by inspiring popular interest and by introducing the popular element into the moribund committees. The new spirit that Ripon was conceiving when he came to India was "a more general introduction of the elective system in the municipalities."²

The picture was quite different in the local administration of Bombay city. The Act of 1872 supplied Bombay City Municipality with its life-inspiring spirit - the principle of popular representation. The performance of Bombay City Municipality was so good that the body was favourably compared with the municipalities of the leading cities of Europe.

(1) Kalpataru, Marathi Newspaper, 4th July, 1880. Bomb. Native Newspaper Reports, 1880.

(2) Ripon to Hartington, 26th June, 1880. Cited in Gopal, Ripon, 1956, p.90.

The Government of Fergusson admitted that the works executed by the Bombay City Municipality were "generally conceived on a liberal scale and were carried out with efficiency".¹ H. Cook, the Chairman of the Town Council, thought that the Indian members of the Corporation and the Town Council fairly represented intelligence, education and social influence.² The enlightened Indians of Bombay city, however, showed an inclination to monopolise all powers of the local body in their hands. The Corporation, which used to elect two-thirds of the members of the Town Council, showed a tendency engineered by the Indian members to keep these places for men of their own community. In the year 1881 the Government was alarmed to find that the Corporation elected only one European out of their eight members in the Council.³ The leading Indian members of the Bombay municipality like Pheroze Shah Mehta, Viswanath Mandalik, Kashinath Telang, Badruddin Tayebji belonged to the articulate minority of the educated section and were full of western ideas of constitutional liberty. To Fergusson's Government the activities and expressions of these men exhibited "a certain jealousy of Government, an impatience of control and an inclination to claim concessions as a right." As a reaction Fergusson resolved to maintain strictly the

(1) Secy. General, Dept. Govt. of B. to Secy. Home Dept. Govt. of I. No. 3510, 20th Oct. 1881. P.P. 1883, Vol. 51, p. 145.

(2) H. Cook, Chairman, Town Council to Secy. Rev. Dept. Govt. of B. No. 254, 1881. P.P. 1883, Vol. 51, p. 145.

(3) Secy. General Dept. Govt. of B. to Secy. Home Dept. Govt. of I. No. 3510, 20th Oct. 1881. P.P. 1883, Vol. 51, p. 145

existing limitations on the elective principle, namely, the nominated members of the government in the Corporation and in the Council and the appointment of the municipal commissioner by the government.¹ The authoritarian attitude of Fergusson and the aspirations of the Indian members of the municipality were thus irreconcilable and a clash was close at hand.

The clash between the Government of Bombay and the Bombay City Municipality started on the question of the re-introduction of the Contagious Diseases Act of 1868 in the city of Bombay. The Contagious Diseases Act or the popularly known C.D. Act was first introduced in 1869 in the city of Calcutta to fight venereal disease, which was spreading fast, especially among the troops. In 1870 the Government of Bombay decided to introduce the Act in Bombay city where a certain population was always floating and sailors and travellers from all parts of the world gathered. The expenses of the working of the Act in Calcutta were defrayed partly from the municipal fund. Similarly the Bench of the Justices in charge of Bombay city municipality decided to help the introduction of the Act in Bombay by contributing Rs.40,000 for the year 1870. It should be noted here that the cost of the establishments to examine public women, to treat them with adequate medical facilities and to provide for additional police charge to induce the women to undergo examination was considerable. The Act in

(1) Secy. General Dept. Govt. of B. to Secy. Home Dept. Govt. of I. No. 3510, 20th Oct. 1881. P.P. 1883, Vol. 51, p. 145.

Bombay city continued with moderate success for two years, after which it was suspended due to the refusal of Bombay municipality to make any further grant to meet the expenditure of the Act. The subject was revived again in 1876 by the Report of the Sanitary Commissioner of Bombay showing an alarming prevalence of venereal diseases. The Government of Bombay approached Bombay City Municipality regarding the re-introduction of the Act and the financial arrangement for its working. The municipality had no objection to the re-introduction of the Act, but they expressed their inability to shoulder responsibility for any portion of the requisite funds. Sir R. Temple, the predecessor of Fergusson, had no doubt that the Act should prove beneficial in Bombay city. He made preparations for the introduction of the Act and invited Bombay municipality in January, 1880 to share the expenses of the Act, but without any success.¹ Thus, Fergusson, when he arrived, inherited the task of finally introducing the Act as well as settling the account with the unwilling Bombay municipality. Hartington, the Secretary of State, warned Fergusson to proceed carefully with the "ticklish question" of the C. D. Act.²

The question was "ticklish" due to two factors, namely, the unpopularity of the C.D. Act and the determined disagreeableness of Bombay municipality. The unpopularity of the

(1) Desp. Govt. of B. to S. of S. General, No. 16, 7th June, 1881. P.P. 1883, Vol. 50, p. 535.

(2) Hartington to Fergusson, 9th July, 1880. F.C.

Act was chiefly owing to the fact that it encouraged corruption by regularising prostitution and that it gave opportunities for police malpractices on the plea of the supervision of public women. The wealthy people objected to the Act for fear that their mistresses would be subjected to medical check-up thereby, their privacy being interfered. There was also the apprehension that "the police would extort money from these mistresses as a condition of exemption."¹ The moral issue involved was whether the good people should pay for "the sins of others knowingly done"² The distinguished citizens of Bombay protested in a memorial against the Act. They pointed out that the Act, if re-introduced, would be harmful by giving "a quasi-government sanction to vices."³ Fergusson disregarded these objections and introduced the Act in September, 1880. The opposition to the Act after its introduction continued with renewed vigour and the native press was loud in its disapproval.

From the beginning Fergusson had no doubt that the introduction of the Act, though unpopular, was justified from the point of view of "practical circumstances."⁴ That it was so was proved by the report of the hospitals of Bombay city.

Taking all hospitals and dispensaries of Bombay city together

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- (1) Fergusson to Hartington, 9th June, 1880. F.C.
 - (2) Native Opinion, Anglo-Marathi Newspaper, Bomb. Native Newspaper Report, 1882.
 - (3) Desp. Govt. of B. to S. of S. General, No. 16, 7th June, 1881. p.p. 1883, Vol. 50, p. 535.
 - (4) Fergusson to Hartington, 9th June, 1880. F.C.

the number of venereal cases treated during the 15 months from June, 1879 to August, 1880 prior to the introduction of the Act was 8964, while for subsequent 15 months from September, 1880 to November, 1881 during which the Act was enforced was 7235 - showing a decrease of 1729 cases or of 19 per cent.¹ This fact convinced the home authorities of the beneficial character of the Act. Meanwhile in England the opinion was strongly in favour of "the administration of vices" and a Select Committee of the House of Commons in August, 1882 recommended that the English C. D. Acts should be extended to a wider area. Under these circumstances the Secretary of State decided upon the continuance of the Act in Bombay city.²

A conflict soon started between the Government and Bombay City Municipality over the allocation of the police expenses for the C.D.Act. By Bombay Municipal Act of 1865 it was decided that the annual expenses of police establishment in the city of Bombay should be paid out of the municipal fund. But the growing expenditure of police establishment increased so rapidly that the municipal fund of Bombay could not cope with it. The municipality brought the matter to the notice of the Government and pressed for a subsidy towards meeting the police charges. The Government

(1) Res.Govt.of B.General Dept.No.4359,29th Dec.1881. p.p. 1883, Vol.50, p.601.

(2) Desp.S. of S. to Govt.of I. Statistics and Commerce,No. 180, 26th Oct.1882. P.P.1883, Vol.50, p.609.

of Bombay sanctioned a grant which after some|time was abruptly discontinued. The municipality pursued their cause by memorialising the home authorities. After a prolonged exchange of communications between 1874 and 1877 it was finally decided that the Government of Bombay would contribute annually Rs.90,000 (one-fourth of the total cost of police establishment in Bombay city) to Bombay city municipality.¹ When Fergusson re-introduced the C.D. Act in Bombay and pressed the municipality to bear a portion of its working cost the municipality refused to incur any such responsibility. Fergusson then proceeded carefully to induce the municipality to contribute at least Rs.15,000 towards Lock Hospital where patients under the C.D. Act were treated. He hoped that if the municipality refused to contribute directly it might agree to contribute in an indirect fashion. Fergusson informed Hartington about his "manoeuvre"/ With the municipality.² The attempt, however, failed as the Corporation rejected such a move in August, 1880.

The defiance enraged Fergusson and his Government delivered a threatening note to the municipality stating that if they refrained themselves from contributing Rs.15,000 towards the expenses of the C.D.Act, the Government would deduct that amount from their regular contribution to the

(1) Desp.Govt.of I. to S. of S. Home, No.2, 20th Feb.1883.
Mun.Proc.Govt.of I.Feb.1883.

(2) Fergusson to Hartington, 30th July, 1880. F.C.

police charges of the municipality. The Corporation paid no heed to this threat and the Government of Bombay withheld Rs.15,000 from their police grant for the year 1881 and handed over Rs.75,000 to the municipality.¹ This method of disciplining the defiant municipality was pre-planned. As early as in June, 1880 Fergusson informed Hartington that the Government would face stiff opposition from the Bombay Municipality who would certainly refuse to pay for the working of the C.D.Act. "In that case", he wrote, "the Government shall have to deduct Rs.15,000 from the subsidy of Rs.90,000 to the municipality."² Fergusson's measure excited widespread indignation among the people of Bombay. Native Opinion denounced this act of the Government as "a senseless proceeding."³ The Indian Spectator considered this measure as "a piece of financial vandalism" and commented that it was better to repeal the Municipal Act and make ^{the} municipality a mere department of the State than to trifle with the feelings of intelligent citizens.⁴ The Bombay City Municipality spiritedly decided to fight this unjust decision and they drew the attention of the Supreme Government to the fact that "by withholding a portion of the police contribution towards defraying a part of the cost of the working of the

(1) Desp.Govt.of B.to S. of S. General No.16, 7th June, 1881. P.P.1883, Vol.50, p.535.

(2) Fergusson to Hartington, 9th June, 1880. F.C.

(3) Native Opinion, Anglo-Marathi Newspaper, 12th Dec.1880, Bomb.Native Newspaper Report, 1880.

(4) The Indian Spectator, English newspaper, 12th Dec.1880. Bomb.Native Newspaper Report, 1880.

C. D. Act, the Government of Bombay are acting both arbitrarily and unjustly."¹ In justification of their act Fergusson's Government took refuge in the plea that in 1875 when the question of government contribution regarding the police charge was determined, the contribution was made discretionary to the Government of Bombay. Thus they insisted that they were quite justified in exercising their discretion in the present case when the Corporation turned a deaf ear to all the conciliatory proposals of the Government.² The Municipality was in no mood to surrender and appealed to the Secretary of State by pointing out that the action of the Government should be judged as laying hands on the municipal treasury without any authority from the municipality. This, the Municipality argued, was illegal and "in violation of the rights vested in the Corporation in respect of the custody and disposal of all municipal funds!"³ Ripon was very dissatisfied with this maltreatment of a local body. "The way in which the Bombay Government treated the municipality of that city," he observed, "appears to me to be quite unjustifiable."⁴ Ripon's Government naturally pronounced an opinion in favour of Bombay City Municipality. They were of the

(1) Petition of the Corporation of Bombay to Viceroy, 12th Dec. 1880. Mun.Proc.Govt.of I. March, 1881.

(2) Secy.Govt.of B.to Secy.Govt.of I.Municipal, No.172, 14th Jan.1881. Mun.Proc.Govt.of I. March, 1881.

(3) Memorial of Bombay City Municipality to S. of S. 8th June, 1881. P.P.1883 Vol.50, p.549.

(4) Ripon to James Stanfeld, M.P. 6th April, 1883. Printed R.P.

opinion that the re-introduction of the C.D. Act afforded no sufficient justification for compelling the Municipality to contribute by withholding a corresponding sum "which...under other circumstances the Government of Bombay would pay them on a totally different account."¹ As to the claim of the Bombay Government that the police grant was discretionary on their part, the Government of India concluded that the correspondence on the subject from 1874 to 1877 showed clearly the willingness of the Supreme Government to regard the claim of Bombay City Municipality to the entire grant of Rs.90,000 as "just and equitable."² The verdict of the Secretary of State in October, 1883 went in favour of the Municipality and he described the action of Fergusson's Government as "impolitic and not fair to the Corporation". The Government of Bombay was directed to refund to Bombay City Municipality the entire amount withheld.³ This was a crushing defeat for Fergusson and his Government begged the Secretary of State to reconsider his order in view of their public humiliation if they were forced to refund the money withheld for two years.⁴ Kimberley withdrew the injunction and thus saved Fergusson from "a severe slap in the face."⁵

(1) Desp. Govt. of I. to S. of S. Home, No. I, 16th June, 1882. P.P. 1883, Vol. 50, p. 596.

(2) Desp. Govt. of I. to S. of S. Home, No. 2, 20th Feb. 1883. Mun. Proc. Govt. of I. Feb. 1883.

(3) Desp. S. of S. to Govt. of B. Statistics & Commerce, No. 28, 26th Oct. 1882. Mun. Proc. Govt. of I. Feb. 1883.

(4) Desp. Govt. of B. to S. of S. General, No. 1-16, 19th Jan. 1883. Mun. Proc. Govt. of I. Feb. 1883.

(5) Fergusson to Kimberley, 1st Dec, 1882. F.C.

The Bombay City Municipality next decided to dispense with the burden of the police charges altogether and to demand an extension of their field of activities and responsibilities. In both these objects they had the advantage of referring to the liberal policy of Ripon towards local self-government. Ripon's Government on 30th September, 1881 suggested that the local governments should transfer some items of the Provincial revenue to the local bodies for management.¹ On 20th October, 1881 the Government of India further desired that the municipalities should be entirely relieved of police charges and that an equal amount of expenditure on education, medical charity and public works should be transferred to them.² In spite of these expressed desires of the Supreme Government the Government of Bombay hesitated to effect any change in Bombay City administration. At last in October, 1884 the municipality submitted an elaborate scheme referring to those institutions and works which it sought to control and requested the Government of Bombay to relieve it from the police charge. The Municipality pointed out that "the duty of maintaining order is the first function of the Government and the sum required for the police should, like the cost of the army, be provided by the government out of the

(1) Res. Govt. of I. Dept. of Finance and Commerce, No. 3353, Sept. 30, 1881, P.P. 1883, Vol. 51, p. 8

(2) Under Secy. Dept. of Finance & Commerce to Secy. Finance Dept. Govt. of B. No. 3516, 10th Oct. 1881. Public and General Letters from India and Bengal.

general funds."¹ The Government of Fergusson were not prepared to make any concession to the Bombay Municipality and expressed their unwillingness to discuss those subjects on which the municipality was eager to lay its control. The Government of Bombay further stated that they might have agreed to meet the cost of police in Bombay city if they could transfer to the municipality an item of provincial expenditure equal in amount to the police charge. But the government declared that they were unable to find out such an item and concluded that the municipality could not entirely be relieved of all payment for the police charges.²

Fergusson's clash with Bombay City Municipality clearly demonstrated the temper and aspirations of the educated Indians who were generally interested in the municipal activities of the time. To them the municipalities afforded opportunities of constitutional liberty. They prized their municipal independence and resented governmental interference. They felt that "freedom of action must be given to ensure success of local self-government." They denounced the attitude of Fergusson's Government, which in their opinion was "calculated to destroy the sense of trust and responsibility on which the successful working of a local body depended." If such an official attitude was maintained, they commented,

(1) Chairman, Bombay Municipality to Secy. Govt. of B. No. 1012, 10th Oct. 1884. Mun. Proc. Govt. of B. Jan. 1885.

(2) Res. Govt. of B. General Dept. No. 74, 13th Jan. 1885. Mun. Proc. Govt. of B. Jan. 1885.

the rate payers of the city would find "their free municipal institutions are self-governing only in name and that all the diligence and intelligence at their command will not save their decisions from being set at nought whenever they conflict with the wishes of the executive government."¹

The educated Indians had learnt that the representation of the people was the basis of constitutional liberty. This was partly conceded in Bombay City Municipality, which was struggling for further municipal freedom. Such was, however, not the case in mofussil municipalities where enlightened public opinion was ceaselessly seeking municipal franchise. The system of government nomination in the mofussil municipalities was vehemently denounced.² Any municipal reform was considered impossible to achieve "unless the nomination of non-official members is placed in the hands of the people".³ The Anglo-Marathi newspaper, Dyan Prakash, pleaded for municipal franchise and thought it "just and reasonable that as the municipal funds are derived from the taxpayers, the management of these funds ought to be entrusted to men in whom they have perfect confidence."⁴ Gujrati protested against the autocracy of district officers in the local bodies

(1) Memorial from Bombay City Municipality to S. of S. 8th June, 1881. P.P. 1883, Vol. 50, p. 549.

(2) Shivaji, Marathi Newspaper, 18th June, 1880. Bomb. Native Newspaper Report, 1880.

(3) Poona Waibhaw, Marathi newspaper, 6th July, 1880. Bomb. Native Newspaper Report, 1880.

(4) Dyan Prakash, Anglo-Marathi newspaper, 15th July, 1880. Bomb. Native Newspaper Report, 1880.

In its opinion the Collector-Magistrate "should not be allowed to remain as at present the President of the municipalities of his district."¹ The Poona newspaper Maratha accused the Government of Bombay of depriving the people of municipal franchise.² Maratha also resented the fact that the municipalities and legislative councils were full of puppets or "Jo hukum wallahs". The organ voiced the aspirations of the educated Indians : "What the people want is a regular representative system which permits them to choose their own men in Legislative Council and municipalities."³

Such was the aspiration of the enlightened Indians claiming a share in the administration and protesting against the great weight of over-centralisation of the government. They were doubtlessly inspired by western ideas and education, and if antagonised they could become bitter opponents of British rule. The British authorities had two alternatives in dealing with these people, the conservative approach of suspecting them of disloyalty and suppressing their enthusiasm and the liberal approach of utilising them by giving concessions. Fergusson had in mind the first alternative while Ripon zealously advocated the second. Fergusson always

suspected the loyalty of the educated Indians. The spread

- (1) Gujrathi, Gujrati newspaper, 6th Nov. 1881. Bomb. Native Newspaper Report, 1881
- (2) Maratha, English newspaper, 14th Aug. 1881. Bomb. Native Newspaper Report. 1881.
- (3) Maratha, 6th Nov. 1881. Bomb. Native Newspaper Report. 1881

of higher education, in his opinion, resulted in the growth of a very numerous educated class "who look only to the public service and whether in or out of it are not at all too loyal."¹ He believed that "the disloyal feelings of the educated Indians were held in check but barely concealed beneath specious professions of patriotism."² He considered Poona Sarvojanik Sabha, an organisation of the enlightened opinion at Poona, as "an arrogant body assumed to be representative of the people."³ In the educated community of Poona Fergusson witnessed nothing but "a spirit of opposition to the Government."⁴ Throughout his governorship in Bombay he was very apprehensive about the designs of the Deccan Brahmins "who furnished the majority class of educated Indians."⁵

Ripon, on the other hand, strongly felt the necessity of turning the educated Indians into "the friends instead of the enemies" of British rule. He was convinced that a gradual admission of the Indians to a larger influence in administration and a training to exercise that influence would secure the continuance of British rule in India. Ripon considered the educated Indians as the product of the British rule in India and his policy was "to use them for their good

(1) Fergusson to Cranbrook, 31st March, 1882. C.C.

(2) Fergusson to Ripon, 3rd Jan. 1883. R.P.

(3) Fergusson to Hartington, 24th March, 1882. F.C.

(4) Secy. Govt. of B. to Secy. Home Dept. Govt. of I. No. 3510, Oct. 20, 1881. P.P. 1883, Vol. 51, p. 145.

(5) Fergusson to Kimberley, 11th Oct. 1883. F.C.

and our own."¹ In his eagerness to pursue this policy Ripon even suggested to the home authorities that the municipalities, some of whose members were elected, should in turn elect members to the Provincial Legislative Councils. This, he thought, would be appreciated by the Indians and useful to the government.² The Secretary of State, Hartington, was not in favour of such a large concession and ignored the suggestion by describing it as premature. This initial setback could not restrain Ripon's urge for utilising the educated Indians and a cause was found lying at hand when the issue of revision of the Provincial Contracts came up for consideration. A growing expenditure and increasing demand from the provinces forced Lord Mayo in 1870 to think about decentralising the finances of India. The Supreme Government in that year effected contracts with the provincial governments by transferring certain departments of administration with fixed assignment of revenue to meet those charges. In 1877 the Government of India renewed and extended these contracts. In 1881 Ripon's Government thought of further extending the contracts by transferring to the local governments a proportion of Imperial revenue collected in the provinces instead of giving them a fixed sum. The original scheme of Mayo made an allusion to local self-

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- (1) Ripon to Kimberley, 10th July, 1883. Cited in Gopal, Ripon, 1956, p.84.
- (2) Ripon to Hartington, 31st Dec. 1881. Cited in Gopal, Ripon, 1956, p.84.

government. The Resolution of his Government in 1870 stated that the scheme of financial decentralisation "in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions."¹ Thus in 1881 when the Provincial Contracts came up for consideration, Ripon's Government were necessarily led to enquire whether fuller effect should not be given to the extension of local self-government.

Regarding the extension of local self-government in India Ripon was not only contemplating the introduction of the elective system and the employment of the energies of the educated Indians but also the withdrawal of governmental interference in the local bodies. It seemed to Ripon from the beginning that local self-government should not become a mere department of the state. For the real development of self-government, Ripon even preferred an initial mismanagement of the people of their own affairs to the efficient and paternal guidance of the government officials. He always considered it very desirable to encourage municipal action and life in India and thought that in order to foster self-government "it was better to suffer some folly rather than to interfere with the independence of the local bodies."² This attitude later on matured into the basic tenet of his local self-government policy, that the extension of self-government

(1) Res.Govt.of I.Dept.of Finance and Commerce, No.3353, Sept.30, 1881. P.P.1883, Vol.51, p.8.

(2) Ripon to Fergusson, 8th July, 1880. F.C.

was chiefly desirable "as an instrument of political and popular education."¹

As opposed to these ideas Fergusson believed that the necessity of local self-government in India existed only as a means of administrative convenience. He regarded municipal institutions as "a valuable field for enlisting the public in the work of the Government and as affording relief from the inevitable despotism of British rule." Thus some independence, if found prudent, might be given to the local bodies and even they might be allowed "to prize and display" this independence.² But this far Fergusson could concede and no further. He was always impressed with the necessity of caution and the inexpediency of hurrying any novel change.³ He was convinced that the people were not "ripe" for the extensive concession of the elective principle.⁴ Further he was afraid that popular elections could not be tried without some risks in view of the ambitions and discontent of the educated class. To Kimberley he wrote that it was very necessary to see that "what is called by local self-government does not mean a Deccan Brahmin oligarchy."⁵ The cry for local self-government as revealed by the native press came, in the opinion of Fergusson, not from the mass

(1) Res. Govt. of I. No. 17, 18th May, 1882. P.P. 1883, Vol. 51, 747-759

P. 25.

(2) Fergusson to Ripon, 12th July, 1880. R.P.

(3) Fergusson to Ripon, 31st May, 1882. R.P.

(4) Govt. of B. to Govt. of I. General, No. 4141, 27th Oct. 1882. P.P. 1883, Vol. 51, p. 163.

(5) Fergusson to Kimberley, 11th Oct. 1883. F.C.

of the people but from the educated class agitating with a political motive.¹ The divergence of opinion between Ripon and Fergusson on the issue of local self-government was fundamental and irreconcilable unless one of them faltered, hesitated and gave way. Fergusson in one respect was handicapped as a Presidency Governor. He remarked to Kimberley about the difficulty of those "whose future depended on the Viceroy" to become candid critics. But Fergusson like Ripon was devoted to his own cause and was ready to fight to the last. "I would have rather leave India," he declared, "as unpopular a man as ever left those shores than sacrifice one point or principle which I believe to be essential."²

The clouds of an impending storm soon gathered. In September, 1881 Ripon's Government invited the attention of the local governments to the view enunciated by Lord Mayo that the development of local self-government was among the greatest objects connected with the decentralisation of the finances. The Government of India had already transferred certain heads of expenditure to the provinces since 1870. The provincial governments in their turn, the Government of Ripon desired, should hand over some items of expenditure kept in their hands to the local bodies.³ In the following month the Government of India further elaborated their plan and pointed out that the police charges, imposed as a rule

(1) Fergusson to Ripon, 31st May, 1882. R.P.

(2) Chairman's speech, 25th Aug. 1883. Bomb. Legis. Conn. Proc.

(3) Res. Govt. of I. Dept. of Finance and Commerce, No. 3353, Sept. 30, 1881. P.P. 1883, Vol. 51, p. 8.

on the municipalities, should be discontinued and the receipt and control of several items of provincial finance should be made over to the local bodies. They, however, thought that such transfer of items of expenditure to the local bodies could not profitably be considered apart from the question of introducing changes in the powers and composition of the local bodies. Ripon's Government felt that the powers of the municipal bodies should be advantageously extended and the rural boards should be consolidated, with subordinate committee for each sub-division. The local bodies, in their opinion, should comprise persons not in the service of the government and elected or nominated to the extent of not less than one-half or two-third of the total number of members. A certain measure of control and inspection of the work of these bodies should be left to the government though the principle must be one of non-interference. "Within limits... the fullest possible liberty of action should be given to the local bodies."¹ Ripon's Government specially directed the Government of Bombay to take effective measures for the extension of local self-government. They even suggested the exact items of expenditure which could be conveniently passed over to the local bodies, namely, a part of the educational expenses, medical expenditure under the heads, vaccination,

(1) Govt. of I. to Govt. of Madras, No. 3515, Oct. 10, 1881. P.P. 1883, Vol. 51, p. 20.

sanitation, hospitals and dispensaries and the local public works expenditure.¹

Fergusson's first reaction to these declared intentions of the Supreme Government was to show that his government should not be supposed "to be disinclined to extend local self-government."² At the same time he was reluctant to effect any substantial change in the administration of local government in his Presidency. On the plea that the existing state of local self-government in Bombay Presidency was advanced and the municipal law sound, Fergusson's Government wanted to postpone giving effect to the proposals of the Supreme Government. In their opinion the District and Taluk Fund Committees could not advantageously be charged with any further heads of expenditure and similar conclusions were arrived at in respect of the municipal committees. The only concession that Fergusson's Government could offer was a very partial handing over of the charge of primary education to a few of the prominent local bodies.³ The Government of Bombay, however, decided to introduce what they called a very substantial change in the organisation of the local bodies by permitting the elective principle to be adopted in the City municipalities. They declared that the election of one-half of the total number of Commissioners would take place in all the City municipalities.⁴ Apparently this looked like a

(1) Under Secy. Govt. of I. Dept. of Fin. & Comm. to Secy. Fin. Dept. Govt. of B. No. 3516, 10th Oct. 1881. Public and General Letters from India and Bengal.

(2) Fergusson to Ripon, 3rd April, 1882. R.P.

(3) Res. Govt. of B. Fin. Dept. No. 1093, 25th March, 1882. P.P. 1883, Vol. 51, p. 34.

(4) Ibid.

great stride towards the extension of local self-government in Bombay Presidency where only Bombay City Municipality enjoyed partial franchise and the other ten city municipalities were not blessed with this concession.¹ Fergusson proudly informed Ripon that his Government was "the first in India that had proposed to introduce election in large municipalities"² In reality, however, the elective principle was conceded by the Government of Bombay only in order to counterbalance their refusal to transfer any new head of expenditure to the local bodies. The fact was that in Bombay Presidency the concession of the elective principle was overdue. Under the Bombay Municipal Act VI of 1873 the government was empowered to direct that in any city municipality the whole or any portion of non-official commissioners should be appointed by election. Since 1873 the Government of Bombay had not taken any advantage of this permissive legislation and disregarded the public opinion. The native press in fact was relentlessly advocating the extension of the franchise to all the city municipalities.³ It is interesting to note that the Government of Fergusson conceded franchise to the city municipalities which in March, 1882 had considered any such step "injudicious" several months earlier in October, 1881 in response to the petition of some city municipalities.⁴

- (1) Ten City Municipalities were : Poona, Sholapur, Broach, Ahmednagar, Ahmedabad, Surat, Karachi, Hyderabad, Shikarpur, Sukkur.
- (2) Fergusson to Ripon, 25th Oct. 1882. R.P.
- (3) Shivaaji, 11th June, 1880, Dyan Prakash, 15th July, 1880 and Hitechhu, Anglo-Gujrati newspaper, 1st Sept. 1881. Bomb. Native Newspaper Report, 1880 and 1881.
- (4) Secy. General Dept. Govt. of B. to Secy. Home Dept. Govt. of I. No. 3510, Oct. 20, 1881. P.P. 1883, Vol. 5, p. 145

Meanwhile Ripon's Government regretted the decision of the Government of Bombay as regards the transfer of expenditure and could not see "any insuperable" difficulty preventing Bombay from giving effect to their wishes.¹ The public opinion in Bombay Presidency also reacted unfavourably to the decision of the Government of Bombay. The Indian Spectator commented that the concession of franchise paraded by the government was by no means a substantial concession.² The Marathi newspaper Arunodaya thought that the attitude of Fergusson's Government was "calculated to prevent people desiring to manage their own affairs."³ Dyan Prakash alleged that the secret of the opposition of the Bombay Government to Ripon's liberal measure was due to the reluctance of the government officials to loosen their hold on the public purse.⁴

Fergusson's unwillingness to move in the matter of local self-government was thus clear from the initial stage of Ripon's endeavours. Such an attitude sooner or later was certain to develop into active opposition if Ripon's Government insisted on further advance. This was exactly the case when on 18th May, 1882 the Government of India published their famous Resolution on local self-government and invited the local governments to extend self-government by adopting certain

(1) Secy. Home Dept. Govt. of I. to Secy. Govt. of B. Public No. 831, 31st May, 1882. P.P. Vol. 51, 1883.

(2) The Indian Spectator, 23rd April, 1882. Bomb. Native Newspaper Report, 1882.

(3) Arunodaya, 23rd April, 1882. Bomb. Native Newspaper Report, 1882.

(4) Dyan Prakash, 3rd March, 1882. Bomb. Native Newspaper Report, 1882.

principles. The object of local self-government was declared to be political education rather than administrative efficiency. The political education was to be afforded to the rapidly growing educated class of public spirited men "whom it is not only bad policy but sheer waste of power to fail to utilise."¹ In urban areas Ripon wanted to utilise the energies of the educated Indians and in rural areas he desired to revive the village system of India and "to let the super-structure of self-government rise upon that ancient tradition."² The principles that the Government of India advocated for adoption were chiefly relating to the mode in which local boards should generally be constituted and to the degree of control which the government should retain over these bodies. The rural boards were to be set up similar to municipal boards and the unit of administration should be the subdivision or Taluk sending delegates to the District Committee. All boards, rural or municipal, should contain a two-third majority of non-officials, who should be elected wherever possible. The elective principle should generally be introduced in towns and might be extended gradually to backward rural boards. Different methods of election should be experimented for this purpose. The government control over local boards should be exercised from "without rather than from

(1) Res. Govt. of I. No. 17, 18th May, 1882. P.P. 1883, Vol. 51, 747-759

P. 25.

(2) Ripon to Tom Hughes, 12th June, 1882. Cited in Wolf, Ripon 1921, Vol. 2, p. 100

within", meaning that the government should revise and check the works of the local bodies but not dictate them. For the exercise of this external control the executive officers of the government should not take part in the proceedings of the boards. It was further declared the Presidents of the local bodies should in general be non-officials.¹

Ripon in a personal letter to Fergusson requested him to take into account the two most vital principles, namely, the introduction of the elective principle and the withdrawal of government interference. He declared that he was in favour of a low suffrage and assured Fergusson that his object was not to secure a representation of the people of an European democratic type. He, however, insisted that the elective principle should be immediately implemented in all parts of the country. As regards the government control, Ripon observed that if the object of political training of the Indians was to be realised, the officials should not dictate the board's proceedings. "If the boards are to be of any use," he remarked, "for the purpose of training the natives to manage their own local affairs they must not be overshadowed by the constant presence of the Burra Saheb."² To Fergusson the ideas of a general introduction of the elective principle and the withdrawal of official control ^{here} ~~was~~ unacceptable. It

(1) Res.Govt.of I.No. 17, 18th May, 1882. P.P.1883, Vol.51, p.25.
747-759

(2) Ripon to Fergusson, 26th May, 1882. F.C.

was difficult for him to agree to any change "so utterly novel" and he frankly conveyed to Ripon that he could not guarantee "the early and complete realisation" of such change.¹

The fact was that Fergusson's views were exactly opposite to the very objectives Ripon set before himself. While Ripon gave utmost emphasis to the political education of the Indians, Fergusson was convinced that "political education was a tender plant of very slow growth" and that "it cannot wisely be forced into a premature development."² Ripon believed that the extension of self-government would be an "instrument" of political education. Fergusson on the contrary preferred to create and educate a public spirit first before entrusting more extended powers to the local bodies.³ The Government of India was eager to utilise educated Indians by affording them opportunities for devoting their energies in a non-official capacity.⁴ To this Fergusson's Government refused to attach any importance at all immediately. In their opinion "the educated section is so small a part of the whole community that the enthusiasm which animates it is not a certain test of its independent energy."⁵ On the one hand Ripon believed that the officials presiding over the local bodies would serve rather "to hamper the development of public spirit than to

(1) Fergusson to Ripon, 31st May, 1882. R.P.

(2) Res. Fin. Dept. Govt. of B. No. 3583, Sept. 19, 1882. p.p. 1883, Vol. 51, p. 39.

(3) Ibid.

(4) Secy. Govt. of I. to Secy. Govt. of B. Public No. 1521, Oct. 4, 1882. P.P. 1883, Vol. 51, p. 70.

(5) Desp. Govt. of B. to S. of S. Legis. No. I, 9th May, 1883. Legis. Dept. Proc. Govt. of B. May, 1883.

create it!"¹ On the other hand Fergusson was convinced that it was impossible for Indians, however carefully selected, "to interest themselves in local affairs from which they derive no personal benefit." He recalled the beneficial measures taken by the official chairmen of the municipalities entirely against popular feeling. If the people were allowed fair representation, Fergusson thought, "many such reforms would be reversed."² Regarding the rural boards he had no doubt that they could ill spare the guiding influence of the collectors "which hitherto enabled the committees to overcome caste enmities and conflicting influence of local factions."³ To Fergusson the usefulness of the local bodies almost invariably depended "on the character of the government officer presiding."⁴ Such was also the opinion of the officialdom in Bombay who very strongly dissented from the idea of entrusting local administration entirely to the management of the people. They were afraid of retrogression in matters of municipal taxation, sanitation and public works. In their opinion "if the sheep of India are to be turned adrift in the field of experimental administration without their shepherds the works of the last twenty years will be undone."⁵

Thus, when Ripon was in favour of withdrawing officials as a

- (1) Ripon to Fergusson, 20th May, 1882. F.C.
- (2) Fergusson to Kimberley, 1st Dec., 1882. F.C.
- (3) Res. Govt. of B. Finance Dept. No. 3583, 19th Sept. 1882, P.P. 1883, Vol. 51, p. 39.
- (4) Fergusson to Ripon, 31st May, 1882. R.P.
- (5) Secy. Govt. of B. to Secy. Govt. of I. No. 4141, Oct. 27, 1882. P.P. 1883, Vol. 51, p. 163.

rule from the position of the Presidents of the local bodies, Fergusson would not consider it "prudent to eliminate the official chairman at the outset."¹ Ripon always felt that if the collector was not himself a member of the local board his control over it might be more judiciously exercised. "I can not but think", he wrote, "that privately the position of the executive officer outside the board urging it forward if it is supine, checking it if it has gone wrong and generally supervising its proceedings from the independent position of one who has had no personal part in them will be more dignified and more important than it would be as chairman either dictating those proceedings or taking an active share in the controversies connected with them."² Fergusson and his Government could not agree to this view. In their opinion a local body should not be permitted to dissociate itself from the policy of the executive authority or fall back from the level of civilisation which that authority endeavoured to attain. So the executive authority should keep up perpetual communication with the local boards, giving advice and enforcing obedience. This could only be done through the District officer for "habitual official leading is indispensable to the local bodies."³

(1) Fergusson to Ripon, 17th Sept. 1882. R.P.

(2) Ripon to Fergusson, 26th May, 1882. F.C.

(3) Speech of J.B. Peile, 25th Aug. 1883. Bomb. Legis. Con. Proc. 1883.

Silent tension prevailed in governmental circles in Bombay for a considerable period after the issue of the Government of India's Resolution of 18th May, 1882. Apparently Fergusson's Government were engaged in deliberations for nearly four months without any expression of opinion. Ripon was very anxious to hear what was being done in Bombay on the subject.¹ Finally, on September 19, 1882 Fergusson's Government expressed their opinion as to Ripon's scheme of local self-government. The Resolution of the Government of Bombay of September 19, 1882 was in fact a conservative challenge of Fergusson to Ripon's liberalism. Such a challenge was inevitable when Fergusson considered the Resolution of 18th May, 1882 as "calculated to raise expectations that go beyond what is prudent and that under cover of the liberal principles that prompt the scheme a great deal of hostile sentiment will be encouraged."² He evidently was eager not to waste any opportunity to denounce a scheme which created among Indians "a wide and deep impression that something like complete emancipation was intended."³ Fergusson's Government claimed that the population of Bombay Presidency, urban and rural, had enjoyed for many years a large share of local self-government. The Bombay system of

(1) Ripon to Fergusson, 14th Sept. 1882. F.C.

(2) Fergusson to Kimberley, 1st Feb, 1883, F.C.

(3) Fergusson to Kimberley, 1st Dec, 1882, F.C.

local self-government functioned admirably under the existing circumstances and achieved remarkable progress. The Government of Bombay found in Ripon's scheme an attempt to "subvert" the Bombay system by substituting for committees working under the guiding influence of the collectors "newly constituted and less experienced boards" and proposing to bestow on them "unlimited powers".¹ Fergusson's Government believed that the retention of the collectors in the local bodies with a voice in their administration and guiding their deliberations was essential. They deprecated in strong terms the idea of entrusting full administrative functions to untried men. They accused the Government of India of insisting on the introduction of "very radical measures of self-government," which, in the opinion of the Government of Bombay, was "somewhat premature" and "not compatible with safety!"² The Government of Bombay unscrupulously sent their Resolution for publication and it was actually in print in the local newspapers before it reached the Government of India.³ Fergusson later on pleaded his lack of knowledge of the practice that no official paper addressed to the Secretary of State or to the Government of India should be made public by a local government.⁴ Fergusson's ignorance of ordinary

(1) Res. Govt. of B. Finance Dept. No. 3583, Sept. 19, 1882. P.P. 1883, Vol. 51, p. 39.

(2) Ibid.

(3) Ripon to W.E. Baxter, 6th Dec, 1882. Printed R.P.

(4) Fergusson to Ripon, 7th Nov. 1882. R.P.

official procedure was extraordinary and it produced unhappy consequences. Ripon felt that a reply of the Government of India to this criticism of the Bombay Government was necessary and "a public reply was therefore inevitable."¹ Thus all the differences of views between the local government and the Supreme Government on the whole issue subsequently became public - a fact almost unparalleled in the history of British administration in India.

On 4th October, 1882 the Government of India criticised the claim of the Government of Bombay that their existing system of local self-government was too good to make any change desirable. They pointed out the fact that in general the local bodies in Bombay Presidency lacked representation of the people like the local bodies in other parts of India. The local bodies of the Presidency were also subjected to extreme official control and by the Bombay Municipal Act of 1873 the official Presidents of these bodies possessed even the right to suspend entire municipal proceedings. The functions of the local bodies in Bombay Presidency were also limited and the Government of Bombay had not so far transferred to them any new head of expenditure. The Government of India were clearly not prepared to regard such a state of affairs with complacency. They asserted that they had no intention either of subverting the existing system of Bombay

(1) Ripon to W. E. Baxter, 6th Dec, 1882. Printed R.P.

or of conferring unlimited powers upon the local bodies. The Government of India then accused Fergusson's Government of seriously misapprehending the object of Ripon's local self-government scheme. They thought that much of the anxiety of the Government of Bombay as to the safety of the proposed measure was due to their misconception. What the Government of Ripon wanted was simply an extension of the existing arrangement by allowing the local bodies a greater degree of independence, initiative and responsibility. This, in their opinion, could only be achieved by the introduction of municipal franchise, by restraining government interference and by removing the collector from the local bodies.¹

Fergusson sharply reacted to these views of the Government of India and decided to give another rejoinder in a "studiously civil manner."² To Ripon he reiterated his stand that he would not approve a scheme which seemed to him to be "a too rapid development."³ The letter of the Government of Bombay dated October 27, 1882 pointed out that Ripon's Government in their Resolution of May 18th declared that members of the boards should be chosen by election "as widely as possible." It further declared that the Government of India wished to see non-official persons acting wherever practicable as chairmen of the local boards and that every local board

(1) Secy. Govt. of I. to Secy. Govt. of B. Public, No. 1521, Oct. 4, 1882. P.P. 1883, Vol. 51, p. 70.

(2) Fergusson to Hartington, 19th Oct., 1882. F.C.

(3) Fergusson to Ripon, 25th Oct. 1882. R.P.

should have the entire control of the proceeds of all local rates and cesses within its jurisdiction as well as the charge of some provincial items of expenditure. To Fergusson's Government these proposals taken together meant "a sweeping and momentous alteration of the existing system." In the context of the ignorance and inexperience of the public, they argued, such ^asudden grant of independent powers to the local committees was "impolitic." They stated that they had no objection to the training of the Indians in the management of their own local affairs. But Fergusson's Government were decidedly of the opinion that the increased power by which such training was to be effected "should be conferred somewhat more gradually than the scheme of the Government of India seemed to contemplate." They further believed that before this programme of political education had made some progress it was expedient to retain the collector's position inside the board.¹

Ripon found the declarations of Fergusson's Government as "written very much in the tone of a Tory pamphlet" for the special consumption of Fergusson's conservative friends at home. He considered it most probable that the conservative opposition in the English Parliament "would take up the cudgels for Fergusson."² Ripon even implored John Bright, the liberal M.P., to speak in defence of his local self-government scheme in case Fergusson inspired his political friends in Parliament

(1) Secy. Govt. of B. to Secy. Govt. of I. Public, No. 4141, Oct. 27, 1882. P.P. 1883, Vol. 51, p. 163.

(2) Ripon to W.E. Baxter, 6th Dec, 1882. Printed R.P.

to attack the policy of the Government of India.¹ The apprehension was proved to be justified and Fergusson was in touch with the leading Tory, Lord Cranbrook, conveying to him an impression that Ripon in India wanted even to go "beyond what has been tried in England."² On 9th April, 1883 Lord Lytton and Lord Salisbury joined Cranbrook in the House of Lords to launch an attack on the local self-government policy of the Government of India. All of them, while criticising Ripon's radicalism, emphasised the necessity of retaining government control over the local boards through official presidents. Lytton deprecated the misuse of the power of the Viceroy in compelling obedience of the local governments by disregarding their experience.³ Cranbrook even cited Fergusson's Government, who, in his opinion, were determined not to sacrifice the official chairmen of the boards.⁴ Even Kimberley, the Secretary of State, could not approve all Ripon's ideas though he defended the Government of India in the House of Lords. His hesitation was apparent when he thought that Fergusson's opposition to Ripon's policy merely "somewhat ruffled the waters" and that Fergusson had a right to express his "free and independent opinion."⁵ Fergusson meanwhile was eager to show the support of the officialdom of Bombay behind his stand.

(1) Ripon to J. Bright, 10th Dec, 1882. Printed R.P.

(2) Fergusson to Cranbrook, 26th June, 1882. C.C.

(3) Hansard, H. of Lords, 9th April, 1883, Col. 1797.

(4) Hansard, H. of Lords, 9th April, 1883, Cols. 1740-41.

(5) Kimberley to Fergusson, 11th Jan., 1883. F.C.

The criticism of Lord Ripon's scheme, he informed Kimberley, "was rather founded upon the general opinion of the service than upon my conservative prepossessions."¹ To Ripon he pointed out his duty to voice the strong feelings of his colleagues and the general opinion of the whole service.²

Fergusson, however, was aware of the fact that his chances of success in opposing his official superior, a liberal Viceroy under a liberal regime at home, were extremely limited. Under such circumstances the best course open to him was to concede the elective principle and to defend the vital point of official chairmanship. With suitable provision for government control through the officials he was willing to agree to the general concession of the election of the local bodies. In fact his government decided to increase the number of city municipalities from 10 to 24 with the object of experimenting with the elective principle.³ This was abundantly clear when the Government of Bombay first drafted their own scheme for the extension of local self-government in September, 1882. In their draft scheme the Government of Fergusson proposed to concede the election of one-half of the total number of members of the City and Town

(1) Fergusson to Kimberley, 1st Dec, 1882. F.C.

(2) Fergusson to Ripon, 7th Nov. 1882. R.P.

(3) Secy. Govt. of B. to Secy. Govt. of I. Public, No. 4141, Oct. 27, 1882. P.P. 1883, Vol. 51, p. 163.

municipalities. They decided that the elective principle would be applicable only in those Taluks which contained a population over 5000. The scheme proposed that the District Local Fund Committee would include one elected representative from each Taluk, elected members from City and Town municipalities and official and nominated members. As regards the powers to be conferred on the local committees the Government practically proposed no change. The Government, however, reserved the right to set aside the proceedings of the boards and the power to supersede a board for gross neglect of duty. It decided to retain the collector as the President of the local committee but favoured a curtailment of his extensive powers. They felt that "he should still enjoy a voice in the administration of local affairs and the power of directing the deliberations in the local committees should be vested in him." Finally, the scheme of the Government of Bombay provided for certain restrictive clauses. The boards were forbidden to raise any loan, to impose new taxes, to interfere in public peace, public food, public health and public water supply without previous sanction of the government.¹

The cautious measure thus contemplated by Fergusson's Government conceded the elective principle but deprived the elected non-officials of a majority in the committees. The

(1) Res.Govt.of B.Finance Dept.No.3583, Sept.19, 1882.P.P. 1883, Vol.51, p.39.

collectors were retained as chairmen of all the local bodies with a predominating voice in the deliberations and there was no room for the appointment of non-official chairmen in the future. The scheme also proposed no extension of the responsibilities of the local bodies in spite of the repeated suggestions of the Government of India. Even the independence of the local bodies was carefully guarded by "bludgeon clauses" which Ripon found to be "most unnecessarily restrictive." The requirement of previous sanction by the government of the resolutions of the local bodies in matters such as the budget, public food, water supply and public health was condemned by Ripon. "I can not see", he wrote to Fergusson, "what sphere of independent action will be left to the local bodies or what opportunity they will afford for training their members in the management of their own local affairs." In the opinion of Ripon the main defect of the scheme of the Government of Bombay was its draft "so drawn as absolutely to prevent the policy of the Government of India in its full meaning and integrity from being carried out...." He disliked the rigidity of the proposals and insisted on the recasting of the scheme before it was introduced in the shape of a Bill in the Legislative Council.¹ The Government of India officially required the Government of Bombay to effect modifications of the scheme

(1) Ripon to Fergusson, 30th Dec. 1882. F.C.

with regard to election and powers of the local bodies.¹

Fergusson had no objection to making the scheme a little more elastic. He informed Ripon that he was willing to eliminate passages of "too great finality and restriction." But the point which Fergusson was determined not to give up was the position of the collectors in the local bodies. He was not in favour of suddenly withdrawing the guiding hands from the local bodies and allowing people to mismanage their affairs to the extreme.² He had no doubt that the withdrawal of the official guidance would be "to throw municipal governments in confusion."³ His terms of a compromise were frank and clear. "We mean to carry out your wishes," Fergusson wrote to Ripon, "but not be compelled to go far, further than what we believe to be in any sense prudent."⁴ Ripon, on his part, too, was showing reluctantly a tendency to compromise even at the cost of the principle of non-interference of the Government in matters of the local bodies. But this he was willing to do only if the Government of Bombay agreed to recast their scheme in an elastic manner. He implored Fergusson : "what I am asking you is not to oblige yourself to do what I should wish, but simply not to prohibit yourself by law from doing it."⁵ Ripon was convinced that nothing more could be done in

(1) Desp. Govt. of B. to S. of S. No. I, 9th May, 1883. Legis. Dept. Proc. Govt. of B. May, 1883.

(2) Fergusson to Ripon, 3rd Jan, 1883. R.P.

(3) Fergusson to Kimberley, 1st Feb, 1883. F.C.

(4) Fergusson to Ripon, 3rd Jan. 1883. R.P.

(5) Ripon to Fergusson, 30th Dec. 1882. F.C.

Bombay Presidency as long as Fergusson remained Governor there. But he had a faint hope that in future, after Fergusson ~~was~~ replaced by a successor, "a considerable further advance may most advantageously be made."¹

The fact is that Ripon at this point was pressed by those to whom he looked for support to make an unfortunate concession. The publication of Ripon's Resolution of 18th May without previous reference to the home authorities wounded the pride of the India Council. The disaffected Council disagreed with the principles involved in the Resolution and spared no opportunity to criticise Ripon's local self-government policy, especially with regard to the non-official chairmanship of the local boards.² However, Gladstone, Hartington and Kimberley all wanted to support Ripon and he had the impression that the India Council could do no more than to seek to defeat his policy only in detail.³ Soon it was found to Ripon's utter surprise that the home authorities were challenging the very basis of the policy of the Government of India. In connection with the new local self-government Act of the Central Provinces the Secretary of State in April, 1883 strongly emphasised the preference of the home authorities for official chairmen in the local boards.⁴

(1) Ripon to Dufferin, 5th Nov, 1884. Printed R.P.

(2) Hartington to Ripon, 23rd June, 1882. Cited in Gopal, Ripon, 1953, p.97.

(3) Ripon to Northbrook, 31st March, 1883. Cited in Gopal, Ripon, 1953, p.98.

(4) Desp. S. of S. to Govt. of I. Legislative, No. 15, 19th April, 1883. Legis. Dept. Proc. Govt. of I. Nov. 1883.

When Ripon was showing signs of vulnerability Fergusson had no hesitation to recast the scheme for Bombay local self-government. He and his colleagues promptly decided to draft their local self-government Bills in a manner which would leave provisions for future concessions.¹ Thus the bargain was made and the compromise was complete. Ripon expressed his relief when he wrote Kimberley that Fergusson had "yielded with a very fair grace."² Fergusson on his part was satisfied with the outcome and felt that Ripon had had enough of "candid criticism."³ On 25th August, 1883 the Government of Bombay moved two Bills in the Legislative Council, the Local Boards Bill and the Bill to amend Bombay District Municipal Act. In due course both these Bills were passed into Acts and together they embodied the compromise effected.

In nature the Bills were elastic as Ripon desired, while they retained official control over the local bodies as Fergusson wanted. The Bombay Local Boards Bill created two sets of rural boards, Taluk and District. It introduced the elective principle in Taluk boards providing that not less than one-half of the total number of members should be elected. The other half should consist of the nominated and official members. The District Board should consist of the elected representatives of the Taluk boards and municipalities of the

(1) Fergusson to Ripon, 13th Jan. 1883. R.P.

(2) Ripon to Kimberley, 21st May, 1883. Cited in Wolf, Ripon, 1924, p. 105.

(3) Fergusson to Cranbrook, 9th March, 1883. C.C.

of the District as well as nominated and official members of equal proportion. The Bill was so drawn as to provide for an increase of elected members and a proportionate decrease of nominated members in future. The presidentship of the boards was opened equally to officials and non-officials. However, the "Statement of Objects and Reasons" of the Bill and the Report of the Select Committee for the Bill strongly urged the appointment of official presidents.¹ In cases of official presidents the Bill provided for non-official Vice-Presidents. The function of the President was to preside over the deliberations and to supervise the general administration of the bodies. The government reserved certain restrictive clauses to control the local bodies, the most important of which was the power given to the collector of the district. The collector was given the right to suspend the execution of the order of the board on specific grounds. He could also check the proceedings, documents and assets of the local bodies. Finally, the government, according to the Bill, could force a local body to undertake work in default of performance and could suspend a board in case of perpetual mal-administration.²

The Bill to amend Bombay District Municipal Act abolished the nomenclature of City and Town municipalities. According

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- (1) Statement of Objects and Reasons of Bill No.3, 1883 and the Report of the Select Committee. Legis.Dept.Proc.Govt. of I. April, 1884.
 - (2) Draft Bill, No.3 (Bombay Local Boards Bill), Legis.Dept. Proc.Govt.of I.April, 1884.

to the Bill the municipal committees should consist partly of elective and partly of nominee councillors, the proportion of the former should not be less than one-half of the total number. Of the nominated members one-half would be salaried servants of the government. The Bill allowed large discretion to the government as to framing rules for election and determining qualifications of voters and candidates. This was done with a view to making the provisions flexible. With the growth of enlightenment extension of franchise was expected to be necessary, and qualifications suitable for the people of one place might not be suitable for another. The remedy was to empower an independent authority like the government to determine the particulars from time to time. This principle was also adopted in the Bombay Local Boards Bill. As regards the President and the Vice-President, in case the President was an official, the Bill contained similar provisions to those of the Bombay Local Boards Bill. The system of government control and the predominance of the collector were also similar in every way to those proposed in the Bombay Local Boards Bill. Police charges on the municipalities were abolished but in none of the Bills was any further transfer of expenditure indicated.¹

The compromise over the local self-government enactments in Bombay betrayed the avowed object of Ripon, namely, a real

(1) Draft Bill, No.3.(Bombay District Municipal Act Amendment Bill). Legis.Dept.Proc.Govt.of I.April,1884.

extension of powers vested in the people in the management of their own affairs. The proportion of the government nominees was one half and as Badruddin Tayebji in the Legislative Council commented, "unless a decisive majority is given to the elected members the Bill will be useless."¹ In fact the apprehension that the elected members would be swamped by the "creatures of the government" was considerable. The retention of the official Presidents of the boards, even if for an initial stage, was bound to affect the independence of the members very adversely. The introduction of the elective principle was largely neutralised by the "bludgeon clauses" giving an extensive power of thwarting self-government to the collectors and still more extensive powers into the hands of the government. V. N. Mandlik in the Legislative Council described this by saying that the government was setting up a bulwark of popular liberties in front and letting in the foe of liberty from the back.² Fergusson's Government refused as before to extend the responsibilities of the local bodies.

The measure as a whole failed to satisfy popular aspirations. The Indian Spectator wrote in August, 1883 : "we are to be accorded the image and superscription of local self-

(1) Speech of Badruddin Tayebji, 25th Aug. 1883. Bomb. Legis. Coun. Proc.

(2) Speech of V. N. Mandlik, 25th Aug. 1883. Bomb. Legis. Coun. Proc.

government without that sacred power which warms that image."¹ Ripon had no doubt that Fergusson's Government applied the local self-government policy of the Government of India "in a very narrow spirit, although many parts of their Presidency are really fitter than any other district in India."² Ripon in fact made a last bid to impress upon Fergusson that the Bombay Bills were open to most effective criticism on the point of the power taken by the government of nominating one-half of the local committees. He wrote to Fergusson : "... if you would see your way to make a concession on this point and limit the number of nominated members to one-third, it would I think be a wise and graceful act."³ Fergusson, however, was adamant in not making any further concession. The opinion of his Government on the point was categorical: "We have only demurred to legislating in such a way as to make a marked elective majority immediately absolute before anything is known of its quality."⁴ Fergusson could not see the reason why the number of nominated members should be circumscribed simply to increase the powers of the elected members. He asked Kimberley "why such absolute confidence on one side and not on the other - our own ?"⁵ He remonstrated to Ripon on this point and even threatened him with outright resignation.⁶ The matter was

(1) Indian Spectator, 5th Aug. 1883. Bomb. Native Newspaper Report, 1883.

(2) Ripon to Dufferin, 5th Nov. 1884. Printed R.P.

(3) Ripon to Fergusson, 1st Oct. 1883. F.C.

(4) Speech of J.B. Peile, 9th Jan. 1884. Bomb. Legis. Coun. Proc.

(5) Fergusson to Kimberley, 11th Oct. 1883. F.C.

(6) Fergusson to Ripon, 7th Oct. 1883. R.P.

eventually dropped and the Bills were passed in ^{The} Bombay Legislative Council with minor modifications on 6th February, 1884. The passing of the Bills was a victory for Fergusson, however partial, over Ripon. This was the best that a Tory local governor could achieve under a liberal regime in India. Fergusson's speech in ^{The} Bombay Legislative Council was characterised by this note of triumphant Toryism : "...because it is always so easy and so pleasant to be in the first rank, it is so popular to be in advance that men in their ardour forget how great a responsibility rests with those who frame a measure and who have to take particular care that they do not go beyond the limits of due caution."¹

Fergusson's success in forcing a compromise was by no means a total defeat of Ripon's liberalism with regard to local self-government. His policy, though hesitatingly applied effected substantial extension of local self-government in India by emphasising the fundamental principles of self-government. The Indian people remembered Ripon as the father of local self-government in India. Above all, Ripon's scheme for local self-government left behind a liberal British tradition of understanding the Indian aspirations. But the tragedy was that in the India of 1880-85 the Viceroy alone was liberal and the vast majority of British Indian administrators were, like Fergusson, firm believers of paternal administration. The

(1) Speech of His Exc. the President, 9th January, 1884. Bomb. Legis. Coun. Proc. 1884.

result was opposition and conflict inside the governmental system and under such circumstances no liberal project could attain complete success.

CHAPTER V

Land, Public Works and Famine

In an agricultural country like India good or bad government meant, as observed by Sir Charles Metcalfe, good or bad settlements of land revenue.¹ This cardinal question demanded Fergusson's attention from the time of his arrival in Bombay. The question had a special significance owing to the ravages of a destructive famine in the Presidency in the years 1876-77. Following the famine in Western India there arose a strong suspicion that all was not well with the Bombay land revenue system and that famine stricken cultivators of the Presidency were subjected to a rigid and excessive demand by the State. From the beginning Fergusson had to do battle to dispel doubts about the recovery of the cultivators from the effects of the famine and the soundness of the land revenue system. In December 1880 he wrote: "We are carrying on a double controversy with the Secretary of State and the Government of India about our re-survey and settlement."² The famines of 1876-77 also left behind a fear of the appearance of further famines. Expert opinion in India held that great famines might be anticipated at intervals

(1) Northbrook to Ripon, 7th Sept. 1881. Printed R.P.

(2) Fergusson to Baring, 26th Dec. 1880. F. C.

of approximately 12 years.¹ This meant that the authorities in India should always be prepared to face recurring calamities. The capricious climatic conditions of the country could produce at any time serious droughts if not a great famine. Fergusson experienced such a contingency as early as August 1880 when he informed the Viceroy that if rains did not arrive in the "thirsty parts" of the Presidency he would be forced "to resort to relief works".² Thus in 1880 when Fergusson took charge in Bombay he was confronted with two complex problems. The first was an accusation against *The* Bombay land system of over assessment and rigidity of collection. The second was the grave responsibility of insuring the country against famines.

The question of over assessment, with which Fergusson had to deal first, was a legacy of the preceding administration. The Bombay system of land tenure was based on the method of observation of the real agricultural conditions employed by two Bombay revenue officials, H.E. Goldsmid and G. Wingate. Their method of settlement consisted of three distinct phases of operations. In the first phase accurate survey was undertaken by expert surveyors. Their crucial work was the delimitation of fields into "numbers". The "number" was roughly an area which a rayat or a cultivator could cultivate with a pair of bullocks. In the second phase a classing party arrived at the fields, classified the soil in each "number" and determined the value of irrigation on it. The works of the measuring party and the classing party were

(1) Famine Commission Report, 7th July 1880, Part I, para 72, P.P. 1880, vol 52.

(2) Fergusson to Ripon, 14th August, 1880 R.P.

recorded separately. In the third phase the Survey Officer examined both the reports, considered various other points such as climate, facilities for marketing, communications, average prices etc. and proposed the assessment to the government. The settlement thus effected with the rayat was to continue for 30 years.¹ During these years the right of occupancy of the rayat was subject only to the payment of fixed revenue. The rayat could sell, bequeath and mortgage his property.²

The outbreak of the American Civil War in 1860 suddenly favoured the fortunes of the rayat in Bombay Presidency. The flow of American cotton to England stopped and the demand in England for Bombay cotton increased. The steady rise in the prices of Bombay cotton resulted in a corresponding rise in the prices of the agricultural products and a great amount of land was brought under cultivation. However, this mid-Victorian boom of Bombay was short-lived. As soon as the American war ended, American cotton recaptured the market in England and the profit of the Bombay rayat quickly disappeared. Meanwhile, the rayat had cultivated an expensive standard of living and started borrowing from the village money lender in addition to his ancestral debts. The situation for the rayat worsened when the Presidency faced a drought in 1867. He began to feel the burden of his debt and the village money-lender often brought the debtor before the court for failing to pay interest on his debt. The number of suits for debt in the court of Poona district doubled between 1867 and 1873.³

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- (1) B.H. Baden-Powell, A manual of land revenue, systems and land tenures in British India, 1882, pp. 551-72.
 - (2) Bomb, Admn. Report, 1882-83, p.31.
 - (3) R.D. Choksey, Economic Life in Bombay Deccan, 1955, p.21.

The more the rayat became involved in debt the more the village money lender pressed him. In consequence, the rayat either became a quasi-slave by surrendering all his produce to the money lender or Saukar, receiving only a dole of economic necessities, or he was forced to sell his land to the Saukar. By 1875 the growth of landless peasantry was formidable and the discontent of the rayats ripened into hatred against the Saukars.

In 1867 the original settlement of land revenue in Bombay Presidency came to an end and the revisions resulted in a considerable enhancement of the assessments. The new assessments were fixed on the basis of prices during the boom period, when Bombay revenue officials thought that the rent of land in real economic terms had become excessively low. The officials misunderstood agrarian indebtedness as a product of the cultivator's luxuries and thought that any reduction of the Government assessment would quickly pass over to the creditor's purse. The result was the levy of almost double assessments. The new assessments introduced in Poona district effected an enhancement of 54 percent.¹

Such a frustrating state of things induced the Government of Sir Philip Wodehouse (1870-75) to limit the rate of increase of assessment in 1874. They declared that the increase of assessment in the case of a Taluk or group of villages should not exceed 30 percent and in the case of a village 66 percent. They further declared that the unassessed waste in the original settlement (called Pot Kharab) should so remain and not be liable to be classed in the revision although found cultivable.²

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- (1) R.D. Choksey, Economic life in Bombay Deccan, 1955, p.21.
 - (2) Res. Rev. Dept. Govt. of B. No. 5739, 29th Oct. 1874. Papers connected with Bombay Revenue and Settlement System Rev. & Agr. Dept. Govt. of I. Calcutta. 1883.

The home authorities and the Government of India, however, refused to accept Wodehouse's proposal with regard to the Pot Kharab¹ Unfortunately Wodehouse's policy of moderation was put into practice on a moderate scale only in the districts of Poona and Sholapur. Meanwhile, agrarian conditions had so worsened that the rayats threatened their immediate oppressors and the Deccan riots broke out in 1875. The Deccan riots consisted of a series of preconcerted attacks on Saukars in the districts of Poona, Satara, Sholapur and Ahmednagar. The government promptly appointed a Commission to enquire into the causes of the outbreak.

The Report of the Deccan Riots Commission of 1875 showed that one-third of the occupants of land in the Deccan were embarrassed with debts and two-thirds of their debts were secured by mortgage of land.² The Commission attributed the riots to the fraudulent practices of the Saukars. The ignorant rayats, who signed the bond of debt without a true knowledge of its contents, found the action of the Court to their disadvantage. So the Commission proposed primarily legal remedies, which were later embodied in the Deccan Agriculturists Relief Act of 1879. The Act provided for strict inspection of the accounts of the debt to prevent forgery and for conciliation between the debtor and lender to avoid litigation. In the case of legal procedure, additional subordinate judges were to be appointed to enquire fully into the history of the debt, to disallow unreasonable interest

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- (1) Desp. Govt. of I. to Govt. of B. No. 1094, 24th Dec. 1874. Papers Connected with Bombay Revenue and Settlement System Rev. & Agr. Dept. Govt. of I. Cal. 1883.
- (2) R. D. Choksey, Economic Life in Bombay Deccan, 1955, p.92.

and to fix instalments for payment of the sum decreed. In case the agriculturist was found to be insolvent the Court was to direct the collector to let the property of the agriculturist for a period or to supervise it in order to meet the creditor's demand.¹ Such was the measure taken by the government in 1879 to rescue the rayats of Poona, Satara, Ahmednagar and Sholapur from the clutches of the Saukar. But the Deccan Riots Commission in their report went further and indicated another vital factor behind the rural indebtedness in Bombay, namely, a fixed and excessive demand of the State. They strongly advocated an elastic system of collection and deprecated the injurious effects of sudden enhancement of assessment on revisions.² Sir Richard Temple (1875-80), the successor of Wodehouse, rejected this criticism of the Commission on the ground that ^{The} Bombay revenue system took all precautions while revising the assessment by enquiring into agricultural conditions and allowing room for every concession. A revenue fixation after such elaborate enquiries, he asserted, would only be a just amount "easy for the people to pay."³ Temple therefore zealously promoted the legal remedy of the rayat's indebtedness or the Relief Act of 1879. Simultaneously, he was in favour of continuing enhanced revisions of revenue.

The crushing famine of 1876-77 struck down in Bombay Presidency a struggling peasantry. The famine resulted in a heavy mortality and in the destruction of agricultural wealth and cattle. Temple was forced to suspend and remit revenue during the famine years as it became "impracticable to realise revenue."⁴ But immediately after the famine he enhanced

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- (1) R.D.Choksey, Economic Life in Bombay Deccan, 1955 pp.92-94.
 - (2) Report of Deccan Riots Commission, 1875, paras 125-126. Papers connected with Bombay Revenue and settlement system, Rev. & Agr. Dept. Govt. of I. Cal. 1883,
 - (3) Govt. of B. to Govt. of I. Rev. No. 2202, 6th April, 1887. Papers connected with Bombay Revenue and Settlement System. Rev. & Agr. Dept. Govt. of I. Cal. 1883.
 - (4) Desp. S. of S. to Govt. of B. Rev. no. 34, 4th Dec. 1879. Rev Proc. Govt. of I. Jan. 1880.

assessment on every revision in Dharwar, North Kanara, Nasik, Konkam, Gujarat and the Deccan.¹ Everywhere Temple aimed at 40 percent increase in the Taluks. Lord Cranbrook, the then Secretary of State, considered this impolitic and inexpedient. "This is an increase to the burdens of the agricultural classes," he concluded, "heavier than has been found practicable in other provinces of the empire."² Even Lord Lytton's Government, including members like Sir John Strachey, who allegedly stood for "screwing up the land revenue",³ were seriously concerned. They opposed the enhancements in the Deccan, if not in other parts of the Bombay Presidency. They resolved not to "ignore the present state of affairs in the Deccan districts where agrarian indebtedness and disquiet have been deepened by prolonged scarcity and famine."⁴

In the face of these criticisms Temple's Government remained unwavering. They firmly asserted that their recent assessments were moderate, and equitable, that the whole country had recovered from the famine losses and the rayats could well afford to pay a moderately increased revenue and that the prices of the produce ranged higher than they did when the original settlement of the 1840's was made. The indebtedness of the rayats according to them was caused by the thriftlessness of the rayats and not by the pressure of the government demand.⁵ Thus a controversy was developing as Temple left Bombay in 1880. Fergusson, as the successor of Temple, had to take up

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- (1) Desp. Govt. of I. to S of S. Rev. no.4, 17th March 1880. Rev.Proc. Govt. of I. March 1880.
 - (2) Desp. S. of S. to Govt. of B. Rev. no.34, 4th Dec.1879. Rev.Proc. Govt. of I. Jan 1880.
 - (3) Northbrook to Ripon, 7th Sept. 1881 Printed R.P.
 - (4) Desp. Govt. of I. to S.of S. Rev.No.4 17th March 1880. Rev. Proc. Govt. of I. March, 1880.
 - (5) Secy. Govt. of B. to Secy. Home, Rev. & Agr.Dept.Govt. of I Rev. No.634, 5th Feb,1880. Rev. Dept. Proc.Govt. of I. March,1880.

the vexed question of over assessment and to carry it forward to a decision. Had Fergusson assumed a different attitude on the issue from that of his predecessor interesting developments might have followed in the Bombay land revenue system. But Fergusson was quite content, like Temple, with the Bombay system and decided to defend it against all onslaughts.

In 1880 Lytton left India strongly criticising the Bombay Government's revision of assessments, especially in the famine stricken districts of the Deccan and the South Maratha country. His Government had demanded a postponement of revision operations for 5 years in the districts of Poona, Satara, Ahmedabad and Sholapur. In the opinion of the Supreme Government such a measure was necessary to ensure the success of the Relief Act of 1879, passed to ameliorate the indebtedness of the rayats of these districts. "The condition of the rayats would be jeopardised," they observed, "if, side by side, settlements continued to go on and land revenue assessments are imposed and collected."¹ Fergusson on his arrival in Bombay decided to disprove that the re-classifications and enhancements of the Bombay Government were "excessive".² His Government pointed to the fact that the enhancements objected to were small in proportion to the rise of the prices of the produce, improvement in communications and material progress of the country. They contended that the country was fast recovering from the famine devastations. Enhancements were 32 percent to 55 percent higher than the original settlements, which they claimed, was only one-eleventh of the value of the produce of the assessed lands. In terms of real rent, they believed, the new assessments were even lower than what the original settlement imposed in the 1840's. This was, in the

(1) Desp. Govt. of I. to S. of S. Rev. No.4, 17th March, 1880.
Rev. Proc. Govt. of I. March, 1880.

(2) Fergusson to Baring, 26th Dec. 1880. F.C.

~~In the~~ opinion of Fergusson's Government, because of the fact that the average prices for the 9 years preceding the famine of 1876-77 were double the prices of 30 years earlier, and the prices of 1879-80 were nearly double the prices of the 9 years average. As to Lytton's proposition of postponing revisions in the Deccan districts for 5 years, Fergusson's Government had serious objections. They pointed out the administrative inconvenience that would be caused by such temporary suspensions and the hazards of further recalculations. Besides, they argued that such a measure would involve difficulty for the government in enhancing assessment at all in future. After a postponement of 5 years a good season might be followed by drought, creating a perpetual demand for the postponement of revisions. As regards agricultural indebtedness in the Deccan Fergusson's Government maintained that the Deccan rayat was not bothered about the assessment if it left him only a bare subsistence, for the usurer would appropriate anything beyond a bare subsistence.¹

While defending their revisions the Government of Bombay failed to observe that an enhancement in proportion to a rise in the prices of the produce was not necessarily a just one. They were unable to take account of the rise in cost between the original settlement and its revisions. Annual demand based on long term average of prices would be excessive and burdensome in lean years. They also failed to appreciate the significance of the Deccan Agriculturists Relief Act of 1879, passed in

(1) Desp. Govt. of B. to S. of S. Rev. No.10, 22nd May, 1880, Cited in Desp. S. of S. to Govt. of B. Rev. No.36 16th Sept. 1880. Rev. Proc. Govt. of I. Nov. 1880.

order to restrict the extorting power of the ~~user~~^{usur}er and thus to allow the rayat to enjoy a little more than a bare minimum. The home authorities at first overlooked these fallacies of reasoning while examining Lytton's proposal concerning revisions in the Deccan. In September, 1880 Hartington, the Secretary of State, rejected Lytton's plea for the postponement of revisions on the ground of his reluctance to interfere in the sphere of a local government.¹

The issue, however, remained alive and in August 1880 Ripon's Government expressed their concern in connection with the reassessment of the 143 famine-affected villages of Parasgad taluk of Belgaum district and Nargund taluk of Dharwar district. The Government of India entertained doubts "whether there is not a risk of crippling the resources of agriculturists... by subjecting them to a largely enhanced assessment when they have had only two years to recover from the effects of the famine."² This probably led Hartington to re-examine the question. Soon he discovered a tendency on the part of the Bombay Government towards undue enhancement.³ In November, 1880 he came to the conclusion that in the circumstances of the calamitous famine of 1876-77, revised assessments of the Bombay Government in some parts of the Deccan and the South Maratha country were excessive. Hartington pointed out the difficulties of fixing assessment simply on the basis of a rise in the prices of the agricultural products.

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- (1) Desp. S. of S. to Govt. of B. Rev. No.36, 16th Sept.1880
Rev. Proc. Govt of I. Nov. 1880.
 - (2) Secy. Home, Rev & Agr.Dept. Govt. of I. to Secy. Govt.of B.
Rev. No. 409, 28th Aug.1880. Rev.Proc.Govt. of I.Sept.1880.
 - (3) Desp. S. of S. to Govt. of B. Rev. No.36,16th Sept.1880.
Rev. Proc. Govt. of I. Nov. 1880.

"The rise in the prices may be of no advantage to the cultivator", he commentated, "if accompanied by a decrease of production."¹ He felt that the famine resulted in a decrease of population, occupied area and agricultural stock, indicating a disruption of agriculture. In his opinion the Deccan and the South Maratha country were "in a sadly depressed condition." In view of these facts the Secretary of State laid down that enhancement on revision above 22 per cent should not be carried out in the distressed districts of the Deccan and the South Maratha country for a period of 5 years in order to allow them time to recover.² This order of remission was clearly a proof that the home authorities considered assessments in Bombay oppressive. Fergusson, however, had no doubt that the order of the Secretary of State was "based upon a misapprehension" of the relative extent of and burden imposed by the revised assessment.³ He accordingly decided to offer Hartington "very sufficient" justification of the enhancement before the proposed remission was actually carried out.⁴

The Government of Bombay while justifying the revisions recalled the fact that the enhanced assessments bore a smaller proportion to produce at its increased price than did the old assessment to prices prevailing during the original settlement. Fergusson's Government were not prepared to admit that such a small increase of government demand could

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- (1) Desp. S. of S. to Govt. of B. Rev. No. 45, 11th Nov. 1880. Rev. Proc. Govt. of I. Dec. 1880.
 - (2) Ibid.
 - (3) Fergusson to Hartington, 1st Dec. 1880. F.C.
 - (4) Fergusson to Hartington, 4th Dec. 1880. F.C.

absorb so large a share of the produce that its collection would lead the rayat to pecuniary difficulties. They asserted that a part of the produce or its equivalent was the property of the State and that the government had a right to collect a moderate rent charge in any year in which the profits of agriculture were of normal amount.¹ Thus was reached the crux of the whole question, whether the agrarian condition of the area was so sadly depressed in 1880 following the previous famine as to justify a remission of revenue.

In the opinion of the Government of Bombay the country was gradually restored to prosperity in 1880. They admitted that there was some decrease of population due to disease and emigration during the famine. But they believed that the famine sufferers were mostly landless peasants and the poorest class of cultivators and not the more substantial cultivators. They also accepted the fact that there was a decrease of occupied area following the famine, but insisted that "the number of food producing cultivators has not decreased." In their opinion the poorest class of cultivators succumbed to the famine and joined the rank of field labourers by resigning their holdings, which were consequently taken up by richer peasants. Thus on the whole agriculture had not suffered. They further argued that the diminution of agricultural stock in the Presidency was uneven and negligible.² Under these circumstances Fergusson's Government felt that the remission

(1) Desp. Govt. of B. to S. of S. Rev. No.27, 24th Dec.1880.
Rev. Proc. Govt. of I. Feb. 1881.

(2) Ibid.

directed by the Secretary of State was unnecessary. In their opinion:"... the agricultural population is not retrogading but advancing, ... the losses they sustained in the famine were not so irretrievable as to disable them or to make them fit objects for a donation from public revenue and... the distress caused by famine fell chiefly on the non-agricultural classes to whom a remission of land revenue will not convey any relief."¹ Fergusson personally was convinced that the reduction desired by the home authorities would give at best an inconsiderable relief to the peasants while it would sacrifice in the aggregate a considerable amount of government revenue. He suggested that the increased amount of the revisions could profitably be used in famine insurance works. He implored Hartington to consider this aspect of the question. "Were we at liberty to expend a capital sum secured upon an infinitesimal portion of the cultivation profit which you propose to return to them [the cultivators], we could execute works which would sensibly improve their condition and contribute a material protection against the vicissitudes of their industry."² Fergusson's attempt to justify the means by an end reflects the paternalist desire to absorb increments of agriculture to finance general improvements.

Hartington, however, stuck to his decision with little modification. He modified his previous instruction by reducing the term of remission from 5 to 3 years. He again cautioned Fergusson's Government that high prices reflected low production and he emphasised the need to consider output and price together.³

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- (1) Desp. Govt. of B. to S. of S. Rev. No. 27, 24th Dec. 1880. Rev. Proc. Govt. of I. Feb. 1881.
 - (2) Fergusson to Hartington, 4th Dec. 1880. F.C.
 - (3) Des. S. of S. to Govt. of B. Rev. No.13, 31st March, 1881. Rev. Proc. Govt. of I. May. 1881.

Clearly Hartington was not convinced with the claim of the Government of Bombay that the Deccan and the South Maratha country had recovered from the famine. He called for a departmental enquiry on the agrarian condition of the area in question and Fergusson's Government appointed H.T. Sondar to undertake such an enquiry. A report was soon prepared by experimental enquiries in some of the Taluks of the Deccan, and the South Maratha country. The report revealed that in Dharwar the decrease of cultivated area between 1877 and 1880 was $3\frac{1}{4}$ percent, in Kaladgi 20 percent and in Sholapur 44 percent.¹ The Government of Bombay's own statistics supplied by their Revenue Department Report of October 1881 showed that the land revenue demand fell by Rs. $2\frac{1}{2}$ lakhs from Rs. 2,687,2000 in 1878-79 to Rs. 2,663,3000 in 1879-80.² There was hardly any doubt that the decrease would have been more considerable had it not been for revision and enhancement of assessment upto 1880. Further, the reports gave no evidence that the lands resigned by poor peasants had passed into the hands of the rich cultivators. Fortunately for the Government of Bombay the home authorities in February, 1882 did not proceed any further than to direct them to watch carefully the condition of the cultivating classes.³ Fergusson resentfully accepted this verdict with a determination to show in future how easily the cultivators could pay assessments and thus to dispel the notion that his Government overassessed.

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- (1) Desp. S. of S. to Govt. of B. Rev. No. 46, 22nd Dec. 1881. Rev. Letters to I.
 - (2) Desp. S. of S. to Govt. of B. Rev. No. 6 23rd Feb. 1882. Rev. Letters to I.
 - (3) Ibid.
 - (4) Fergusson to Hartington, 31st Jan. 1882. F.C.

The matter in early 1882 was by no means closed and the Vernacular press in Bombay was complaining against the over assessment of the government. In March, 1881, Indu Prakash compared the conditions of Irish peasants with those of the rayats in Bombay, the grievances in both cases being sudden enhancement.¹ In September, 1881 the same paper elaborated the plight of the cultivators by stating that when the land revenue instalments were not paid on the dates fixed the government charged an exorbitant rate of interest.² To the prevailing public opinion the rayat was suffering not due to the greed of the Saukar but to debts incurred to meet the high demand of the government. Maratha commented: "Agricultural classes need protection from the greediest of all Saukars - the Government."³ A statement of the great Deccan Association, Poona Sarvajanik Sabha, issued in July, 1882, created further alarm as to the deplorable condition of agriculture. Their statement, based on an experimental survey of Kopargum taluk of Poona district, revealed that in case of any apprehended drought, half the population and three-quarters of the cattle should have no stock of food to fall back upon, that half the inhabitants of the tract should desert their villages and that two-thirds of the cattle must be driven away to the territory of the Nizam.⁴ The report of Dr. A.D. Pollen, Special Judge under the Deccan Agriculturists Relief Act of 1879, painted a further dismal picture .

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- (1) Indu Prakash, 7th March, 1881. Bomb. Native Newspaper Report 1881.
 - (2) Indu Prakash, 5th Sept. 1881. Bomb. Native Newspaper Report, 1881.
 - (3) Maratha, 1st Oct. 1882. Bomb. Native Newspaper Report. 1882
 - (4) The statement was referred to in the speech of Dr. W.W. Hunter in Ind. Legis. Coun. on 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.

On the basis of statistics in the four districts of the Deccan where the Act was employed, he concluded that the rayats were overburdened with "an intolerable load of paper debt." In his opinion the Deccan rayat in average years could not gain enough from the produce to pay the government assessment and to support himself and his family, so that really no margin was left for the payment of his debts.¹

These findings soon led to an uproar in the Viceroy's Legislative Council in November 1882. The incident occurred in connection with certain minor modifications of the Deccan Agriculturists Relief Act of 1879. The opportunity was taken up by some members of the Council like Dr. W.W. Hunter, C.H.T. Crossthwaite and Maharaja Jatindra Mohan Tagore to accuse Fergusson's Government of over assessment and rigid collection. In the official circles in Bombay it was rumoured that Sir. W. Wedderburn, then a judge in Poona, who was well known for his sympathy for the poor Deccan rayats was the inspiration behind the attack. T.C. Hope, a member of the Supreme Government and a close friend of Fergusson since their school days, informed Fergusson that Wedderburn intended to obstruct any amendment of the Relief Act in order to extort the reform of the Bombay land revenue system. "All this is chiefly an outcome", wrote Hope to Fergusson, "of Sir W. Wedderburn's visit here [Calcutta]".² The critics of the Bombay land revenue system contended that the Relief Act was inadequate to relieve the agrarian indebtedness in the Deccan and that the Deccan rayats would remain in the depth of distress unless the

(1) Dr. A.D. Pollen, Sp. Judge to Secy. Jud. Dept. Govt. of B. no. 60, 4th Feb. 1882. Papers connected with Bombay Rev. and Settlement System, Rev. of Agr. Dept. Govt. of I. Cal. 1883.

(2) Hope to Fergusson, 5th Nov. 1881 F.C.

assessments were modified. Dr. Hunter felt that the high assessment of the government "does not leave enough food to the cultivator to support himself and his family."¹

Maharaja Jatindramohan demanded a full enquiry into the situation by the Supreme Government for "the evil lies not so much in the extortion of the Manajans, the money lender, as in the pressure of over assessment."² Crossthwaite remarked that when indebtedness was widespread among the agricultural classes in Bombay "a prudent Government would look to its revenue system to see if it was well suited to the conditions of the country."³ Fergusson was infuriated by these attacks and wrote to Ripon, "it is disheartening and alarming that those who have no practical knowledge of this Presidency are disposed to dogmatise upon its peculiar system and interfere with its management in detail."⁴ The controversy thus started in the Legislative Council soon provoked long notes and memoranda from the critics and adherents of the Bombay system.

The criticisms of the Bombay system were mainly on two points, the rigidity of collection and the high rate and suddenness of enhancement. The Bombay assessment, it was argued, was based on an average of good years. This method was unsuited to the Deccan and South Maratha country where rains could not be predicted.⁵ The Bombay revenue collection:

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- (1) Speech of Dr. Hunter, 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.
 - (2) Speech of Maharaja Jatindra Mohan Tagore, 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.
 - (3) Speech of C.H.T. Crossthwaite, 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.
 - (4) Fergusson to Ripon, 30th Dec. 1882. R.P.
 - (5) Note by C.H.T. Crossthwaite, 10th Feb. 1883. Memo. on Mr. Buck's note on the Bombay System of Settlement & Revenue Collection, W.Lee-Warner, 27th Jan. 1883.

was rigid and the revenue literature of Bombay contained no adequate rule for suspensions and remissions of revenue in the bad years.¹ The high rate of assessment and the rigidity of collection did not allow the rayat a sufficient margin after meeting the government demand.²

The adherents of the Bombay system claimed that the assessment of revenue in the Presidency was preceded by a minute classification, measurement and valuation of land. At every stage all variations were discounted and thus detailed rules for suspension and remission of revenue were superfluous.³ It was claimed that the assessments in Bombay were reasonable, the rate being less than one-half of the net produce.⁴ Such a moderate assessment in Bombay always allowed a fair margin in the hands of the rayat. This in fact was thought to be the reason behind the prompt recovery of the country from famine disasters. The continued money lending business of the Soukar, the sale of metal utensils, cotton cloth and piece goods, the receipt from the tolls and the high sale value of land bore testimony that the rayat's lot in reality was not as bad as was feared.⁵ Fergusson considered these facts to be sufficient to show that the attack made on the Bombay system in the Indian Legislative Council was unfounded. He declared that his Government had

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- (1) Note by E. C. Buck, Secy. Rev. & Agr. Dept. Govt. of I. 21st Dec. 1882. Memo. on Mr. Buck's note etc. W.Lee-Warner
 - (2) Speech by C.H.T. Crossthwaite, 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.
 - (3) Note by J. Gibbs, Member, Viceroy's Council, 7th Feb. 1883. Memo. on Mr. Buck's note etc. W.Lee-Warner
 - (4) Note on Bombay Land revenue system, W.Lee-Warner. 16th Dec. 1882. Papers relating Deccan Agr. Relief Act, Appendix-DD Legis. Proc. Govt. of I. Jan. 1883.
 - (5) Memo. on Mr. Buck's note on the Bombay System of Settlement and Revenue collection. W.Lee-Warner.

"no motive to oppress the cultivators of the soil" and that the condition of the Deccan rayat, though precarious because of the vagaries of the climate, was "never better than it is at present."¹

The defence of the Bombay system rested entirely on the assertion of solvency and financial well-being of the rayat. Unfortunately, none could offer any conclusive proof in support of this belief and in 1881 Fergusson's Government failed to convince the home authorities on the point. The truth was, as it appeared from the various reports, that agriculture was still in a depressed condition in the Deccan and South Maratha country. The revenue return of the Government of Bombay for 1879-80 showed that 677,000 acres of land had been transferred to the head of government waste owing to non-payment of revenue.² Even in 1883 the Secretary of State was found to be grumbling about a further decrease in the occupied area, forfeiture of land for arrears and a fall in the demand for land.³ The Government of Bombay admitted that the diminution in population due to emigration and famine was considerable in some districts and affected agriculture.⁴ There was hardly any fact to dispute Dr. Pollen's claim that four-fifths of the rayats were deeply embarrassed by debt.⁵ The decision of the Government of Bombay to assess

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- (1) Fergusson to Kimberley, 1st Feb. 1883. F.C.
 - (2) Returns for Bombay land settlement and revenue, 1879-80. Encl. to Des. S. of S. to Govt. of I. Rev. No.6, 23rd Feb. 1882. Rev. Letters to I. 1882.
 - (3) Desp. S. of S. to Govt. of B. Rev. No.2, 8th Feb. 1883. Rev. Proc. Govt. of I. April, 1883.
 - (4) Desp. Govt. of B. to S. of S. Rev. No.16. 24th July, 1883. Rev. Proc. Govt. of I. Aug. 1883.
 - (5) Dr. A.D. Pollen to Secy. Jud. Dept. Govt. of B. No.60, 4th Feb. 1883. Papers connected with Bombay Revenue and Settlement System, Rev. & Agr. Dept. Govt. of I. Cal. 1883.

Pot Kharab was largely responsible for over assessment. In the original settlement the survey "number" or unit of assessment was usually large, containing ^a portion of waste or Kharab land, and these wastes were not assessed. As prices rose the rayat brought much of this land into cultivation, making such improvements as his small means could afford. The government, without caring whether such lands yielded sufficient production as to pay rent, assessed them on the ground that they were cultivated. In consequence the rayat all of a sudden found on revision that he had incurred an unusually increased liability.

The claim of the adherents of the Bombay system that a fair margin was allowed to the rayat in consequence of a moderate government demand was doubtful. Even if it was accepted that the Bombay assessment was less than half the net produce the situation remained ominous. In connection with the introduction of the Relief Act, T.C. Hope on 17th July, 1879 stated in the Legislature Council that the average Bombay assessment on poor land was 7 annas per acre while on good land it was 12 annas.¹ On the basis of these facts it might be calculated that the average net produce on poor land was Rs.1/- and on good land Rs.2/-. As the average holding of a rayat was about 20 acres and the government assessment was half the net produce,² it seemed probable that the whole surplus left to the cultivator in an ordinary year would not be more than Rs.15/- - Rs. 20/-. This margin left to meet variations

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- (1) Speech of C. H. T. Crossthwaite, 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.
 - (2) Note on Bombay land revenue system, W. Lec-Warner, 16th Dec. 1882. Papers relating Deccan Agr. Relief Act, Appendix- DD. Legis. Proc. Govt. of I. Jan. 1883.

of price and production was only very small .

In view of the criticisms of the Bombay system the Supreme Government should have instituted an enquiry into the conditions of the rayats in Bombay Presidency and formulated remedial measures. However, the whole controversy merely produced much heat but no light. Ripon's Government not only failed to intervene but also refrained from pronouncing any observation on the issue. Ripon personally was conscious of the importance of the land question in India and considered the revenue assessment "far more vital to the interests of the great mass of the people than the question of the local self-government."¹ Yet in practice his Government were content to declare only the outlines of their policy without taking any step to put matters right. With regard to the revisions of land settlement the Government of India vaguely referred to the necessity of introducing flexibility of collection and of restraining overassessment. The Government of India supported the recommendation of the Famine Commission that suspension and remission of revenue should be resorted to in bad years. They proposed to simplify assessment procedure by doing away with the re-measurement and re-classification at the end of every settlement. This would be done by fixing an "initial" government demand based on existing assessment, area of cultivation and prices of the produce. Once the initial demand was thus fixed the increase should only be made on one of the three grounds: an extension of cultivation, a rise in the prices and an increase in produce

(1) Wolf, Ripon, vol 2, p. 8.

due to improvements effected by the government.¹ The enhanced assessment, however, should gradually be introduced, as Ripon remarked, "... so as not suddenly to raise very largely the payments which the rayats have previously been accustomed to make."² As regards agricultural indebtedness the Supreme Government resolved to back up Wedderburn's plan of agricultural banks with government aid to provide capital for the cultivators on moderate terms.³ They further sought to extend government loans to the rayats for land improvement (called Takkavi advances) at low interest and with an assurance that any permanent improvement of land with these loans should be discounted when revising assessment.⁴

With these general principles Fergusson and his Government had no intention to differ. In the years of drought the Government of Bombay were willing to suspend and remit the collection of revenue.⁵ They agreed to the principle that the enhancement of revenue should take place only on substantial increase of agricultural profit. In their opinion the settlement operations in Bombay Presidency would in effect determine the "initial" assessment.⁶ The Government of Bombay enthusiastically supported Ripon's endeavours to extend Takkavi advances to the cultivators as early as November, 1881.⁷

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- (1) Secy. Govt. of I. to Secy. Govt. of N.W.P. & Oudh no. 525 R. 9th May, 1883. Rev. Proc. Govt. of I. May, 1883.
 - (2) Speech of the President, 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.
 - (3) Secy. Rev. & Agr. Dept. Govt. of I. to Secy. Govt. of B. Rev. no. 658, 5th Dec. 1882. Rev. Proc. Govt. of I. Jan 1883.
 - (4) Gopal, Ripon p. 187.
 - (5) Speech of Sir. S. Bayley, 2nd Nov. 1882. Ind. Legis. Coun. Proc. 1882.
 - (6) Under-Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. no. Rev. 6340, 27th Aug, 1883. Rev. Proc. Govt. of I. Nov. 1883.
 - (7) Secy. Govt. of B. to Secy. Govt. of I. Rev. no. 6683, 10th Nov. 1881. Rev. Proc. Govt. of I. Oct. 1882.

As regards the establishment of agricultural banks, Fergusson's Government attempted to give the proposal a fair trial on a small scale in Purandharpur Taluk of Poona district.¹

When such apparent accord was found to be existing between the local and the Supreme Governments, Ripon was reluctant to interfere or to enquire into the realities of the situation in the Deccan and south Maratha country. The attitude of his Government was to watch the action of the Government of Bombay "with interest and not without concern."² The home authorities went further and when Kimberley succeeded Hartington as the Secretary of State, he believed that the evil of high assessment in Bombay had already been remedied.³ In 1883 the previous instruction of the Secretary of State to remit assessment in some parts of the Presidency for 3 years came to an end and Fergusson had no difficulty in collecting the enhancements on the grounds of "unmistakeable signs of the recovery of the agricultural population."⁴ Thus enhancement of assessment continued unabated in the Bombay Presidency and little was heard against it.⁵ until the late 1890's when famine, plague and starvation wreaked havoc in India.

Though obsessed with the idea that the Deccan and the South Maratha Country had recovered from the famine losses, Fergusson

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- (1) Desp. Govt. of I. to S. of S. Rev. no. 7, 31st May, 1884. Rev. Proc. Govt. of I. Oct. 1884.
 - (2) Speech of Sir S Bayley, 2nd Nov, 1882. Ind. Legis. Coun. Proc. 1882.
 - (3) Kimberley to Fergusson, 22nd Feb. 1882. F.C.
 - (4) Desp. Govt. of I. to S. of S. Rev. No. 16, 24th July, 1883. Rev. Proc. Govt. of I. Aug. 1883.
 - (5) It is interesting to note that Dr. W.W. Hunter, a conspicuous critic of the Bombay system in 1882, diametrically changed his opinion. In his book: Bombay, 1885-90, 1892, p. 243 he observed: "...in no country of the world has greater care been taken than in Bombay that the cultivator of the soil should pay no more rent than he is fairly able to pay."

was always concerned with the possibility of another famine in Western India. His concern was reflected in his attitude with regard to public works. Public works policy in India was inseparable from the famine insurance measures. During the years 1873 to 1879 India had been continually visited by famines and Lytton in 1879 appointed a Commission to enquire into the causes and remedies of the famines in India. The Commissioners submitted their report to Ripon in 1880 in which they recommended a further extension of railway and irrigation works for protecting the country against the consequences of droughts.¹ The Commission ignored the need for a policy of price stabilisation through the storage of grain and the regulation of the grain trade by the State. They believed that a famine in India did not involve an overall food problem and that any deficit in a famine area could be met by imports from surplus areas of the country.² Ripon's Government accepted this conclusion and thought that "there will always be available in India a sufficient food supply in unaffected parts to feed the inhabitants of any area visited by famine provided the state of communications admits of such food being transferred."³ Thus the extension of railways was naturally considered to be the best remedy against crop failure in future.

When the first railways were constructed in India it was found that the joint stock companies could not raise capital without the assistance of the state. The then Governor General

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- (1) Famine Commission Report, Part II, Para I, P.P. 1880.vol.52.
 - (2) Ibid, Part I, para 156.
 - (3) Res. Govt. of I. Famine, No.44, 9th June, 1883. Cited in B.M. Bhatia, Famines in India, 1963. p.183.

Dalhousie proposed a system under which railways would be constructed by the private companies with a guarantee from the Government of India of 5 percent interest on the capital raised, their operations within certain limits being under the control of the government. This was finally adopted, and from 1846 to 1867 all railways in India with minor exceptions were made through the agencies of the guaranteed companies. The policy, although it led to rapid and continuous application of capital to railway extension in India, was not considered conducive to economy either in the execution of the work or in the working of the lines. The Government of India, finding it difficult to obtain the consent of the companies to the alterations in the contracts necessary in their opinion to insure proper control and economy, decided to discard indirect agency and undertake the works and the working of the future lines themselves.¹ Thus state agency in railways began in 1869 on loans raised by the Government of India for the construction of railways. On 24th July, 1879 the Select Committee of the House of Commons on Indian Public Works recommended restrictions on the railway expenditure of the Government of India on the ground that the railways in India, though beneficial, were not remunerative.² The restrictions allowed the Government of India to borrow £2.5m. (Rs. 250 lakhs) annually for the construction of public works.

(1) Report of the Select Committee on Indian Public Works, 24th July, 1879. P.P. 1878-79. vol. 9.

(2) Ibid.

Of this sum £700,000 was to be spent on irrigation and the remainder on the construction of railways with prospects of earning 4 percent annual interest on the capital outlay within 5 years of completion. Works which were exclusively protective against famines could be constructed by utilising half the Famine-Insurance Fund (£1,500,000 or Rs. 150 lakhs a year) which had been created in 1878. Of this £250,000 (Rs. 25 lakhs) were allotted to irrigation and £500,000 (Rs. 50 lakhs) to railways.¹

From the point of view of famine relief the restrictions imposed on railway construction constituted an obstacle. The Famine Commission estimated that at least another 5,000 miles of railway would be required to supply food to all parts of India in times of crisis.² With Rs. 50 lakhs available for protective railway construction only 400 miles of metergauge were possible in the course of every 5 years and the process might take 30 years for the construction of essential lines.³ The Government of India dared not increase taxation for this purpose for fear of discontent among the people, and the policy of the home government precluded them from raising the sum required by way of loans. The only way out of the situation was either a lifting of the restrictions imposed on the Government of India's borrowing capacity or entrusting railway works to private enterprise under reasonable guarantee. Ripon first attempted the latter method in 1881

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- (1) Desp. Govt. of I to S. of S. Railway, No.92, 22nd July, 1881. P.W. Proc. Govt. of I. Oct. 1881.
 - (2) Famine Commission Report, Part II, Chapt V, Sec.-4, Para -10, P.P. 1880.vol.52.
 - (3) Desp. Govt. of I. to S. of S. Railway, no.92, 22nd July, 1881. P.W. Proc. Govt. of I. Oct. 1881.

and took up the former in 1883. In July, 1881 the Government of India proposed to the Secretary of State that "the private capitalists should be invited to undertake the construction of these famine insurance lines upon a guarantee of interests both in amount and in duration, "payable either out of the famine insurance fund or the railway receipts of the government."¹ The Secretary of State, Hartington, was clearly reluctant to revert to the guarantee system. He reaffirmed the general principle that the main attraction of private enterprise should be the prospect of commercial success and not a government guarantee. In his opinion the famine lines, if unremunerative, should only be constructed by the government itself.² The home authorities thus were less impressed than the Viceroy with the responsibility for the speedy construction of the famine lines and more impressed with the disadvantage of imposing guaranteed interest on the Indian revenues.

Fergusson, in his turn, felt the immediate necessity of improved communications and had no hesitation in supporting the Supreme Government in their stand. As early as June, 1880 he thought that the means of inter-changing the products of every part of India were essential as a famine insurance measure. "With proper means of communications," he wrote to Hartington, "India can save every district from distress."³ He was thinking in the same direction as did Ripon for the speedy construction of the famine lines. It seemed most desirable to him "to enlist private agency for this purpose."

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- (1) Desp. Govt. of I. to S. of S. Railway, no.92, 22nd July 1881, P.W. Proc. Govt. of I. Oct. 1881.
 - (2) Desp. S. of S. to Govt. of I. Financial no. 365, 8th Dec. 1881, P.P. 1884. vol. 11. p. 507.
 - (3) Fergusson to Hartington, 10th June, 1880. F.C.

In Fergusson's opinion the construction of the railways urgently required for India by State Agency would simply involve the raising of India's state-debt to an extent which the home authorities were not prepared to admit. But the lines were so essential that any delay should be ruled out and the private agency must be attracted to undertake them. Fergusson believed that the private agency could not be induced to make railways in India on mere speculation, especially when the famine lines were unremunerative projects. It was necessary therefore, that "there must be something in the shape of a guarantee."¹ Ripon resented the attitude of the home authorities with regard to the construction of the famine lines. He considered it thoroughly unsatisfactory on the part of the India council "to delay making protective railways and to allow three or four famines to pass by."² Almost similar was the reaction of Fergusson when he wrote to Kimberley: "I know enough of the India Office to understand the course of timid counsels that prevail.... I fear that either their prepossessions or the removal from the scene of anxiety blunts their sense of the paramount need of improved communications to enable this country to be secured against calamities."³

When Hartington was succeeded by Kimberley as the Secretary of State, the Government of India renewed their search for funds. They were ready to accept the principle that the famine lines should be constructed by the state agency only on the understanding that the home authorities would raise the

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- (1) Fergusson to Hartington, 23rd Feb. 1882. F.C.
 - (2) Ripon to Hartington, 12th Nov. 1881. Cited in Wolf, Ripon, vol. 2, p. 81.
 - (3) Fergusson to Kimberley, 26th Aug. 1883. F.C.

limit on the Government of India's borrowing. They calculated an annual borrowing of approximately £605,000 more than the £2.5 m. already sanctioned.¹ Before Kimberley could consider the proposal the Tory party in the House of Commons launched a severe attack on the Government of India for being extravagant in public works and E. Stanhope on 8th May, 1883 spearheaded the attack by moving a resolution. Kimberley claimed that it was politically inexpedient to sanction any additional expenditure in face of such an offensive.² T. C. Hope, the member in charge of the Public Works Department of the Government of India, implored Fergusson to use his influence in the Tory circles to restrain further criticism.³ But before any such effort could be made by Fergusson, Kimberley proposed to appoint a Select Committee of the House of Commons to consider the question of railway extension with special reference to the protective lines.⁴ In spite of the disapproval of the Tories at home Fergusson remained a firm believer in the extension of railways in India. He disliked the criticism of his "political friends" in the House of Commons and thought it a misfortune if their agitation would lead to reduction of public works in India". He denounced the continued existence of a restriction on the Government' of India's borrowing ability, especially when

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- (1) Desp. Govt. of I. to S. of S. Financial, no.29, 23rd Jan. 1883. P.P. 1884, vol. 11, p. 509.
 - (2) Kimberley to Ripon, 20th July, 1883. Cited in Wolf Ripon, vol 2, p.82.
 - (3) Hope to Fergusson, 6th June, 1883. F.C.
 - (4) Kimberley to Fergusson, 3rd Aug. 1883. F.C.
 - (5) Fergusson to Kimberley, 18th June, 1883. F.C.

so many famine insurance projects were of "crying urgency".¹ He was convinced that the railways were "the only cure of our evils"² and that their postponement would condemn "large districts to continued stagnation and recurring dangers."³

Whatever might be the inconvenience of Kimberley^e in the face of a Tory opposition he was certainly hesitant over accepting the proposal of the Government of India or the views of Fergusson. Like Hartington he was on principle reluctant "to revert to a guarantee practice."⁴ Simultaneously, he was against overstraining the finances of India by "too heavy borrowing."⁵ It was only when the Select Committee of the House of Commons on Indian Railways recommended it in July, 1884, that Kimberley permitted the Government of India to borrow annually a sum of Rs. 350 lakhs.⁶

Whether the home authorities agreed or not the 1880's was favourable for private investment in railways in India. The credit of India was good and the European capitalists were eager to invest money.⁷ Thus the problem really was the manner in which the old guarantee system could be modified to remove its defects. A solution lay in what was later called the formation of the assisted companies, the principle being a state undertaking through the agency of a company. Under this method a private company would raise the capital for a projected line on behalf of the Government and construct the line on lease for a term of years under definite Government control.

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- (1) Fergusson to Ripon, 23rd Aug. 1883. R.P.
 - (2) Fergusson to Kimberley, 22nd May, 1884. F.C.
 - (3) Fergusson to Kimberley, 18th June, 1883. F.C.
 - (4) Kimberley to Fergusson, 9th Nov. 1883. F.C.
 - (5) Kimberley to Fergusson, 20th June, 1884. F.C.
 - (6) Desp. S. of S. to Govt. of I. Railway, no.148, 27th Nov. 1884. P.P. 1884-85, vol 58. p.291.
 - (7) Desp. Govt. of I. to S. of S. Railway, No.92, 22nd July, 1881. P.W. Proc. Govt. of I. Oct. 1881.

At the end of the lease the railway would revert to the government. In return the government would give the Company a guarantee of certain percentage on the capital supplied by the company, a share of profit and a free grant of land. Such an arrangement would not affect the restriction on the Government of India's borrowing capacity and would make any guarantee less disadvantageous to the state as the undertaking could be regarded as a state operation under sole state proprietorship. An assisted company of this type was formed with regard to the construction of railway lines in the depressed areas of the Deccan and the South Maratha country. By Article VI of the Anglo-Portuguese Commercial Treaty of 1878 the two authorities agreed to further their mutual trade interests by constructing a line between Marmagao - a port in Portuguese India - and Bellary in British Western India. It was decided that the construction of this line should be entrusted to a private company. Meanwhile the Government of Bombay, since the famine of 1877, had been contemplating the construction of a line in Eastern Deccan between Godak and Sholapur via Bijapur.¹ The construction of this line was considered in official circles as "a preventive of the awful scourge of a famine."² Both the authorities in Bombay and in Calcutta decided that these two lines could conveniently be constructed by one company.³ At this point a South Maratha Railway Company was formed in England by Sir Douglas Forsyth, who

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- (1) Fergusson to Hartington, 12th Sept. 1881. F.C.
 - (2) Commissioner, Southern Division to Under-Secy. P.W. Dept. Govt. of B. No. 1534, 17th July, 1880. P.W. Proc. Govt. of I. Jan. 1881.
 - (3) Fergusson to Forsyth, 6th Sept. 1881. F.C.

started negotiations with the India Office on the basis of "assistance". The plan impressed Hartington who felt that it would avoid "some of the inconveniences of the guarantee system."¹ The negotiations of Forsyth finally resulted in the conclusion of a contract between the Secretary of State and the South Maratha Railway Company on 1st June, 1882. By this contract the Company undertook the construction of the Southern Deccan line (from Portuguese territory to Bellary via Godak) and the Eastern Deccan line (from Godak to Sholapur via Bijapur) with a branch to Belgaum. The Company agreed to raise £3 m. for the construction of these 450 miles of railway. It was to act as the agent of the government, the railway being the property of the state. The contract would last for 50 years and the Company would receive one-fourth of the net receipt of the railways, the Government taking the remaining three-fourths. The company was finally subjected to a strict government control in carrying out its business.² The contract of June, 1882 embodying the assisted system was well-received by the government and the investors. In quick succession Tarakeswar Railway Company in 1883, Indian Midland Railway in 1885 and Bengal-Nagpur Railway Company in 1887 were formed on the basis of similar ideas.

Fergusson was happy with the project and thought that the lines would relieve the districts "where scanty rains most frequently occur."³ But he wanted to go further and urged the

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- (1) Hartington to Fergusson, 17th March 1882. F.C.
 - (2) Copy of the Contract with S.M.R.Co. Encl. to Desp. S.of S. to Govt. of I. Railway, no.86, 22nd June, 1882. P.W.Proc. Govt. of I. Aug. 1882.
 - (3) Fergusson to Hartington, 12th Sept. 1881. F.C.

addition in the contract with the South Maratha Railway Company of another line from Poona to Belgaum, connecting Satara and Kolhapur. This addition, he claimed, was expedient not only from the consideration of famine insurance but also from political and financial considerations. Politically, the line was desirable as it would pass through a number of native states, and financially the line would be remunerative.¹ As a preventive measure, Fergusson believed, the line would cover a country "very much liable to the droughts."² Fergusson implored Hartington to ask the Company to take up this Western Deccan line and reminded him that it would be "a sad mistake" to leave it out.³ The Government of India supported Fergusson and recommended the inclusion of this section in the contract with the South Maratha Railway Company.⁴ The home authorities were reluctant to concede the point on the ground of the inconvenience of raising further capital for the extension.⁵ Both the Government of India and the Government of Bombay opposed this plea and pointed to the favourable money market and to the urgency of constructing the line.⁶ Fergusson personally was unwilling to share "the evil of postponement of the works of development." To Kimberley he declared that he should like "to leave no ground for self reproachment in future."⁷ The efforts of Fergusson

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- (1) Minute by Sir. J. Fergusson, 29th Nov. 1881. Encl. to Desp. Govt. of I. to S. of S. Railway, no.32, 18th March, 1882. P.W. Proc. Govt. of I. April, 1882.
 - (2) Fergusson to Hartington, 23rd Feb. 1882. F.C.
 - (3) Fergusson to Hartington, 10th July, 1882. F.C.
 - (4) Desp. Govt. of I. to S. of S. Railway, no. 114. 6th Sept. 1882. P.W. Proc. Govt. of I. Sept. 1884.
 - (5) Desp. S. of S. to Govt. of I. Railway, no.25, 8th Feb.1883. P.W. Proc. Govt. of I. March, 1883.
 - (6) Desp. Govt. of I. to S. of S. Railway, no.70.26th May, 1883 & Desp.Govt. of B. to S. of S. no.11R, 26th June,1883. P.W.Proc.Govt. of I. June 1883,
 - (7) Fergusson to Kimberley,20th Aug.1883. F.C.

gained a further support from Ripon's Government, which volunteered to contribute Rs 20 lakhs to the stipulated capital in order to enable the Company to undertake the Western Deccan line.¹ The determination of Fergusson and the assistance of Ripon finally prevailed over the Secretary of State and the construction of the Western Deccan line was incorporated into the contract with the South Maratha Railway Company. It was a well-earned victory and the Bombay authorities were as glad as if they had had "a bumper crop."²

Among the famine insurance measures the Famine Commission laid greater emphasis on works of irrigation.³ Regarding Western India the Commission suggested three important protective irrigation works in the famine ravaged South Maratha country and the Deccan. These were Nira canal, Mhasvad Tank and Godak canal.⁴ Fergusson was convinced that these works "will be of incalculable advantage."⁵ The Nira canal project was originally planned to provide water in thirsty central Deccan. The work was undertaken in the preceding period but was discontinued when the home authorities refused to sanction it as a protective work. Fergusson took up the cause of its construction on the ground that it would give the area "security from periodical distress."⁶ Ripon's Government supported Fergusson in the belief that the project

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- (1) Teleg. Viceroy to S. of S. 24th Oct. 1883. P.W. Proc. Govt. of I. Nov. 1883.
 - (2) Fergusson to Kimberley, 17th Sept. 1883. F.C.
 - (3) Famine Commission Report, Part II, p. 150 P.P. 1880. vol 52.
 - (4) Desp. Govt. of I. to S. of S. P.W. & Fakine, no.2, 12th Feb. 1884. P.W. Proc. (Irr.) Govt. of I. March 1884.
 - (5) Minute by Sir J. Fergusson, 29th Nov. 1881. P.W. Proc. Govt. of I. April 1882.
 - (6) Fergusson to Hartington, 11th Sept. 1880. F.C.

"should fulfil its main object in affording protection against famine."¹ The Secretary of State accordingly sanctioned this urgent work. The Mhasvad tank in Satara district was also originally planned by Temple's Government as protective work but its construction was not started. In view of the recommendation of the Famine Commission Fergusson's Government pressed for its sanction in December, 1880. The Supreme Government in their turn had no hesitation in supporting its construction and in June, 1881 the project was sanctioned as protective work in the hope that it would afford "protection against famines."² The Godak canal project was in Belgam district where rainfall was always precarious. In November, 1881 Fergusson's Government urged its immediate construction and obtained the necessary sanction in February, 1882.³ Fergusson was satisfied to work on these projects and expressed a hope that on their completion "the Government of Bombay will breathe more freely".⁴ All the projects made considerable progress by 1884. The Nira canal, which was to provide for irrigation of 100,000 acres of land, was almost complete. The Godak canal providing for irrigation of 8000 acres of land and Mhasvad tank providing for irrigation of 26,000 acres were half completed.⁵ Later, in 1897, Fergusson proudly recalled these irrigation works in the House of Commons. "In those parts of the country where in 1877 no green blade was seen," he remarked, "now enormous tracts of crops were to be found independent of rainfall."⁶

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- (1) Desp. Govt. of I. to S. of S. P.W. no.18, 27th May, 1881. P.W. Proc. (Irr.) Govt. of I. June, 1881.
 - (2) Desp S. of S. to Govt. of I. P.W. no.29, 30th June.1881. P.W. Proc.(Irr.) Govt. of I. Aug.1881.
 - (3) Govt. of I.P.W.D to Govt. of B. P.W.D. no. 65I, 22nd Feb 1882. P.W.Proc.(Irr.) Govt. of I. May, 1882.
 - (4) Fergusson to Hartington, 12th Oct. 1881 F.C.
 - (5) Desp. Govt. of I. to S. of S. P.W. of Famine.no.2 12th Feb.1884. P.W. Proc (Irr.) Govt. of I. March, 1884.
 - (6) Speech of Sir J Fergusson, M.P. Manchester, 26th Jan.1897. Hansard. H. of Commons. 4th series. f.525.

With regard to the broader aspects of public works policy and famine insurance measures Ripon and Fergusson held similar views. However, in matters of detail they differed on occasions. One such case of difference was relative to the framing of the Famine Codes in 1883 by which the system and machinery of famine relief were put on a stable footing. The Famine Commission of 1880 suggested that all the local governments should issue a set of rules that would govern the administration of famine relief.¹ Ripon's Government in 1883 prepared a model famine code on the basis of this recommendation of the Commission and directed the local governments to prepare their own on similar lines.² In Bombay Fergusson appointed a Special Committee to draft a code and in January, 1884 a draft code was submitted to the Supreme Government for sanction. The code contained detailed rules for the guidance of the local administration in the matters dealing with a famine. These included the establishment of a system of information from local areas to the Presidency Government concerning onset of scarcity, the type and nature of relief works to be constructed, the classification of relief labour and the scale of wages to be paid, the organisation of gratuitous relief and the establishment of a system of village inspection, suspension of revenue and loans to landholders.³ Ripon's Government approved this draft except the vital point relating to gratuitous relief. The point at issue was whether the poor residents of a village,

(1) Famine Commission Report, Part I, para-113.P.P.1880.vol.52.

(2) Circular, Govt. of I. No.44F, 9th June, 1883. Famine Proc. Govt. of I. June, 1883.

(3) Draft Famine Code, Bombay. Encl. to Under-Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. no.39, 4th Jan. 1884. Rev. Letters from I. 1884.

who were unable to perform labour by reason of infirmities, should be relieved in the time of famine in their own villages or should be compelled to enter and receive relief in a poor house of the government. Fergusson's Government contended that as a rule the incapable poor should not be relieved in the village and that every person eligible for gratuitous relief should be transferred to a poor house. The village relief, they felt, could be abused but only the truly needy would leave their villages for the poor houses.¹ The poor house relief, according to the Government of Bombay, succeeded in their Presidency in the past while village relief proved to be financially damaging.² Fergusson's Government further believed that to ensure the success of gratuitous relief an Act should be passed empowering government officials to send incapable persons to the poor houses and to retain them there until the distress was at an end.³ Ripon's Government on the other hand were of the opinion that gratuitous relief should be given to the incapable persons in their villages and the poor houses should be exclusively reserved for the wanderers and beggars. They were aware, they stated, of the possibility that the village relief system might involve "the risk of a too free grant of relief." Still the Government of India preferred village relief system for general adoption for "the poor house system" involves the more serious risk of very insufficient relief.⁴

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- (1) Draft Famine Code, Bombay. Encl. to Under-Secy Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. no. 39, 4th Jan. 1884. Rev. Letters from I. 1884.
 - (2) Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. No. 7715, 27th Sept. 1884. Rev. Letters from I. 1884.
 - (3) Under-Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. no. 39, 4th Jan. 1884. Rev. Letters from I.
 - (4) Secy. Rev. & Agr. Dept. Govt. of I. to Secy. Govt. of B. no. 64F, 12th June, 1884. Rev. Letters from I 1884.

Ripon's Government were also opposed to the proposal of compulsory legislation to force poor infirm people to go to the poor houses. Such a law, in their opinion, "would be unpopular, liable to cause panic and thus might defeat its own object."¹ The difference between the supreme Government and the Presidency Government became so sharp that the matter was referred to ~~the~~ the Secretary of State who upheld the views of the Government of India. The ruling forced Fergusson's Government to modify their draft as regards the use of poor houses.²

Fergusson's authoritarian attitude created a further difference in 1883. During 1882, some parts of the Presidency had been visited by a new calamity - locusts - and at the beginning of 1883 it assumed serious proportions. The locusts caused injury to crops in the Deccan and the South Maratha country and proceeded towards Bombay Konkan. In Ahmednagar and Khandesh the entire crop was destroyed. In Nasik half the area was ravaged by locusts and the fate of Satara, Ratnagiri and Belgaum was no better.³ The Government of Bombay had to arrange for immediate relief works in Ahmednagar and Nasik as well as for remissions of revenue in all the affected areas.⁴ Fergusson estimated the direct loss of his Government from the visitation of locusts as approximately Rs. 17 lakhs.⁵ Soon the Government of Bombay decided to make an all-out effort to destroy locusts and

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- (1) Desp. Govt. of I. to S. of S. Famine, no.3, 9th Dec.1884. Rev. Letters from I. 1884.
 - (2) Secy. Govt. of B. to Secy. Govt. of I. no.5746.16th July, 1885. Rev. Letters from I. 1885.
 - (3) Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. no. 3882, 21st May,1883. Rev. Letters from I.1883.
 - (4) Fergusson to Ripon, 13th Jan, 1883. R.P.
 - (5) Fergusson to Kimberley, 19th Jan.1883. F.C.

locust eggs.¹ Such an effort could only succeed if the agricultural population was employed en masse in locust killing. However, it was difficult to induce cultivators as a body to destroy locusts. Their superstition led them to regard the locust visitation as God-sent and not to be opposed by mortal means. Besides, religion instructed them not to commit violence of any kind.² Under this circumstance Fergusson's Government decided in July, 1883 to resort to legislation to force the cultivators to join in locust killing. They promptly drafted a Bill, which Fergusson thought was necessary in view of "either apathy or superstition of the cultivators."³ By the draft Bill it was proposed to give power to the government officials to force the cultivators to join the campaign against the locusts without any payment and any refusal to do this was declared punishable.⁴ Ripon personally thought compulsory legislation obnoxious and desired that the Government of Bombay should pay for any forced labour. "Payment appears to me," he informed Fergusson, "to be an essential condition of any resort to compulsion."⁵ The Supreme Government thus was prepared to sanction the Bill only on condition of its limitation to the present season and of the guarantee that payment should be at full current rates.⁶ Fergusson on the other hand had objections to payment. He feared that if it

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- (1) Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. No. 3882, 21st May. 1883. Rev. Letters from I. 1883.
 - (2) Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. No. 5168, 11th July, 1883. Rev. Letters from I. 1883.
 - (3) Fergusson to Ripon, 11th July, 1883. R.P.
 - (4) Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. No. 5205, 12th July, 1883. Rev. Letters from I. 1883.
 - (5) Ripon to Fergusson, 13th Aug. 1883. F.C.
 - (6) Teleg. Govt. of I. to Govt. of B. No. 145, 25th July, 1883. Rev. Letters from I. 1883.

was once known that the people were entitled to be paid when called upon to protect crops, they would hardly move without payment and "the expense would be very great."¹ Besides, he considered it "utterly wrong to pay people to protect crops which were either their own or of their community."² Ripon in his turn remained adamant not to make any concession on the whole issue. Fergusson in utter irritation referred to Ripon and his advisers as men "who have set the country in a flame by legislating on matters like local self-govt. and Ilbert Bill which might have slumbered for a generation, but who are fearful of the consequences of compelling villagers to protect their own crops."³ The Government of Bombay calculated the vast financial burden of paying cultivators full current wages as beyond the means of their provincial fund.⁴ Fergusson's authoritarianism was thus brought face to face with Ripon's liberalism and the issue was referred to the home authorities. The Secretary of State joined Ripon in objecting to the proposed Bill and the measure was eventually dropped. Kimberley reminded Fergusson that the crying grievance of the French peasantry before the Revolution was that they were pressed just in the manner in which Fergusson proposed and that "no such system [forced labour] ought to prevail under a civilised government."⁵

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- (1) Fergusson to Ripon, 11th Aug. 1883. F.C.
 - (2) Ibid
 - (3) Fergusson to Kimberley, 30th Aug. 1883. F.C.
 - (4) Secy. Govt. of B. to Secy. Rev. & Agr. Dept. Govt. of I. no. 49P, 30th July, 1883. Rev. Letters from I.
 - (5) Kimberley to Fergusson, 11th Oct. 1883. F.C.

The difference of views between Fergusson and Ripon as regards the proper role of government was not reflected in the public works policy. Their apparent agreement was due to their common anxiety for insuring the country against the succession of droughts and famine. The uncertainty of monsoon in India demanded the speedy construction of the famine lines and the rapid extension of irrigation works. Any delay in lengthy discussion as to the principles of public works policy was not only irrelevant but harmful. But Fergusson stoutly defended the over assessment of land when Ripon advocated strict moderation of the government demand. The contrast of Ripon's liberal concern for individual liberty with Fergusson's authoritarian paternal outlook, stressing the positive functions of the government, was further revealed with the locust Bill and the Bombay famine code.

CHAPTER VI

Administrative Reforms.

A most distinctive feature of Ripon's Viceroyalty in India was the large number of administrative reforms attempted. E. Baring, the finance member of the Government of India, observed a year after Ripon's arrival that "almost every big Indian question" had already cropped up in some form or another.¹ Lord Northbrook and Lord Halifax were even anxious at the pace at which reforms were introduced in India.² Fergusson's tenure of office coincided with a period of large scale changes in the Indian administration. Administrative changes in India were often controversial and those proposed by Ripon were no exception. Fergusson participated in some of these controversies and pressed his own view with considerable effect. In addition to his concern for local self-government, public works and land administration, Fergusson took particular interest in factory legislation and in the question of the criminal jurisdiction of Indian judges over Europeans. He also forcefully expressed his opinions on taxation policy and on the admission of Indians to the Civil Service. All these issues touched the well-being of the Indian people in general and the interests

(1) Baring to Ripon, 10th Feb. 1881. Cited in Gopal, Ripon, p. 83.

(2) Northbrook to Ripon, 2nd Feb 1883, and Halifax to Ripon 2nd March, 1883. Cited in Wolf, Ripon, vol. 2, p.120.

of the educated section and the industrial working class in particular. Together they formed a vital part of Ripon's liberal policy in India. Fergusson's attitude towards each of these issues was characteristic of his Tory disposition.

India was essentially an agricultural country in the 1880's but industrialism was not unknown, especially in Bengal and in Bombay. Out of a total of 20 jute mills in India, Bengal possessed 18. Of a total of 62 cotton mills in India, 46 were in Bombay.¹ Besides, in the Bombay Presidency there were other, non-textile, factories using machines for production. The grand total of all factories, workshops and cotton mills was about 200 and more than 8,000 people were engaged in them.² At this dawn of industrialism in India the working class was numerically small but not without its problems. Working conditions in the factories were deplorable and sanitation and ventilation unknown. The hours of work were unlimited, machines were unguarded and women and children were employed as freely as men. These abuses attracted the attention of the government as early as 1873 and the Report of the Bombay Cotton Department of 1872-73 described the long working day of the factory workers, the absence of any rest day, the indiscriminate employment of children and the irreparable undermining of their health. The Department recommended the fixation through legislation of the minimum age of employment and the maximum hours of work, at least for children and women.³ In 1875 the home authorities

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- (1) Moral and Material progress and condition of India, 1882-83. p.p. 1884-85, vol 60, p.218.
 - (2) Minute by Sir R.Temple, Governor of Bombay, 22nd Dec. 1878. Legis Proc. Govt. of I. April, 1881.
 - (3) Extract from the Report of the Bombay Cotton Department for 1872-73. Legis. Proc. Govt. of I. April, 1881.

first took notice of the abuses existing in Indian factories. They learnt from unofficial sources that children of 6 years and women worked in the factories from sunrise to sunset without a day's rest for weeks or months. They were informed that "children not uncommonly dropped down from exhaustion between the alleys and passages of the machines." In view of these reports the Secretary of State, Lord Salisbury, invited the opinion of the local authorities of Bombay and Bengal as to the necessity of introducing immediate factory legislation in India.¹ The Government of Bombay in reply admitted that conditions were unsatisfactory. But they were reluctant to impose restrictions which might give rise to a serious reduction of the wages of factory hands. In their opinion, factory legislation should be confined to sanitation and ventilation.² The Government of Bengal, in their turn, found no cause of complaint in Bengal.³

In the history of factory legislation in England the Disraelian tradition was important. While rehabilitating Tory ideas in the face of new industrial conditions of England, Disraeli desired in 1840 "to elevate the physical as well as moral condition of the people by establishing that labour required regulation." This attitude matured into a Tory labour policy between Disraeli's support of the Ten Hours Bill in 1844 and his famous labour legislation of 1875.⁴

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- (1) Desp. S. of S. to Govt. of B. Legis. No.4. 4th March, 1875. Legis. Proc. Govt. of I. April, 1881.
 - (2) Secy. Gen. Dept. Govt. of B. to Secy. Agr. & Comm. Dept. Govt. of I. No. 393, 1st Feb. 1876. Legis. Proc. Govt. of I. April, 1881.
 - (3) Secy. Gen. Dept. Govt. of Beng. to Secy. Agr. & Comm. Dept. Govt. of I. No. 2941, 27th Sept. 1875. Legis. Proc. Govt. of I. April, 1881.
 - (4) G. E. Buckle, The life of Disraeli, 1910, vol. I, pp. 570 & 633, vol. 2, p. 692.

It was therefore natural that a Disraelian Viceroy first took an initiative in labour legislation in India. The credit for pioneering a Factory Act in India should be shared, ironically, by men belonging to opposite political camps, Lytton and Ripon.¹ In April, 1877 Lytton's Government decided in favour of factory legislation to limit the age and hours of labour of children and prescribe the fencing of machines.² A Bill was drafted providing for the fixation of the minimum age of children in the factories at 9 years. The Bill fixed 8 hours daily work for young persons between 9 and 14 years and prohibited the employment of children in dangerous works. The Bill further insisted on the fencing of dangerous machines and provided for government inspection to enforce compliance with the rules.³ The reactions of the local governments to the Bill were of a mixed nature and while Bombay, Assam and Central Provinces supported legislation Madras, British Burma, North West Provinces and Oudh and Bengal disapproved of it. In the opinion of the Bengal Government under Sir. A. Eden, the proposed Factory Act would irritate the industrialists and discourage the growth of industries. They felt that if a law was to be passed at all

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- (1) S. Gopal in his book Viceroyalty-of Lord Ripon, 1953, treated Lytton's initial proposals for a Factory Act lightly by commenting that these could hardly be deemed "drastic or far reaching." (p.58) Historically, however, some credit should be given to Lytton who first proposed a Factory Bill, the clauses of which remained almost unchanged when Ripon later enacted it.
 - (2) Teleg.Viceroy to S. of S. 18th April, 1877. Legis. Proc. Govt. of I. April, 1881.
 - (3) Draft Bill (Factories Act), 13th Oct. 1879. Legis Proc. Govt. of I. April, 1881.

"it should not be general in its effects, but applicable to each province as the local government may require."¹ The Government of Bombay, on the other hand, not only approved of the Bill but wanted to go further by fixing the hours of work for adult workers, by providing one day's rest in a week for all in the factories and by emphasising the need for sanitation and ventilation provisions for factory premises.² Lytton's Government wavered over these contrary opinions and finally conceded to the views of the Bengal Government. They decided "not to make the measure of general application, but permissive so that each local government will be empowered... to extend the Act in whole or in part to any tract or part of its territories."³ However, a Select Committee of the Legislative Council, while examining the draft Bill in February, 1880 disapproved the permissive nature of the Bill on the ground that "to subject one locality to legislation and not to subject another is anomalous." As regards the provisions of the Bill they suggested an increase of the hours of work of the children and a decrease of their minimum age from 9 to 8 years.⁴ It is difficult to say what would have been the result of a discussion in the Legislative Council on the Report of the Select Committee. But a few hours before such a discussion was due to take place in the Council, Sir A. Eden

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- (1) Desp. Govt. of I. to S. of S. Legis. No.29, 20th Nov.1879. Legis. Proc. Govt. of I. April, 1881.
 - (2) Minute by Sir R. Temple, Governor of Bombay, 28th Feb.1880. Legis. Proc. Govt. of I. April, 1881.
 - (3) Desp. Govt. of I. to S. of S. Legis.No.29,20th Nov.1879. Legis.Proc. Govt. of I. April, 1881.
 - (4) Report of the Select Committee on the Bill,28th Feb.1880. Legis. Proc. Govt. of I. April, 1881.

persuaded Lytton to postpone enactment on the ground that sufficient time had not been granted to the local governments to consider the Report.¹ The matter was thus left in abeyance until it was revived by Ripon.

Ripon had no faith in the doctrinaire liberal attitude of John Bright on factory legislation. In England in 1844 John Bright objected to the interference of the State between the contracting parties of labour and employer.² He even predicted that if labour hours were restricted the wages of the workers would inevitably fall. This prophecy, based on laissez-faire economic theory proved to be false. In fact a very rapid rise in wages in England from 1850 made smooth any difficulties that might have resulted from the Act of Parliament restricting labour to 10 hours.³ Ripon was acquainted with the working of the English Factory Acts and their great benefits to the working class. He had seen the prophecy made by the opponents of legislation in England proved false. He was conscious of the workman's plight that might ensue from unrestrained industrial relations. He announced in January, 1881, that he would greatly regret the abandonment of the Factory Bill of his predecessor in India, expressed his preference for an Indian rather than a local Act and directed papers to be recirculated.⁴

Fergusson in Bombay accepted the Disraelian tradition of labour regulation by the state. He had considerable experience about the working of the Factory Acts in England where he served as the Chairman of the Factories and Workshops Act Commission of 1875-76. Fergusson's knowledge about factory legislation was known to Ripon who considered him "highly

(1) Note by Fitzpatrick, Secy. Legis. Dept. Govt. of I. 6th January, 1881. Legis. Proc. Govt. of I. April, 1881.

(2) G.M. Trevelyan, Life of John Bright, 1913, p. 59.

(3) Ibid.

(4) Note of Ripon, 31st Jan. 1881. Cited in Gopal, Ripon, p. 59.

experienced".¹ Fergusson had no doubt as to the necessity of a general Factory Act in India. He believed that the Factory Bill as modified by the Select Committee (February, 1880) was the minimum that could be done in India.² The restrictions of English factory laws as regards women workers and working hours of men were not included in the proposed Bill. Even the restrictions proposed on the age and working hours of children were too moderate in comparison with those imposed by Factory Acts in England.³ Fergusson's watchful eyes, however, noticed some serious defects in the draft of the Bill.

The term "factory" was defined in the Bill as a premise wherein not less than 100 persons were employed and where work was carried on by utilising mechanical devices. Such a definition would mean the exemption of factories working with less than 100 hands but employing children. Fergusson felt that if the protection of children was the main objective of legislation, then, the restriction of 100 persons was "unjust and irrational". He was further of opinion that no child should be employed for more than ~~4~~^{4½} hours at a stretch or more than 8 hours daily. He considered the fixation of the minimum age of a child at 8 or 9 years as exceedingly low. Again, the Bill provided for a penal provision of Rs. 2000/ on the occupier of the factory premise for any

(1) Ripon to Fergusson, 17th March, 1881 F.C.

(2) Minute by Sir J. Fergusson, 15th Sept. 1880. Legis. Proc. Govt. of I. April, 1881.

(3)	<u>Age</u>	<u>Hrs. of work in England</u>
(a)	Adult Male & Female	10 hrs daily
(b)	Young persons bet. 12 & 14 yrs.	5 " "
(c)	Children bet. 10 & 12 yrs.	5 " "
(d)	Children bet. 8 & 10 yrs.	Not employed

Desp. S. Of S. to Govt. of I. Statistics, No. 4, 15th May, 1890. P.P. 1890-91, Vol. 59, p. 193.

infringement of law. To Fergusson this seemed quite inadequate. He was convinced of the necessity of providing for a clause by which the occupier should maintain the victims of preventible accidents and defray medical charges. A penal compensation or fine, Fergusson commented, was "but a poor remedy for an injured child." Finally, Fergusson thought that the Act should provide for flawless provision with regard to the employer's liability for any breach of the Factory Act. His experience in England taught him to be careful on this point as the employers there often evaded their primary responsibility for any breach of law by shifting their guilt to the employees. ¹

The suggestions of Fergusson would have ensured what was essential for the reasonable protection of children in the factories. But it was difficult for Ripon to admit any further improvements in the draft Bill. It was even doubtful if any general factory legislation could be effected in face of opposition from important quarters. There was no doubt that the general applicability of the Factory Act was the most important principle and its acceptance most vital. A permissive legislation would simply mean an unequal treatment of the industries. If the Government of Bombay alone decided to apply such legislation, the industries of Bombay would be placed under restriction while factories in other provinces would enjoy protective exemption. Ripon found the Secretary of State, Hartington, "cold" about the Factory Act and preferring permissive legislation. Besides, there was "much lukewarmness" among the members of his Council. It was with great difficulty

(1) Minute by Sir J. Fergusson, 15th Sept. 1880. Legis. Proc. Govt. of I. April, 1881.

that Ripon succeeded in convincing the majority of his Council as to the main principle that the Act should be general, applying to all parts of India.¹ Once the Council resolved in favour of a general Act Hartington had to allow the Viceroy his discretion.² Then Ripon came face to face with the main opposition, namely the Government of Bengal under Sir A. Eden. The communications of Ripon convinced Eden that the Viceroy was determined to pass an Act applicable to all parts of the country and that Bengal would not be exempted at any rate. The best that Eden could do in this situation was an attempt to strike a bargain. He agreed to a general Factory Act only if the minimum age of children proposed in the Bill (9 years) was reduced to 7 years and the upper age limit of the young persons (14 years) was reduced to 12 years.³ Ripon, much against his will, decided to give his consent to such curtailment of the Bill. It seemed to him "important to avoid a warm discussion which might have had a great effect on the India Office... and to give all the weight of his [the Secretary of State's] authority to the opposition."⁴ Ripon particularly regretted the reduction of the minimum age to 7 years. He apologetically explained to Fergusson that "lacking support both here and at home as I did, it seemed to me that it was on the whole better to agree and to pass the Bill now than to postpone it for another year with all the risks of its being further whittled down in the interval."⁵

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- (1) Ripon to Fergusson, 17th March, 1881. F.C.
 - (2) Teleg. S. of S. to Viceroy, 20th Dec. 1880. Legis.Proc. Govt. of I. April, 1881.
 - (3) Eden to Ripon, 5th March, 1881, Cited in Gopal, Ripon. p.60.
 - (4) Ripon to Fergusson, 17th March, 1881, F.C.
 - (5) Ibid.

The Indian Factories Act (XV) of 1881 was passed on 13th March, 1881 and it was applicable to the whole of British India. A factory was defined as any premise wherein was carried on for not less than 4 months in the year any process utilising mechanical power and employing not less than 100 persons. However, indigo, tea and coffee plantations were exempted. No one under 7 years was to be employed in a factory, the burden of proof of the age lying on the employer. Young men under 12 years were not to be employed more than 9 hours a day. The children and young persons should be granted an hour's interval during the day and four days holiday per month. Dangerous machinery was to be fenced. Provisions were to be made by the local governments for inspection of factories and fines up to Rs. 2000/ could be imposed by Courts for infringement of law.¹ Clearly the Act was inadequate. The arbitrary working hours of women and adult males were left untouched and the injustice of considering a boy of 13 years to be able to work from dawn to dusk was not remedied. The need for compulsory rest days for all workers and for a minimum provision for sanitation and ventilation was overlooked. Even as regards the very limited object of the Act - the protection of children - the measure was insufficient. The Act should have included those factories where a total of 100 persons were not employed but children were employed freely. The Government of Ripon was conscious of these limitations and commented that "it would have been scarcely possible to frame a more moderate measure".² However, the Factory Act of 1881 supplied for the first time a factory law in India. It also achieved three important objects, namely, the government inspection of the factories, the limitation of the age and hours of work for the children and the fencing of the machines .

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- (1) Indian Factories Act, 1881. Legis. Proc. Govt. of I. April, 1881.
 - (2) Circular, Govt. of I. to local govts. No.12-710-719, 27th May, 1881. Jud. Proc. Govt. of I. May, 1881.

The reactions of Fergusson were naturally very bitter. His urge to keep his comparatively industrialised Presidency in good order was not satisfied. To this was added the contempt of a Governor of Bombay for the Government of Bengal. The fact that Eden opposed the measure made him repugnant to Fergusson. "Sir A. Eden's vigorous opposition", Fergusson commented to Cranbrook, "procured its [the Act's] being whittled down to nothing."¹ He wrote to Hartington of the measure as "a wretched Factory Act."² To Ripon he expressed his disappointment at "the weakness of the measure". But he felt that even the experience of a weak measure would be valuable for future amendments.³ In fact throughout his stay in Bombay, Fergusson neither failed in scrutinising the working of the Act nor missed any opportunity to insist on its further amendment.

Fergusson's Government in April 1881 asked the home authorities to permit them to appoint an Inspector of the factories from England. He would superintend the working of the Factory Act in Bombay and would advise the government as to the measure to be adopted to ensure the success of the Act. The officer selected for duty from among the Inspectors of factories in England was W.O. Meade-King. But before Meade-King could complete his work Fergusson felt the necessity to raise the issue of an amendment. A boy of 15 working in a small bone-crushing factory (employing less than 100 persons) was caught by the machine and was crushed to death. It was believed

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- (1) Fergusson to Cranbrook, 12th April, 1881. C.C.
 - (2) Fergusson to Hartington, 24th March, 1881. F.C.
 - (3) Fergusson to Ripon, 29th March, 1881. R.P.

that the accident occurred due to the exhaustion of the boy who had worked for long hours.¹ The Government of Bombay immediately advocated an amendment of the definition of the factories in the Act by substituting for "100 persons" a smaller number. They felt that the Act should be rendered applicable to "the numerous small, ill-built, carelessly managed and insufficiently equipped factories."² Ripon was sympathetic to the cause but thought that it would not be judicious in the interest of factory legislation in India "to attempt to amend the Act of last year before it has been in operation for 12 months."³

But further proofs of the inadequacy of the Act soon followed when Meade-King submitted his reports in July, 1882. In Meade-King's opinion the glaring abuse in the factories was their absolute lack of ventilation and sanitary arrangements.⁴ But the greatest defect of the Act according to Meade-King was its inability to protect women and young persons above 12 years who worked the whole day without rest like the adult males.⁵ He most emphatically stressed the urgency of extending the Act to factories where power of any kind was used regardless of the number of persons employed. Machines in small factories were usually unfenced and workers overworked. These conditions invariably led to

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- (1) Fergusson to Ripon, 13th April, 1882 R.P.
 - (2) Secy. Gen. Dept. Govt. of B. to Secy. Home Dept. Govt. of I. No. 1310, 11th April, 1882. Jud. Proc. Govt. of I. May 1882.
 - (3) Ripon to Fergusson, 16th May, 1882. F.C.
 - (4) Inspector of Factories, Bombay to Secy. Gen. Dept. Gov. of B. 24th June, 1882. Report on the Indian Factories Act, W.O. Meade-King, 1882.
 - (5) Ibid.

accidents and Meade-King commented: "... the marvel is that the accidents are not of a more frequent occurrence than they are." ¹ He advocated the extension of the Act to factories employing less than 100 persons. He proposed to give women and young persons holidays like the children and recommended that the minimum age of a full-time worker should be raised from 12 to 13 years and the minimum age of the children from 7 to 8 years. In Meade-King's opinion the children should work for 6 hours a day instead of 9 hours. ²

While pressing the Government of India to amend the Act in the light of Meade-King's findings, Fergusson and his Government judiciously restricted themselves to the limited scope of the Act, namely, the protection of the children. They did not touch on issues like the protection of women, working hours of all and sanitation and ventilation. The opponents of the Act, who were even reluctant to offer full protection to the children, would certainly have lent a deaf ear to these issues. Fergusson's Government thus proposed modifications of the Act merely "to prevent enslaving overwork of children and young persons." The provisions of the Act of 1881, in the opinion of the Government of Bombay, were clearly insufficient "to furnish adequate and satisfying remedy of the evils against which the measure was directed." ³ Ripon was eager to consider the case for amendment and invited the opinions of other local governments. The reactions of the local governments to the proposal for amendment were as usual

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- (1) Report of the Inspector of Factories on The application of The Factories Act to small mills and factories, 7th July, 1882. Report on the Indian Factories Act, W.O. Meade-King, 1882.
 - (2) Inspector of Factories, Bombay to Secy. Gen. Dept. Govt. of Bombay 24th June, 1882. Report on the Indian Factories Act W.O. Meade-King, 1882.
 - (3) Act. Secy. Govt. of B. to Secy. Govt. of I. No. 2705, 19th July, 1882. Report on The Indian Factories Act, W.O. Meade-King, 1882.

discouraging. Most of them found no necessity of amendment and the Government of Bengal was frankly opposed to any amendment at all.¹ In face of such opposition Ripon decided to move no further. Fergusson, in disgust, commented that the Governor-General's Council ^{had} yielded and fallen with the Calcutta influence."²

The lack of support for Fergusson's urge for amendment was largely circumstantial. The Presidency of Bombay in respect of steampower manufacture was far in advance ~~to~~ ^{of} all other parts of India. This was mainly owing to the concentration of the textile factories. But numerous other factories and workshops were growing up in the Presidency very rapidly. These were mills for flour grinding and for wool and cotton cleaning, manufacturing workshops of iron, brass, leather, acid etc. There were 19 large non-textile factories in the Presidency and 18 more belonging to the government, the railway companies and the Port Trust.³ Even the aggrieved voices of the workers as to the working conditions and working hours were heard in the Presidency. The workers of the spinning and weaving mills of Bombay city held public meetings in September 1884 to give expression to their grievances.⁴ This local importance of the factories necessitated the rapid and repeated requests of the Government of Bombay for an adequate Factory Act. Like Bombay, the province of Bengal was comparatively industrialised but the

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- (1) Secy. Govt. of Beng. to Secy. Home Dept. Govt. of I. No. 275 T-G, 19th May, 1883. Jud. Proc. Govt. of I. Sept. 1883.
 - (2) Fergusson to Cranbrook, 9th Sept. 1882. C.C.
 - (3) Res. Govt. of B. Gen. Dept. No. 375, 4th Feb. 1885. P.P. 188, vol. 77, p.399-421.
 - (4) Petition of workers of spinning and weaving mills of Bombay city to Lord Lansdowne, 24th Oct. 1889. P.P. 1890-91, vol. 59, p. 176.

but the authorities there considered factory legislation as an interference with industrial development. In other parts of India factories were so small in number that the local authorities could afford to remain indifferent. In 1881 the general applicability of factory law in all parts of the country was accepted as a sound principle and any departure from this principle or any special legislation in a particular locality like Bombay was out of the question. Thus, in this situation of uneven industrialism in India, Fergusson hardly had any chance of immediate success unless he was able to change the prevailing indifference through constant advocacy of his cause. The task was almost impossible to perform but Fergusson patiently stuck to it.

In February and March, 1883 Fergusson's Government insisted on the necessity of bringing smaller factories under the supervision of the government.¹ In May, 1884 Fergusson took a measure of greater dimension in his persistent advocacy for the amendment of the Act of 1881. His Government appointed a Factory Commission to report on the advisability of accepting Meade-King's suggestions, after enquiring into the details of the matter. The Commission consisted of official and non-official members presided over by W.B. Mullock, a Bombay civilian. The Chairman of ^{The} Bombay Chamber of Commerce and the Chairman of ^{The} Bombay Millowners Association took prominent part in the proceedings of the Commission. The Commission examined both factory workers and owners and submitted their report in January, 1885. The chief conclusions of the Commission ran on the lines of Meade-King's suggestions. They recommended legislation with regard to the maintenance and sanitary condition of the factories. They advised that

(1) Secy. Gen. Dept. Govt. of B. to Secy. Home Dept. Govt. of I. No. 711, 28th Feb. 1883 and No. 942, 16th March, 1883. Ind. Proc. Govt. of I. Sept. 1883.

factories employing 10 women and children should be brought under legislation. They were in favour of protecting women by fixing their daily working hours to 11 and providing for 4 days' rest in a month. As regards children the Commission proposed that the minimum age should be raised to 9 years while the maximum must be 14 years.¹

These findings gave Fergusson another opportunity to raise the whole question in an effective manner. His Government pointed out the fact that the recommendations of the Commission, composed of "independent and experienced gentlemen, fully justified the repeated previous contention of the Governor in Council that an amendment of the existing law was urgently called for."² The amendment was indispensable, in the opinion of Fergusson, in the direction of the small factories "owned by petty capitalists and worked so as to secure profit without any consideration for the life and health of the miserably paid employees." Fergusson and his colleagues pointed out that the Presidency of Bombay contained more factories than all other parts of India. It was unwise, in their opinion, to disregard the views of the authorities of such an area in favour of an amendment only because "a demand for it has not been made in other parts of India."³

In spite of this forceful appeal Lord Dufferin, the successor of Ripon, categorically refused to reconsider the subject.⁴ Thus Fergusson left Bombay without being able to

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- (1) Report and Proceedings of the Commission, 6th Jan. 1885. P.P. 1888. Vol. 77, p.p. 402-416.
 - (2) Res. Gen. Dept. Govt. of B. No. 375, 4th Feb. 1885. P.P. 1888, vol. 77, p. 417.
 - (3) Res. Gen. Dept. Govt. of B. No. 375, 4th Feb. 1885. P.P. 1888, vol. 77, p. 417.
 - (4) Secy. Home Dept. Govt. of I. to Secy. Gen. Dept. Govt. of B. No. 765, 3rd June, 1885. Jud. Proc. Govt. of I. June 1885.

achieve any further success. His exertions during his stay in Bombay could not create sufficient response to remedy a growing socio-economic abuse. Each succeeding year was certain to add to the necessity for extending the meagre factory legislation. Fergusson's paternal administrative attitude was at its best in connection with the factory legislation in India. His endeavours also were not altogether futile and 5 years later in 1890 the Government of India had to appoint a Factory Commission and undertake legislation for the amendment of the Act of 1881.¹

If the Factory Act was a measure relating to the welfare of a particular community, the taxation policy of the Government of India was a matter of concern for all sections of the people. The subject received the serious attention of Ripon's Government in 1881. Ripon and Baring, the finance member, carefully examined the income of the government and the mode of taxation in order to introduce important changes. Fergusson, as a Presidential governor, had only a limited scope for playing a significant role in deciding questions relating to the Indian Exchequer. However, he carefully watched the fiscal developments and from time to time pressed his own views on the government of India.

In 1880 Ripon's Government inherited an uncertain state of Indian Public finance. Indian finance on the expenditure side had been dislocated by a period of war, famine and increasing home charges, the liabilities of the Government of India to be met in England. The depreciation of silver in 1873 resulted in a fall in the exchange value of the Indian silver rupee and further aggravated a situation over which the Government of

(1) Res. Govt. of I. Home Dept. Judicial, No.10, 25th Sept. 1890. P.P. 1890-91, vol. 59, p.72.

India had no control. Uncertainty of expenditure would not have been alarming if the public income was certain. The land revenue, which formed one-third of the total revenue of India, was largely dependent on rainfall. Another important item, the opium revenue, depended on the demand for and price of the drug in China, and the Chinese authorities were reported to be treating opium with dislike.¹ In England, too, a campaign against opium revenue of the Government of India was organised by the Society for the Suppression of Opium Trade and the subject was discussed from time to time by a virtuous House of Commons.² The revenue from taxation was also inadequate. People in India were poor and the pressure on land was increasing. In view of this the prevailing informed British opinion agreed with Lord Lawrence that "light taxation is the panacea of foreign rule in India."³ The result was that India, excluding land tax, was the most lightly taxed country in the world and the only existing direct tax was the Licence Tax, introduced in 1878. It was not a fee paid for licences as in England but a tax assessed on persons engaged in trade according to their presumed income and thus resembled the Income tax. However, the tax was grossly defective. The highly paid government officials and the professional men were exempted, although they otherwise contributed as negligibly as the trading classes did to the public revenue. The incidence of the tax was not uniform all over India and the method of its calculation and collection was unpopular. The tax also fell with particular severity on small traders and artisans.⁴ Among the indirect taxes the

(1) Sir T. Wade, Br. Consul Peking, to Ripon, 28th April, 1882. Cited in Gopal, Ripon, p.197.

(2) Hartington to Fergusson, 11th June, 1880. F.C.

(3) Minute by E. Baring, 11th Aug. 1883. P.P. 1884-85 vol. 58, p.517.

(4) J.P. Neogi, Evolution of the Income Tax in India, 1929, p.101.

salt duty, varying from province to province and pressing mainly the poor, was most important. Customs duties - once, a growing head of revenue - were in a diminishing condition. Free trade had triumphed in England and taxes on trade in general collided with the accepted English economic principle. Side by side with this theoretical consideration, political pressure was brought on the government by the cotton manufacturers of Lancashire in order to capture the market in India by outmanoeuvring the Indian cotton mills. In 1877 the House of Commons invited the Government of India to abolish the cotton import duties. Lytton's Government in 1879 responded by remitting import duties on certain coarse cotton goods which formed the main product of Indian mills. Thus in spite of a heavy budget deficit (£1,182,949 in 1879-80) and the rapid decline in exchange a revenue of about £200,000 was sacrificed.¹

The Viceroyalty of Ripon began with a deficit budget of £4,044,139 in 1880-81. Soon the end of Afghan campaigns, absence of famines, bounteous harvests and the practice of strict economy relieved Ripon's Government from financial hardship. Even small but healthy surpluses were visible,² affording a good opportunity to the Government of India to plan elaborately to meet future exigencies. Baring, a firm believer in free trade principles, attempted such a preparation for the future in his budget proposals of 1882-83. To him

(1) P.N. Banerji, A history of Indian Taxation, 1930, p.199.

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Year	Revenue	Expenditure	Surplus
1881-82	- £73,695,806	- £71,113,079	- £2,582,727
1882-83	- £67,913,900	- £67,854,100	- £ 59,800
1883-84	- £67,274,000	- £66,817,000	- £ 457,000

Minute by E. Baring, 11th Aug. 1883. P.P. 1884-85
Vol. 58, p.517.

the progress of the public treasury lay in giving India the full benefits of free trade, in remitting indirect taxes and levying direct taxes. He proposed in September 1881 the repeal of all customs import duties, including cotton and the reduction of the Salt ~~tax~~. To cover the consequent loss he proposed that the Licence ~~tax~~ should continue on annual incomes below Rs. 2000/ and that a $3\frac{1}{2}$ percent Income ~~tax~~ should be imposed on all annual incomes above Rs. 2000/.¹ Baring's proposals, though influenced by the doctrine of the age, had their own merits. The abolition of import duties would not serve the interest of India but the reduction of the Salt ~~tax~~ would benefit ordinary people. The imposition of an Income ~~tax~~ would certainly strengthen the Indian Exchequer and would remove the great flaw of comparative tax exemption of the upper income group. Ripon, however, could not admire the proposal for direct taxes and thought it would be unpopular and would mischievously unsettle the minds of the most influential classes in India.² With the principles of Baring's proposals he had no quarrel and he believed in the free trade ideas of his time. But he doubted the practicability of introducing direct taxes in the circumstances of India and thought that the government should have "a careful regard to the feelings and even the prejudices of those over whom they rule."³ Ripon clearly emphasised the golden rule of light taxation and in October, 1880 even proposed the abolition of

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- (1) Baring to Ripon, 26th Sept. 1881. Cited in Gopal, Ripon p. 201.
 - (2) Ripon to Northbrook, 1st Oct. 1881. Cited in Gopal, Ripon p. 201.
 - (3) Ripon to Northbrook, 23rd Sept. 1881. Cited in Wolf, Ripon vol. 2, p. 199.

the Licence ~~tax~~.¹ Unfortunately, Ripon could not understand that whatever might be thought in favour of light taxation, it definitely weakened the fiscal position of the government. Baring at least was right in this consideration and clung to his own proposals. The difference between Baring and Ripon over the Income ~~tax~~ proposal developed into a governmental crisis and a compromise was effected only after the intervention of the home authorities. The result of the compromise was the withdrawal of the proposal for an Income ~~tax~~ and the abolition of all import duties except those on spirits, liqueurs, wines, beers, arms, ammunitions, opium and salt. The salt duty was reduced to Rs. 2/ per maund throughout India except in those places where duties were already nominal. It was further announced that "no change should for the present be made in connection with the existing system of direct taxation."² Thus the budget of 1882-83 curtailed revenue from salt duty and the import duty without arranging for any compensatory direct tax. Instead of safeguarding the Treasury, the compromise added to its future uncertainties.

Fergusson on his part could not welcome such an outcome. He was a realist who believed that the Indian financial situation should be judged always from a practical point of view. He admitted that indirect taxation in India was "far less unpopular than the direct."³ But he did not agree to the contention that direct taxes in India should not be imposed simply because they could be unpopular among the upper strata of Indian society. Apart from the question of the financial reasons for a direct and progressive tax, Fergusson always had

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- (1) Circular to local governments, 1st Oct. 1880. cited in Gopal, Ripon, p. 199.
 - (2) Desp. Govt. of I. to S. of S. Financial, No. 313, 19th Dec. 1881. Financial Letters from India. 1881.
 - (3) Fergusson to Hartington, 10th June, 1880. F.C.

in mind the defect of the Indian Taxation system. "While the humblest cultivator pays his land tax," he wrote to Baring, "... it can not be right that the wealthy trader or the holder of property should contribute little or nothing."¹ This attitude led him to oppose Ripon's proposal for the abolition of the Licence Tax. Fergusson declared that he could agree to an abandonment of the Licence Tax only if it was replaced by an Income Tax" which would reach all the wealthy classes."² Fergusson personally had a preference for the Income Tax. But he had no objection to the retention of the Licence Tax thoroughly reformed if the Income Tax was considered too unpopular to impose. To him the defects of the existing Licence Tax were glaring and the gravest was its lack of uniformity. In Northern India the assesseees under the Licence Tax were divided into 2 classes subdivided into 8, in Bengal 6 classes, in Madras 8 classes and in Bombay 11. In Central Provinces, British Burma and Assam the tax was not levied at all.³ Only traders and artisans were subjected to the tax which did not touch professional men and men in fixed employment. Everywhere the maximum leviable fee was Rs.500/ per annum, whereas in Bombay it was Rs. 200/. The distinction was invidious and there was no reason why a rich trader in Bombay should not pay as much as another of similar means paid in Agra or Delhi. Fergusson also felt that the disproportionate gradation of the Licence Tax rendered it "a very heavy tax" upon low income but "very light" upon high income.⁴

(1) Fergusson to Baring, 26th Dec. 1880. F.C.

(2) Ibid

(3) Desp. Govt. of I. to S. of S. Financial, No.313, 19th Dec. 1881. Financial Letters from I.

(4) Fergusson to Hartington, 10th June, 1880. F.C.

Under the Licence ~~tax~~ regulations, a joint stock company or a firm clearing lakhs of rupees profit yearly paid precisely the same amount as an individual who earned but Rs. 10,000/ per annum. It was plain to Fergusson that the Licence ~~tax~~ might be continued by amending it "so as to make it less obnoxious and more productive".¹ The Government of India also agreed to the fact that the Licence ~~tax~~ could not be allowed to remain "permanently on its present footing." But they delayed reform on the ground of gaining more experience as to the exact reform necessary and to avoid frequent changes in direct taxation.² Unfortunately, the question was never taken up again by Ripon's Government and Baring in his insistence for an Income ~~tax~~ neglected all the possibilities of reforming the Licence ~~tax~~. Fergusson, however, continued his advocacy of the amendment of the Licence ~~tax~~. In March, 1882, he invited Ripon's attention to the subject.³ In March, 1884 he repeated his pleas as to the necessity of adjusting the ~~tax~~.⁴ In August, 1884 he implored Kimberley to amend "the wretched tax."⁵

Whatever might be Baring's credit for visualising the justice of an Income ~~tax~~, it was overshadowed by his readiness to dispense with the import duties on the plea of free trade. It was Baring who first suggested the repeal of the remaining cotton duties in February, 1881.⁶ The plan was probably

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- (1) Fergusson to Hartington, 10th June, 1880. F.C.
 - (2) Desp. Govt. of I. to S. of S. Financial, No.313, 19th Dec. 1881 Financial Letters from I.
 - (3) Fergusson to Ripon, 20th March, 1882. R.P.
 - (4) Fergusson to Ripon, 8th March, 1884. R.P.
 - (5) Fergusson to Kimberley, 11th Aug. 1884. F.C.
 - (6) Gopal, Ripon, p. 199.

preconceived, as Ripon hinted, Baring coming to India with "a cut and dried policy" arranged between him and the India office.¹ The commercial interests of Lancashire played an important role in the total abolition of the cotton duties as they had played in their earlier reduction.² And if the cotton duties were abolished, the Government of India found it meaningless to retain the general import duties.³ So the import duties as a whole were sacrificed as the offering to the idol of free trade. Ripon was personally reluctant to go so far. When Baring first proposed the repeal of the remaining cotton duties Ripon thought that such repeal would be unpopular.⁴ He informed Hartington that he was much struck by the intensity of feeling among the Indians over the manner in which his predecessor dealt with the question.⁵ Even in his speech on the budget of 1882-83 Ripon, while upholding the act of his Government admitted that "when Manchester manufacturers ask for the repeal of cotton duties they ask for something which will confer benefit upon themselves."⁶

Fergusson in his turn was conspicuous in official circles for his utter dislike of the measure. As early as August 1881 he informed Ripon that in his opinion "nothing will be more unfair or more unpopular" than the repeal of the cotton duties.⁷

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- (1) Ripon to Northbrook, Nov. 14, 1881, Cited in Wolf, Ripon, vol. 2, p. 75.
 - (2) P. Harnetty, "The Imperialism of Freetrade: Lancashire and the Indian Cotton Duties, 1859-62", The Economic History Review, Vol. XVIII, p. 333, 1965.
 - (3) Desp. Govt. of I. to S. of S. Financial, No. 313, 19th Dec. 1881. Financial Letters from I.
 - (4) Ripon to Baring, 9th Feb. 1881. Cited in Gopal, Ripon, p. 199
 - (5) Hartington to Fergusson, 6th May, 1881. F.C.
 - (6) Ripon's Speech, 10th March, 1882. Speeches of Lord Ripon in India. 1883, vol. I, p. 246.
 - (7) Fergusson to Ripon, 31st Aug. 1881. R.P.

Fergusson in fact always regarded the reduction of the cotton duties by Lytton's Government as a result of "selfish pressures" which were "never based on honest grounds."¹

In May, 1881 he had reported to Hartington the criticism of Lytton's measure by the Indians and considered it justified.²

The reasons that Fergusson offered against the reduction or abolition of import duties were conventional but weighty. He believed that indirect taxes like the cotton duties and other import duties were unobjectionable to Indians. These duties, in the opinion of Fergusson, were not only the least oppressive but "the most just". The articles of luxury were fit objects of taxation and cotton goods from Manchester in the circumstances of India should be considered luxury goods.³ Fergusson spoke with the voice of the protectionist when he stated that a free trade competition between India and England was an unequal competition. India was only at the threshold of the industrial arena, depending solely on the purchase of British machines, and thus she had "too many weights to carry on the race."⁴ Finally, Fergusson considered the abolition of import duties in India as unfair when such Indian products as tea, rice, manufactures of gold and silver ware were taxed in England.⁵ He asserted that till all Indian products were free from duty at home "India should not be debarred from placing a moderate duty on English goods."⁶ There was no doubt that in the whole issue a strong provincialist like Fergusson

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- (1) Fergusson to Hartington, 10th June, 1880. F. C.
 - (2) Fergusson to Hartington, 30th May, 1881. F.C.
 - (3) Fergusson to Hartington, 10th June, 1880. F.C.
 - (4) Fergusson to Ripon, 31st Aug, 1881. R.P.
 - (5) Fergusson to Cranbrook, 31st March, 1882 G.C.
 - (6) Fergusson to Ripon, 31st Aug. 1881. R.P.

had Bombay cotton mills and millowners in mind. He emphatically reminded Ripon that speaking for Bombay, the claims advanced in England for the abolition of cotton duties were purely selfish and that he would "deprecate any further reduction or abolition."¹ The fact was that further reduction or abolition of the import duties was not really necessary even for safeguarding the interests of Lancashire. The Government of India themselves admitted that after the reduction of the cotton duties in 1879 "direct protection to Indian cotton industries no longer existed."² To Fergusson's sympathy for infant Indian industrialism and to his feelings for the local cotton mills of Bombay was probably added his characteristic paternal attitude. This attitude worked behind his eagerness to protect the interests of the mill hands in factory legislation. Simultaneously, the same might have prompted him to complain to Ripon about the distress of Bombay manufacturers and traders due to the total abolition of the import duties.³ Throughout his stay in India Fergusson maintained his categorical disapproval of the measure and commented that no one could ever believe that the import duties were "taken off in the interests of India."⁴

Though very critical of the Government of India on the points of the Licence Tax and the import duties, Fergusson heartily approved of the reduction of the salt duty. In his opinion the reduction of the salt duty, which pressed hard on the ordinary

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- (1) Fergusson to Ripon, 31st Aug. 1881. R.P.
 - (2) Desp. Govt. of I. to S. of S. Financial, No. 313, 19th Dec. 1881. Financial Letters from I.
 - (3) Fergusson to Ripon, 20th March, 188. R.P.
 - (4) Fergusson to Kimberley, 11th Aug. 1884. F.C.

people, would afford "a sensible relief."¹ He, in fact, was in favour of going ahead in this direction and in March, 1884 wrote to Ripon : "I do wish that you were able further to reduce the salt duty."² But this was not possible for the Government of India looked upon salt duty as essentially a fiscal reserve for any emergency. Baring in August, 1883 was contemplating no further reduction but the enhancement of the salt duty in the event of any future financial requirement.³

With regard to the taxation policy in India during the years 1880-85 no responsible authority seemed to be thinking wholly in the right direction. Both Baring and Ripon failed to plan for the future and accepted good years as the normal. Ripon was dominated by expediency in order to keep the country in a stupor of contentment. Baring was clearly the victim of doctrines and pressures and the home authorities hardly had any opinion to offer. They all sadly lacked what Fergusson seemed to possess to a certain extent - a strong practical approach towards Indian Taxation.

The controversial taxation policy of Ripon, however, created little uproar in comparison with the tension occasioned by his other administrative reforms. The tension was specially high when some of Ripon's administrative measures clearly showed sympathy for the aspirations of the educated Indians, the creative minority of Indian society. As to the broad British

(1) Fergusson to Ripon, 20th March, 1882. R.P.

(2) Fergusson to Ripon, 8th March, 1884. R.P.

(3) Minute by E. Baring, 11th Aug. 1883. P.P. 1884-85, vol.58, p.517.

attitude towards this community Ripon and Fergusson entertained widely different views. Fergusson looked upon the aspirations of the educated Indians as a disruptive force to the British rule in India and felt the Lyttonite urge to keep a suspicious watch on them. On the contrary, Ripon wanted to utilise the enlightened Indians for the benefit of both the rulers and the ruled and realised the need for fostering their aspirations. Such divergence of views resulted in 1882 in an open clash between Fergusson and Ripon over local self-government policy.¹ But even prior to 1882 Fergusson disapproved some of Ripon's earlier measures in India. Ripon's initial task in India was to reassure the Indians as to their just and fair treatment under the British authority. His preliminary works therefore comprised of the annulment and reform of some of the Lyttonite repressive measures. As early as July 1880 he laid his hand on the infamous Vernacular Press Act of 1878 that muzzled the Indian Press and he effected its repeal in January, 1882. Similarly, Ripon attempted to amend the Arms Act of 1878 which was popularly believed to aim at the total disarming of the Indian people. In this, however, he could not finally succeed. Fergusson frankly disliked both these proceedings of the Viceroy. In his opinion the Arms Act was at that moment "very necessary in India."² He reminded Hartington that political opposition in India never took the form of a struggle for office but "a subversion of the reigning power."³ As regards the Press Act he strongly felt that the repeal of the Act would be "a signal for seditious articles." He recalled "the intolerable insults" showered by the Indian Press on the British that induced Lytton to legislate. "No great power can dispense

(1) See above, Chapter IV.

(2) Fergusson to Hartington, 23rd July, 1880. F.C.

(3) Fergusson to Hartington, 18th June, 1880. F.C.

with the Press laws except England and America," he declared, "and here in India we have an excitable population, capable of believing the most preposterous assertions."¹ Fergusson's distrust of Ripon's liberalism remained unchanged throughout his stay in India. But he became more tactful and less hostile after the controversy over the local self-government policy. This was clearly revealed in connection with the issue of the recruitment of Indians for Civil Service.

There were two modes by which Indians were admitted to the Covenanted Civil Service in India, by competition and by nomination. Indians were given the right to take part in the competitive examination for the Indian Civil Service in London by the Act of 1853 of Parliament. (16 & 17 Vic. c.14) This was confirmed by the Statute which transferred the Government of India from the Company to the Crown in 1858 (21 & 22 Vic. C.106) The second mode was the establishment of the Statutory Civil Service, which had been foreshadowed in an Act of Parliament in 1870. This Act provided for additional facilities for employment of the natives of India of proved merit and ability who were unable to compete in England.² Both these modes, however, underwent considerable changes by 1880, much to the dissatisfaction of the educated Indians. In the field of competitive examination the Indian candidates faced the problem of the reduction of the age limits, which put them at a great disadvantage in examinations held in England in the English language and in competition with British students. The maximum age limit for the examination was reduced from 23 years to 22 years in 1859 and it was further reduced to 21 years

(1) Fergusson to Hartington, 18th June, 1880. F.C.

(2) Report of the Public Service Commission, 1886-87, p.24, para 39. Calcutta, 1888.

in 1864. In 1876 the Secretary of State for India, Lord Salisbury, decided to lower the age from 21 to 19 years in opposition to the advice of Lord Northbrook's Government, of a majority of civil servants consulted in India and of the Civil Service Commissioners in England. The decision had the effect prophesied by the British Indian Association at Calcutta in December, 1876 - "the closing of the competitive door" to the people of India. Lytton's Government in May, 1878 admitted that such reduction would "practically render the competition of natives, educated in their own country, a matter of exceptional difficulty." Lytton's Government proposed that the Indian Civil Service should no longer be open to Indians and that a close native service should be established. In November 1878, however, Lord Cranbrook, the successor to Salisbury, decided not to exclude the Indians from the competitive Civil Service in contravention of the decision of Parliament.¹ While the right of the admission of Indians to ^{the} Civil Service by competition was secured through Parliamentary legislation and by the acknowledgement of Cranbrook, it was practically nullified by an Indian Office regulation. In fact between 1876 and 1883 only one Indian candidate was successful in competition in England. This obviously agitated the aspirant educated Indians who thought their right was rudely flouted and they strongly advocated a return to the age/limit of 21 years.

If the educated Indian youth found the door of competition practically closed, he did not find the door of Statutory Civil Service fully opened either. The Act of 1870 stated that appointments to the Statutory Service should be subject to such rules as might be prepared by the Government of India. Northbrook's Government in 1874 drafted a set of provisional

(1) Minute by Lord Ripon, 10th Sept. 1884. Pub. Proc. Govt. of I. Sept. 1884.

rules for the recruitment to the Statutory Service. These provisional rules were further modified in 1875 but remained virtually inoperative.¹ In 1879 Lytton's Government finally prepared a new set of rules by setting aside the rules of 1875. By these rules of 1879 a proportion not exceeding one-sixth of all recruits to the Covenanted Civil Service in any year was to be selected from among Indians in India. The appointments were to be made on the basis of family or attainments or efficiency in the service of the Government.² Although Lytton's Government mentioned efficiency and attainments they in fact preferred candidates from the upper strata of society. This object was clear when in their Resolution of 24th December, 1879 they confined the selection of candidates to young men of high family.³ Each local government according to the rules of 1879, was instructed to nominate in every year 3 Indians of high family of whom the Government of India would select one.⁴ The emphasis on aristocratic background of the candidates consequently prevented the appointment of educated Indians who came mainly from the middle income group. The decision also affected a large number of educated Indians who were in ^{the} actual service of the government in Uncovenanted posts and who might expect promotion to Covenanted posts as a reward of their service and experience.

In 1882 Ripon's Government for the first time considered the modes of recruitment to the Civil Service while deciding the

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- (1) H.L. Singh, Problems and Policies of the British in India 1963, p.25.
 - (2) Desp.Govt. of I. to S. of S. Pub. No.31, 1st May,1879, p.p. 1878-79, vol 55, p.322.
 - (3) Desp. Govt. of I. to S. of S. Pub No.51, 12th Sept.1884. Pub.Proc. Govt. of I. Sept. 1884.
 - (4) Secy. Home Dept. Govt. of I. to local govts. Pub.no.19-720A, 30th April, 1884. Rev.Letters from B.

distribution of civilians in different parts of the country.¹ In July, 1883 Ripon was eager to recast the system of selection for the Statutory Service on the basis of educational and intellectual attainments of the candidates. He even expressed himself in favour of simultaneous examinations for *the* covenanted Civil Service in England and in India,² and thus to afford to Indians an opportunity to overcome the obstacle of undertaking costly foreign travel. The Indian educated class had in fact been agitating for such simultaneous examinations for a considerable time. The East India Association, the Bombay Association and the British Indian Association had already moved in this direction. In 1883 three organisations in Bengal, namely Indian Association, Burdwan Association and Sadharani Hitasadhini Sabha of Pubna raised the question of recruitment of Indians to the Civil Service. In their petitions to the Viceroy they strongly pleaded for raising the age limit of competition to 22 years and for holding the examinations in India as well.³ The Poona Sarvojanik Sabha also added their voice to the claim for examinations in India. Without this, the Sabha concluded, "the mere restoration of the old limit of age will not be sufficient to satisfy... the just and legitimate aspirations of the countrymen."⁴ The Government of India could not disregard these voices but thought that in the excitement following the criminal jurisdiction of Indian civilians over Europeans Bill (popularly called the Ilbert Bill) in 1883 the time was inopportune for discussing the question .⁵

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- (1) Desp. Govt. of I. to S. of S. Pub. No. 57, 7th Nov. 1882. Pub.Proc. Govt. of I. June. 1883.
 - (2) Viceroy's Note, 26th July, 1883. Cited in Gopal, Ripon 1953. p.168.
 - (3) Desp. Govt. of I. to S. of S. Pub. No. 69, 1st Oct. 1883 P.P. 1884-85, vol. 58, p.118.
 - (4) Secy. Poona Sarvojanik Sabha to the Editor, Bombay Gazette, 27th June, 1884. Pub. Proc. Govt. of I. Sept. 1884.
 - (5) Desp. Govt. of I. to S. of S. Pub. No. 69, 1st Oct. 1883. P.P. 1884-85, vol. 58, p.118.

However, Ripon had not missed the opportunity of expressing his opinion that the reduction of age was a mistake and that "it would be desirable at the first convenient opportunity to return to the arrangement formerly in force."¹

In 1884 Ripon took up the matter with all seriousness and clarified his views. He objected to the reduction of age on two grounds. The first was the ground of Parliamentary obligation. Ripon thought that the executive government should not create any hindrance to the enjoyment of a privilege which Parliament conferred on the Indians. In the second place, he questioned the wisdom of any measure which kept up "a kind of political discontentment". He had no doubt that the educated Indians should be encouraged to take part in the competitive examinations. The educated Indians who would compete in England were "the cream" of Indian society and those who would be successful would certainly be "the very best recruits" for the service.² Thus Ripon and his colleagues strongly advocated raising the age of competition to 21 years.³ As regards the Statutory Civil Service the Government of Ripon felt that the emphasis on the family background of the nominees failed to produce good results as "there was no antecedent guarantee of the fitness" of the persons so selected.⁴ For this reason the Government of India had no doubt that the selection of young men of high family had "practically failed". They recommended that future selections should be made on the grounds of educational attainments and proofs of merit and ability.⁵ Kimberley, the

(1) Viceroy's minute, 26th Sept. 1883. P.P. 1884-85, Vol. 58, p. 126.

(2) Viceroy's minute, 10th Sept. 1884. Pub. Proc. Govt. of I. Sept. 1884.

(3) Desp. Govt. of I. to S. of S. Pub. No. 51, 12th Sept. 1884. Pub. Proc. Govt. of I. Sept. 1884.

(4) Secy. Home Dept. Govt. of I. to local govts. Pub. No. 19-720 A, 30th April, 1884. Rev. Letters from B.

(5) Desp. Govt. of I. to S. of S. Pub. No. 51, 12th Sept. 1884. Pub. Proc. Govt. of I. Sept. 1884.

Secretary of State, however, did not share Ripon's sympathy for the aspirations of educated Indians, especially, with regard to the age of competition. He thought that the legitimate aspirations of the Indians had been provided for by the creation of the Statutory Civil Service and, therefore, that the exclusion of the Indian candidates in competition was of little importance.¹ This Ripon thought "a serious mistake" on the part of the home authorities.²

Fergusson had neither any sympathy for the aspirations of the educated Indians nor any confidence that the educated Indians would be good administrators. Even in Uncovenanted posts he was not always in favour of recruiting Indians in accordance with the definite policy of the British Government. Cranbrook's Despatch, Public, No.7 of 10th July, 1779 laid down the rule that no person other than the natives of India should be appointed to an office carrying a salary of more than Rs.200 per month without the previous sanction of the Secretary of State.³ Fergusson had no objection to the principle of this rule but he was opposed to its literal application and thought that in some Uncovenanted posts the Indians were unfit.⁴ He also entertained a poor opinion about the Indian civilians posted in Bombay Presidency. To Hartington he candidly remarked: "I am sorry to say that our native civilians have not given much hope of their future."⁵ In his opinion they always failed "when they have responsibility thrown upon them."⁶

(1) Kimberley to Ripon, 15th Feb. 1884. Cited in Gopal, Ripon p.169.

(2) Ripon to Fergusson, 8th April, 1884. F.C.

(3) Fergusson to Hartington, 29th May 1880. F.C.

(4) Fergusson to Hartington, 26th June, 1880. F.C.

(5) Fergusson to Hartington, 22nd Aug. 1881. F.C.

(6) Fergusson to Cranbrook, 19th Oct. 1881. C.F.

Even with this strong view Fergusson approached the problem of Indian recruitment to the Civil Service with his characteristic practical sense. Fergusson disliked the Lytton rules from the beginning. In November, 1880 he informed Hartington that the rules of 1879 by which only one native in each province was admitted every year would neither satisfy the Indians nor help the government. In his opinion the government, while recruiting Statutory civilians, should consider the reward of proved merit.¹ To Ripon he pleaded that the men of proven ability in Uncovenanted service should be promoted to the Covenanted Service.² He was convinced that the system of nomination was thoroughly unsatisfactory. Apart from the fact that such nominations were not satisfying the educated Indians, Fergusson felt it "invidious to select in each Presidency one or two rather on account of birth than of qualifications." It was difficult according to him to find men of high birth with the desirable qualifications of a good civilian. To find candidates of such rarity every year seemed to Fergusson "like ordering the Colonel of a regiment annually to find a recipient for the Victoria Cross."³ Thus Fergusson, who shared Lytton's distrust of the educated Indians, did not share the Lyttonite preference for Indian aristocracy. He had no doubt that the present system of Statutory appointments was "utterly unsatisfactory."⁴

Fergusson admitted that the age reduction was practically "prohibitory to the natives" in the competitions in England.⁵

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- (1) Fergusson to Hartington, 19th Nov. 1880. F.C.
 - (2) Fergusson to Ripon, 7th June, 1884. R.P.
 - (3) Fergusson to Ripon, 20th June, 1883. R.P.
 - (4) Fergusson to Ripon, 7th June, 1884. R.P.
 - (5) Ibid.

He was conscious of the Parliamentary obligation and thought that the rules for competition should be such as to enable Indians to compete.¹ But Fergusson was in favour of returning to the former age limit not only out of consideration for Indians but also in favour of maturer mind and body of the candidates, Europeans and Indians alike. He was shocked at the "pale faced out turn of the competitive examinations" and found junior English civilians lacking in energy and stamina.² The remedy according to him was "a return to the more advanced age for entrance" and a general test of physical fitness.³ The increase of age would result in a competition of men "whose education is complete and whose fitness can accurately be judged."⁴ Ripon similarly felt that the age reduction resulted in a fall of general examination standard and substituted a competition of school leaving boys for a competition of University graduates.⁵ Thus Fergusson apparently had little difference with Ripon as regards the existing facts, faults and anomalies. When the Government of India asked for the opinion of the Government of Bombay on the Civil Service, Fergusson and his colleagues had no hesitation in disapproving the rules of 1879 and in recommending a return to the higher age limit.⁶ But Fergusson differed widely from Ripon with regard to the motive and manner in which changes should be introduced. This was clear

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- (1) Fergusson to Ripon, 20th June, 1883. R.P.
 - (2) Fergusson to Hartington, 4th July 1881. F. C.
 - (3) Fergusson to Hartington, 18th Jan. 1882. F.C.
 - (4) Fergusson to Hartington, 20th April, 1882. F.C.
 - (5) Viceroy's Minute, 10th Sept. 1884. Pub. Proc. Govt. of I. Spt. 1884.
 - (6) Res. Govt. of B. No. 4744
127 Confi: , 12th June, 1884.
Rev. Letters from B.

when he proposed a scheme of his own for the recruitment of the Statutory Civil Service.

If the aspirations of the educated Indians were given pre-eminence, Fergusson argued, then such aspirations would not be fulfilled through any system of nomination to the Statutory Service. The Indian educated men would never be contented with the simple reduction of age and would only be satisfied with a competition for the Civil Service arranged in India. In view of this circumstance Fergusson suggested that all posts in the Statutory Civil Service should be filled up by a competition held in India and not by nomination. The successful candidates might be sent for 2 years' training in an English University. The remainder of the candidates, according to their merit in the competition, should have priority in Uncovenanted service. This would mean simultaneous competitions in India and in England. Fergusson believed that his scheme, if accepted, would prove to be "popular and satisfactory". It would be popular for the concession of simultaneous examinations and satisfactory for emphasising the attainments of the candidates. In addition to these advantages the proposal would overcome what Fergusson thought the practical exclusion of the Indians in competitions in England. He believed that in the event of two competitions being held - (1) the Indians competing in England and (2) the Indians competing in India, "... the natives would give up class (1) if they got the opportunity of having class (2)." It should be noted here that by the rules of 1879 the most important posts in the Civil Service, like that of Secretary of the government, the Chief Magistrate of a district and the

(1) Minute by Sir J. Fergusson, 17th May, 1884. Rev. Letters from B.

Commissioner of a division could not be filled by the Statutory civilians. Thus Fergusson's scheme proposed to close such key posts to the Indians. This in Fergusson's opinion would not involve any injustice. If Uncovenanted posts were almost entirely reserved for the Indians, he argued, the key posts in the Covenanted Service might also be reserved for the members of the ruling class.¹ This exclusion of the Indians from competitions in England was what Lytton once proposed and what Ripon disliked and objected to. Thus when Ripon was eager to place Indians on terms of equality with European candidates in open competitions in England, Fergusson was trying to find a means which would practically exclude the Indians from the competitions in England without affecting the commitment of Parliament.

Ripon's Government naturally disregarded the scheme of Fergusson and made no reference to it when they finally forwarded their recommendations to the Secretary of State. As regards recruitment in the Statutory Service they merely stated that their decided opinion was to give up the selection of candidates of high birth and to admit the principle of selection on the grounds of intellectual attainments, proved merit and ability. As regards competitive examinations Ripon's Government recommended an increase of the age limit and the elevation of Eastern classical languages like Sanskrit and Arabic to parity with Latin and Greek in the examinations.² The Secretary of State, unfortunately, was not willing to concede any of these proposals. In his opinion the recommendations, if accepted,

(1) Fergusson to Ripon, 20th June, 1883. R.P.

(2) Desp. Govt. of I. to S. of S. Pub. No.51, 12th Sept.1884.
Pub. Proc. Govt. of I. Sept. 1884.

Would turn an open competition into "a substantially Oriental examination." He, however, hinted that the Statutory Service rules of 1879 might be amended to a certain extent.¹ In 1885 the matter was thus left to a succeeding government.

The most controversial administrative reform during the years 1880-85 was not the recruitment of Indians to the Civil Service, but the criminal jurisdiction of the few Indians already in the service, over British European subjects in India. The system of criminal justice in India in the pre-mutiny days lacked unity and cohesion. There were two systems operating simultaneously, the Muhammadan law administered by the Company's courts in the mofussil (country) districts and the English law administered by the Supreme Court in the Presidency towns. The Company's courts theoretically derived their powers from the Mughals while the Supreme Court derived its from the British Crown. This dual system of Criminal justice in British India was simplified in the post-mutiny days when the Indian Penal Code of 1861 supplied the country with a uniform criminal law and in the same year the High Courts replaced the Supreme Courts with an authority over all subordinate courts in the Presidency towns and in mofussil alike. So far European British subjects were amenable only to the Supreme Courts and it was considered unfair to apply the Muhammadan law to Englishmen. With the introduction of the changes in 1861 such distinction of European subjects in India became unnecessary. Yet under the arrangements of 1861 only a Justice of the Peace in the mofussil had the limited

(1) Desp. S. of S. to Govt. of I. Pub. No.1, 8th Jan, 1885
P.P. 1884-85, vol 58. p.154.

power of enquiring into the charges against Europeans and committing them to the High Court for trial. The government could appoint any member of the Covenanted Civil Service, including the Indians, as a Justice of the Peace by the Acts of 1793 and of 1869. But a Justice of the Peace in mofussil had no jurisdiction to try an European and such jurisdiction was reserved to the High Courts. The Government of India meanwhile became anxious to render the Europeans amenable to the courts in mofussil. From the point of view of administrative convenience the matter was urgent as the Europeans gradually settled in the distant parts of the country and the prosecution of the Europeans exclusively in the High Courts meant expense, delay and hazard. But there was considerable difficulty in the way of systematising the whole arrangement. The intense racial animosity following the mutiny led Europeans to dislike the idea of criminal jurisdiction of the district courts over them. They entertained objections to the possibility of being tried by Indian civilians, appointed as Justice of the Peace by the government. In 1872 a compromise between the government and the English non-officials was effected as regards the amenability of Europeans before the district courts. At the time of revising the Code of Criminal Procedure, the law member of the Government of India, Sir Fitzjames Stephen, came to an understanding with the representatives of the European community in the Select Committee of the Legislative Council. It was decided that the Europeans would be amenable to the jurisdiction of the district courts only on condition that the Magistrate, the Sessions Judge or the Justice of the Peace must be a British European subject. The Magistrate who was also a Justice of the Peace, was given the power to sentence an European upto 3 months imprisonment and the Sessions Judge was given the power of imprisoning upto one

year.¹ The compromise of 1872 achieved in this manner administrative convenience at the cost of the principle of racial equality so solemnly declared in the Queen's Proclamation of 1858. While such deprivation was thus effected, an Act was passed in 1877 (Act IV) giving the Magistrates of whatever race jurisdiction over all within the limits of the Presidency towns.² This Act made the compromise of 1872 especially anomalous and an Indian Magistrate in a Presidency town could try an European which he could not do in the position of a District Magistrate in Mofussil. Besides, a European Joint-Magistrate, who was subordinate to an Indian District Magistrate, would try cases which his immediate superior could not. Moreover, the Criminal Code provided the Courts of Sessions and the District Magistrate with certain powers of revision of the proceedings of the inferior courts. An Indian civilian could exercise such powers in regard to cases in which a European British subject was tried by an English civilian while he himself was deprived of such direct jurisdiction.³ Thus the criminal jurisdiction of an Indian civilian with reference to a European British subject was not only based on invidious racial discrimination but created a highly anomalous administrative situation. The anomalies would assume serious proportion in future when the rules for Statutory Civil Service decided that one-sixth of the offices for the whole Covenanted Civil Service should be filled by the natives of India.

(1) Gopal, Ripon, p. 126.

(2) Ibid, p.127.

(3) Desp. Govt. of I. to S.of S. Legis. No.35, 10th Aug.1883. P.P. 1884, vol 60, p.687.

The necessity of a remedy was first raised in connection with the amendment of the Code of Criminal Procedure in 1882. B.L. Gupta of Bengal Civil Service wrote a note pointing out the anomalies and suggested an amendment to the arrangements of 1872. He advocated an extension of the criminal jurisdiction of the Indian civilians holding the office of a District Magistrate or Sessions Judge in order to try the Europeans.¹ Soon after this The Government of Bengal under Eden supported the note of Gupta. They contended that when Indian Magistrates in Presidency towns could exercise criminal jurisdiction over Europeans, there was no reason why Covenanted Indian civilians in the posts of District Magistrate and Sessions Judge in mofussil should not exercise the same.² Ripon's Government had to take up the matter in earnest and in April 1882 they sought the opinions of the local governments on the subject, without, however, stating any specific measure.³ Apparently all the local governments supported the Government of India on the issue. The Government of India at once proposed that all District Magistrates and Sessions Judges should be empowered to exercise jurisdiction over European British subjects and that the local governments should be authorised to confer this jurisdiction on those civilians who were exercising first class magisterial powers. The proposals were intended to remove "all distinctions based on the race of the judge."⁴ T.C. Hope, the member in charge of the Public Works Department of the

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- (1) Note by B.L. Gupta, 30th Jan. 1882. P.P. 1883, vol 51, p.653.
 - (2) Secy. Jud. Dept. Govt. of Beng. to Secy. Home Dept. Govt. of I. No.1411 J, 20th March, 1882. P.P. 1883, vol.51, p.653.
 - (3) Circular, Govt. of I. to local govts. Jud.No.7-587, 28th April, 1882. Jud.Proc. Govt. of I. Sept. 1882.
 - (4) Desp. Govt. of I. to S. of S. Jud. No.33, 9th Sept.1882. P.P. 1883, vol. 51, p.649.

Government of India supported the proposals only in part. He was in favour of extending the jurisdiction only to the District Magistrates and Sessions Judges and was hesitant to grant the jurisdiction to other civilians unless indispensable. But his reservation was not due to any apprehension of European agitation but merely because he considered native civilians racially inferior and unable to attain the requisite impartiality and judgement.¹ The home authorities found no objection to the proposals and promptly sanctioned them without reservation.² Only one member of the India Council, Sir H. Maine, sounded a note of warning as to the reactions of Europeans in India. Unfortunately his letter containing the warning was lost and the Viceroy had no knowledge of it.³ Strangely, however, none of the advisors of the Viceroy cared to know the views of non-official Europeans - who only a decade ago had forced a compromise on the issue. This was extraordinary when Ripon's Government intended to undo that very compromise. Presumably everyone minimised the significance of the measure and considered it a mere administrative adjustment.

The proposals of the Government of India were given the shape of a Bill which was introduced by the law member, C. Ilbert, on 2nd February, 1883. The Bill in the first place provided that all District Magistrates and Sessions Judges should be vested with the criminal jurisdiction over Europeans by virtue of their offices. In the second place the Bill permitted the local governments to confer these powers upon (a) members of the

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- (1) Note by T.C. Hope, 8th Sept. 1882. Jud.Proc.Govt. of I. Sept. 1882.
 - (2) Desp. S. of S. to Govt. of I. 7th Dec. 1882. P.P. 1884, Vol. 51, p. 668.
 - (3) Wolf, Ripon, vol 2, p. 139.

Covenanted Civil Service, (b) members of the Statutory Civil Service and (c) Assistant Commissioners of Non-Regulation districts and Cantonment Magistrates, who were exercising firstclass magisterial powers and found fit to be appointed Justices of the Peace.¹ The introduction of the Bill, popularly named after Ilbert, produced an immediate explosion. The non-official European community found in the measure a clear attempt of Ripon's Government to exalt the Indians and dethrone the Englishmen in India. There was widespread alarm that ^{the} Englishman's liberty would be jeopardised in the hands of native civilians. Agitation started in Calcutta, led by the members of the Bar, fanned by the English-owned press and participated in by all those who had a stake in tea gardens, indigo plantations and silk factories. The question of the security of European womanhood in India was promptly raised to give a passionate fervour to the movement. A tornado of violent denunciation of the Bill and its authors was set in motion. Representations were made to the government for the outright withdrawal of the Bill and an indignant meeting of the Europeans was held in the Town hall, Calcutta on 28th February, 1883. This was followed by the formation of the Anglo-Indian Defence Association to fight the issue out with the government. The resignation en masse of the European military officials and civilians was strongly rumoured and an emissary was sent to England to court the sympathy of the British working class. The non-official European community boycotted the Viceregal levee and on return to Calcutta from a tour in Kashmeir the Viceroy was insulted in the streets.²

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- (1) Draft Bill to amend the Code of Criminal Procedure, 1882. P.P. 1883, vol 51, p.673.
 - (2) The account of the European agitation was elaborately treated by S. Gopal in his book, Viceroyalty of Lord Ripon, 1953, chapter IX and by Christine Dobbin in her article, "Ilbert Bill : A study of Anglo-Indian opinion in India, 1883," Historical Studies Australia and New Zealand vol. 12, p.87, 1965.

A great majority of European officials were in sympathy with the agitators and advocated the abandonment of the Bill. A large number of the judges of the High Courts and other Chief Courts were opposed to the abolition of racial distinction.¹ Even the Lieutenant Governor of Bengal, Rivers Thompson, was suspected of "inciting the Anglo-Indian agitation."² What was more, the agitation questioned some of the principles of British rule in India as declared by the Crown and confirmed by Parliament. The agitators were so convinced of the inferiority of native character arising out of racial difference that they doubted the ability of an Indian civilian to judge the civilised motives of the Europeans. Besides, they thought that the legal consideration in India should always be guided by political expediency, that the English people should enjoy exclusive rights and privileges in India and that the British rule should continue mainly to the advantage of the Englishmen.³

The storm was unexpected and Ripon was startled. His determination in fact showed a tendency to fail at the first shock and he regretted the whole undertaking. To Gladstone he wrote: "I frankly confess that if I had reason to suppose that such an outbreak of violent feeling and race hatred would

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- (1) Desp. Govt. of I. to S. of S. Legis. No.35, 10th Aug. 1883. P.P. 1884, vol. 60, p. 687.
 - (2) Ripon to Baring, 16th July, 1883. Cited in Gopal, Ripon p. 147.
 - (3) Speeches made at the Calcutta Town Hall meeting, 28th Feb. 1883, p. 699, memorial of the Eurasian and Anglo-Indian Association, 8th March, 1883, p. 562, Memorial of Bengal Chamber of Commerce, 19th April, 1883, p.583, Memorial of Ladies residing in Bihar, p. 591 and Memorial of 11, 783 British European subjects of India, 9th June 1883, p. 633. P.P. 1884, vol. 60.

have been excited by the Bill, I would have hesitated to propose it...".¹ There was no doubt that tactical blunders were made. Neither the Government of India nor the Viceroy personally made clear the extent to which they wished to go in the matter. When the Government of India originally asked the opinions of the local governments, they vaguely referred to the necessity of conferring jurisdiction on the native members of the Covenanted Civil Service, especially, on those who attained the ranks of District Magistrates and Sessions Judges.² Ripon at the beginning drew Fergusson's attention to the subject by expressing merely his opinion that members of the Covenanted Civil Service - Europeans and natives - ought to be placed on the same footing.³ The Government of Fergusson when first consulted found much diversity of opinion on the subject in Bombay and they advised that only those civilians who rose to the ranks of District Magistrates and Sessions Judges should be given the jurisdiction to try Europeans.⁴ They believed that such was also the intention of the Government of India.⁵ Everything in fact was done in such a manner that the local governments might argue that their knowledge of the full implications of the Government of India's desires was incomplete. This was exactly what Fergusson pleaded after the introduction of the Bill that its provisions went "very much further" than what the Government of India first referred to.⁶

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- (1) Ripon to Gladstone, 24th March, 1883, Cited in Wolf, Ripon vol 2, p.136.
 - (2) Circular of Govt of I. to local govts. Jud.No.7-587, 28th April, 1882. Jud.Proc. Govt of I. Sept. 1882 .
 - (3) Ripon to Fergusson, 21st April, 1882. F.C.
 - (4) Act. Under-Secy. Jud.Dept. Govt. of B. to Secy.Home Dept. Govt. of I. No.4622, 28th July, 1882. Jud.Proc.Govt. of I. Sept. 1882.
 - (5) Fergusson to Kimberley, 9th March, 1883. F.C.
 - (6) Fergusson to Ripon, 2nd April, 1883. R.P.

He distinctly objected to the second part of the Bill which proposed the extension of criminal jurisdiction to Indian civilians on a large scale at the discretion of the local government.¹ To concede criminal jurisdiction over Europeans to the senior native officials like the Sessions Judge or the District Magistrate was quite different from conferring the right on ordinary native civilians with mere first class magisterial powers. "It is certainly a different matter," Fergusson commented to Kimberley, "to give an Assistant Collector, a Covenanted Magistrate or Uncovenanted Magistrate in non-regulation district a criminal jurisdiction over Europeans." It was a change, in the opinion of Fergusson, "too far reaching and significant."² Fergusson even claimed that his Government foresaw that Europeans were not prepared to accept anything beyond the grant of jurisdiction to District Magistrates and Sessions Judges. He wrote to Ripon, "You will recognise that we were not consulted with reference to a measure such as has been introduced or we should honestly have stated our opinion then."³

Whatever might be the justifications for Fergusson's claim to foresight, the fact was that the Government of India never specifically stated that they were considering to extend the jurisdiction to all civilians exercising first class magisterial powers. Besides, the proposals contained in the second part of the Bill were especially distasteful to the opponents of the measure. Again, the draft of this part of the Bill was unsatisfactory. The grant of jurisdiction to officers exercising first class magisterial powers should not have been left to the local executive instead of settling it by statute. Further

(1) Fergusson to Ripon, 14th April, 1883. R.P.

(2) Fergusson to Kimberley, 9th March, 1883. F.C.

(3) Fergusson to Ripon, 2nd April, 1883. R.P.

the Commissioners of Non-Regulation districts and Cantonment Magistrates did not belong to the category of Covenanted Civilians, created and defined by law. Though the draft of this part was defective the motive behind it was justifiable. When Hope at the outset proposed to restrict the measure by confining the jurisdiction to native District Magistrates and Sessions Judges Ripon objected to what he considered Hope's "crotchet". He had in his mind the aspirations of the educated Indians and thought that such limited concession would be a practical sham, especially, when District Magistrates in India were too overburdened with administration and appellate work to try original cases.¹ Besides, the number of native civilians in the ranks of District Magistrate and Sessions Judge were too small in India, at most 5 in the 1880's.² A substantial grant of jurisdiction should obviously go to all officials with first class magisterial powers. Ripon commented to Hartington: "It is better to do nothing than to expose the govt. to a charge of having pretended to do an act of justice to the native members of the Civil Service, while in reality leaving them very much in the same position which they occupy at present."³ Taking all these factors into account one feels that the defective drafting of the Bill, the inability of the Supreme Government to express their intentions to the local Governments in full and their indifference to non-official European opinion were unfortunate tactical blunders. But there was no doubt that Ripon was

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- (1) Ripon to Hartington, 8th Sept. 1882. Cited in Wolf, Ripon, Vol. 2, p. 123.
 - (2) Desp. Govt. of I. to S. of S. Legis No. 35, 10th Aug. 1883. P.P. 1884, Vol. 60, p. 687.
 - (3) Ripon to Hartington, 8th Sept. 1882. Cited in Wolf, Ripon, Vol. 2, p. 123.

proceeding on a sound principle. To disregard this is to minimise the character of the European agitation against the Ilbert Bill. There is nothing in fact to show that if the Bill's scope had been narrower the principle of the Bill would have been accepted without violent criticism. The European agitation of 1883 was for maintaining racial inequality, in opposition to Indian aspirations and against Ripon's policy of enabling Indians ^{to have} a substantial share in the administration.

Fergusson personally had sympathy for the opponents of the Ilbert Bill. He conceded that the administrative disqualifications of the native civilians should be removed to a certain extent in order to remedy the existing anomalies. But he was emphatically opposed to the abolition of all disqualifications based on race.¹ The abolition of race distinctions, Fergusson thought, was neither possible nor desirable. It was not possible, for the European community in India was in favour of its retention and he considered it wrong to ignore it outright.² It was undesirable, for Fergusson believed that the European alarm against trial by native civilians was not groundless.³ In his opinion the difference of language, feelings and social customs would create difficulties for an Indian trying an European. Fergusson and his colleagues admitted that such difficulty arising out of the difference of race was common both to Europeans and natives. But Europeans were unwilling to be tried by Indians whereas Indians preferred trial by Europeans. This was probably

(1) Fergusson to Ripon, 2nd April, 1883. R.P.

(2) Fergusson to Kimberley, 16th March, 1883. F. C.

(3) Fergusson to Kimberley, 26th Aug. 1883. F.C.

because the Europeans in India were above caste considerations and free from social connections through which the influence of interested parties might reach the adjudicator's mind.¹ Fergusson was personally convinced that caste and community prejudices might influence an Indian judge and lead to unsatisfactory proceedings.² Besides, he had suspicions about the ability of an Indian civilian to perform judicial duties arising from the example of the solitary Indian Sessions Judge in Bombay Presidency, Satyendranath Tagore of the famous Tagore family of Calcutta.³ Ripon and his Government, on the other hand, were convinced that the Indian civilians possessed "excellent qualities for judicial work."⁴

But the strongest objection that Fergusson entertained against the Bill was its liberal flavour. He disliked Ripon's flirting with the educated Indians and the policy of taking them into his confidence. In his opinion the Ilbert Bill was a proof of Ripon's "popularity hunting tendency."⁵ He found the European agitation against the Bill as a natural reaction to the recent policy of the Government of India that excited European uneasiness and incited the aspirant educated Indians.⁶ To Ripon he frankly stated: "I do not believe that there is a considerably predominating dislike to the measure [Ilbert Bill] on its own account so much as because it is recognised as a part of a policy which is regarded as experimental and far reaching if not dangerous."⁷ Fergusson believed that the

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- (1) Ch. Secy. Govt. of B. to Secy. Legis. Dept. Govt. of I. No. 3232, 14th May, 1883. P.P. 1884, Vol. 60, p. 170.
 - (2) Fergusson to Kimberley, 9th March, 1883. F.C.
 - (3) Fergusson to Ripon, 2nd April, 1883. R.P.
 - (4) Desp. Govt. of I. to S. of S. Legis. No. 35, 10th Aug. 1883. P.P. 1884, vol. 60, p. 687.
 - (5) Fergusson to Cranbrook, 9th March, 1883. C.C.
 - (6) Fergusson to Kimberley, 9th March, 1883. F.C.
 - (7) Fergusson to Ripon, 2nd April, 1883. R.P.

Ilbert Bill was part of the same dangerous policy that conceded Indians prematurely the scheme of local self-government. He warned Ripon that too many changes closely following each other was bound "to create disquietude".¹

Like the agitators against the Bill Fergusson, in the interests of the British empire in India, was apprehensive of the final outcome of such a policy. The concessions to the educated Indians, in his opinion, would encourage and not satisfy them.²

Though he sympathised with the agitation Fergusson could not approve the tone and temper of the agitators. He regretted that race animosities were running so high.³ He had no doubt that the leaders of the opposition in Calcutta injured their cause by using "grossly intemperate language."⁴ His authoritarian bent of mind could not accept the excesses of the agitation and he was determined to keep European agitation in his Presidency "within decent limits."⁵ He kept a scrutinising eye on the Europeans in Bombay and strongly felt the necessity of maintaining authority irrespective of the dimensions of the difficulties.⁶ Fortunately, Bombay Presidency had not many non-official Europeans in the interior like the Bengal planters. Most Europeans concentrated in Bombay City and Europeans outside the Presidency town were either belonging to the army or serving the government offices. However, the

(1) Fergusson to Ripon, 2nd April, 1883. R.P.

(2) Fergusson to Kimberley, 3rd May, 1883. F.C.

(3) Fergusson to Kimberley, 17th May, 1883. F.C.

(4) Fergusson to Kimberley, 9th March, 1883. F.C.

(5) Fergusson to Kimberley, 16th March, 1883. F.C.

(6) Fergusson to Ripon, 6th Dec. 1883. R.P.

opinion of the government officials was overwhelmingly against the Bill.¹ The opposition in Bombay city was formidable and the English press critical. Still, the press in Bombay was never "grossly unfair" like its counterpart in Calcutta.² There was hardly any noisy public meeting and Fergusson personally requested the leaders of the European community in Bombay to remain moderate in their behaviour.³ The result was a general avoidance among Europeans in Bombay of anything like "the Bengal language".⁴ Ripon was happy to witness that people in Bombay had "not lost their heads as they have in Bengal."⁵ Kimberley expressed his satisfaction, too, at "so much less excitement" in Bombay.⁶

In spite of all his objections to the Bill, Fergusson saw the impossibility of withdrawing the measure after introducing it. He was convinced that it would not be possible to pass the Bill as it stood. At the same time he felt that it would be unfortunate if the government "were to give way to the late clamour."⁷ The solution that Fergusson had in mind was

(1) Official opinion on Ilbert Bill:-

Total	In favour	Suggesting withdrawal	Suggesting modifications
46	4	27	15

Ch. Secy. Govt. of B. to Secy. Legis. Dept. Govt. of I.
No. 4026 15th June, 1883. P.P. 1884, Vol. 60, p.92,

- (2) Fergusson to Kimberley, 27th Sept. 1883. F.C.
- (3) Fergusson to Ripon, 2nd April, 1883. R.P.
- (4) Fergusson to Kimberley, No date, Dec. 1883. F.C.
- (5) Ripon to Fergusson, 27th March, 1883. F.C.
- (6) Kimberley to Fergusson, 29th March, 1883. F.C.
- (7) Fergusson to Kimberley, 3rd May, 1883. F.C.

obviously a compromise and a modification of the measure. Unlike men like Rivers Thomson in Bengal, Fergusson felt a genuine desire to assist the Government of India in their crisis.¹

Ripon in his turn, though he regretted having introduced the Bill, also saw the impossibility of giving it up. The European agitation was against the principle of racial equality and equal opportunities declared and confirmed by the successive acts of the British in India. His Government therefore, were "bound not to abandon the principles."² Ripon and his adherents attempted to reason with the opponents. They pointed out that the racial distinction between the civilians was detrimental to the esprit de corps of the Civil Service. They argued that in civil cases Indians were already exercising jurisdiction over Europeans and that the Chinese in HongKong and the Sinhalese in Ceylon had criminal jurisdiction over Europeans. They showed that the measure was not taking away all the privileges of Europeans in India regarding appeals, penalties and Habeas Corpus applications.³ The opponents, however, were in no mood to listen to reason and their attitude was one of ferocious hostility.

Ripon could hardly survive the initial shock that he received from the violence of the European agitation. To Northbrook he confessed, "I have never had in my life to deal with so difficult a state of things."⁴ As early as April, 1883 his vulnerability was revealed when Fergusson accused him

(1) Fergusson to Kimberley, 3rd May, 1883. F.C.

(2) Desp. Govt. of I. to S. of S. Legis No.35, 10th Aug, 1883. P.P. 1884, vol. 60, p. 687.

(3) Gopal, Ripon, pp. 139-142.

(4) Ripon to Northbrook, 25th Dec. 1883. Printed R.P.

of going "much in advance" of what was originally proposed and supported by the Bombay Government.¹ Ripon hurriedly tried to convince Fergusson that the Ilbert Bill was not as "wide reaching" as it was believed. He pointed out that the first part of the Bill was in accordance with the recommendation of the Bombay Government while the second part was unimportant. He conceded at once what he opposed with vigour when Hope proposed his "crotchet". To Fergusson he wrote that the second part of the Bill was "in no degree its essence and might be modified or withdrawn without touching the principle of the measure which consists in giving the proposed jurisdiction to Sessions Judges and the District Magistrates."² Fergusson was satisfied and thought that "it ought not to be difficult to render it (the Bill) innocuous."³

Fergusson lost no time in pressing for a compromise and devising his own formula. He proposed that the Bill should be recast by limiting its scope. In his opinion the importance, power and experience of the native District Magistrates demanded that they should have criminal jurisdiction over Europeans. Such was not the position of other native civilians with mere firstclass magisterial powers and in their case any grant of jurisdiction over Europeans would be inexpedient. However, the Europeans were alarmed that even a native District Magistrate might misuse his jurisdiction. In Fergusson's opinion such abuse of jurisdiction could only be averted by the adoption of the method of the Mixed Bench. Thus in his opinion the native District Magistrate should sit with one of his European colleagues when trying an issue between a European and

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- (1) Fergusson to Ripon, 2nd April, 1883. R.P.
 - (2) Ripon to Fergusson, 6th April, 1883. F.C.
 - (3) Fergusson to Ripon, 14th April, 1883. R.P.

a native. He felt that the power of the District Magistrate to sentence an European only upto 3 montas imprisonment was insufficient and so he recommended an increase of such power. As regards the native Sessions Judge, Fergusson believed that he should, as the highest judicial authority in a district, exercise criminal jurisdiction over Europeans. But to allay any fear of injustice Fergusson proposed a further check, namely, the right of every European to claim a jury at least half of whom should be Europeans.¹ The proposals² came to Ripon as signs of great relief and he was particularly favourable to the suggestion of giving Europeans the right to claim a jury. This, he thought, "may afford a means of satisfying all that is substantial and reasonable in the objections urged against the Bill in its present shape."³ His susceptibility to yielding was clear when he wrote to Fergusson: "I am ready to make any reasonable modifications in the Bill which would be calculated to remove ... bonafide alarms."⁴ Meanwhile in April, 1883 the Bill after some discussion in the Legislative Council was sent for the opinion of the local governments. On 14th May, 1883 the Government of Bombay officially communicated their suggestions of the *Mixed Bench* and trial by jury

(1) Fergusson to Ripon, 2nd April, 1883. R.P.

(2) S. Gopal in his book Viceroyalty of Lord Ripon, 1953, p. 158, erroneously ascribed the proposals of the Mixed Bench and the trial by jury to Sir. A. Colvin who advocated them in December, 1883. Colvin might have shared the views of Fergusson on a compromise but the proposals in fact came from Fergusson who devised them in April, 1883.

(3) Ripon to Fergusson, 10th April, 1883. F.C.

(4) Ripon to Fergusson, 19th April, 1883. F.C.

to the Government of India.¹ Fergusson was convinced that his proposal of practical modifications to the Bill would satisfy the agitators and would "go some way to maintain" the object of Ripon.² To Kimberley he expressed his belief that the suggestions would provide a solution "acceptable to reasonable people".³ Kimberley in his turn warmly appreciated "the cordial and judicious spirit" in which Fergusson approached the subject.⁴ Ripon's reaction was similar and he wrote to Fergusson: "I am sure the government at home will appreciate it as much as I do."⁵

Fergusson's proposals, though appreciated at a time of high tension, had their inherent limitations. The scheme of the Mixed Bench, if applied in case of the native District Magistrates, the racial distinction among the civilians would be confirmed and not remedied. Ripon came to appreciate the point and decided to reject the proposal.⁶ Similarly, the jury offer to Europeans was open to objection. The system of trial by jury in India in 1883 was operating only on a limited scale and without any uniformity at all.⁷ To give the

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- (1) Ch. Secy. Govt. of B. to Secy. Legis. Dept. Govt. of I. No. 3232, 14th May, 1883. P.P. 1884, vol. 60, p. 170.
 - (2) Fergusson to Ripon, 14th April, 1883. R.P.
 - (3) Fergusson to Kimberley, 3rd May, 1883. F.C.
 - (4) Kimberley to Fergusson, 25th May, 1883. F.C.
 - (5) Ripon to Fergusson, 31st May, 1883. F.C.
 - (6) Ripon to Northbrook, 25th Dec. 1883. Printed R.P.
 - (7) The jury system existed throughout Assam, in some districts of Bengal, in most districts of Madras and in one district of Bombay, namely, Poona. The system was not introduced in the North West Provinces, Central Provinces and the Punjab.

Europeans the right to claim a jury even in those places where the jury system was not introduced would thus be exceptional and prejudicial to Indians. However, the chief value of the proposals of Fergusson lay not so much in safeguarding the principle of the Ilbert Bill as in creating an agreeable atmosphere of compromise. The proposed modifications even received the support of some of the leading exponents of native opinion, like Jumsetji Jejeebhoy and Badruddin Tayebji. ¹

When the Viceroy's Council discussed the proposed modifications they agreed that the constitution of the mixed Bench would lead to administrative difficulties. As regards the jury offer, to which Ripon himself was inclined, a difference of opinion resulted. Ripon, backed up by the Commander in Chief supported the proposal. But the majority was disinclined to any extension of ^{the} jury system in India. The Council, however, unanimously accepted the proposal of the Government of Bombay that the Bill should be modified so as to give the proposed jurisdiction only to the District Magistrates and Sessions Judges. ²

Unfortunately, the modification had no effect and the European agitation against the Ilbert Bill continued unabated. The opponents of the Bill obstinately clung to their demand for the total withdrawal of the Bill and maintained that a European subject had a right only to be tried by magistrates and judges of his own race. ³ The tension was mounting in the months of September and October, 1883 and the opponents were demanding a Parliamentary intervention from England to safeguard their privileges. Ripon was also thinking in the same direction in order to avoid "the risk of a street

(1) Note by Jamsetji Jejeebhoy, 7th May, 1883 and note by Badruddin Tayebji, 4th May, 1883. P.P. 1883, vol. 60.p

(2) Ripon to Fergusson, 20th Aug. 1883. R.P.

(3) Desp. Govt. of I. to S. of S. Legis. No.11.20th Jan. 1884. P.P. 1884, vol. 60, p.851.

row in Calcutta."¹ Fergusson did not like such a procedure and thought that a Parliamentary discussion on the Ilbert Bill would render it a party question and would increase excitement in India.² To Kimberley he pleaded that the support of the Government of India by the House of Commons would not lessen the crisis in India and might have evil reaction among European settlers.³ Fortunately no further fuel was added to the fire and Gladstone decided against any Parliamentary intervention on the grounds that a Parliamentary decision would be "handing over our responsibility as an executive to a branch of the Legislature."⁴

The situation took a dramatic turn when the Government met at Calcutta in December, 1883 and when the opposition showed a tendency for conciliation. G.H.P. Evans, a member of the Legislative Council and the mouthpiece of the opponents of the Bill, offered a proposal for further modification. In the opinion of Evans, if the Bill could by no means be withdrawn, the high native civilians might be granted a jurisdiction over the Europeans. But at the same time every European British subject brought before a native judge should be given the right to claim a transfer of the case to a European judge.⁵ The proposal of Evans was thus to barter away the principle of the Bill and to take away with one hand what it gave with the other. Ripon could not accept it for the simple reason that it would admit

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- (1) Ripon to Kimberley, 20th Oct. 1883, Cited in Wolf, Ripon vol. 2, p. 143.
 - (2) Fergusson to Ripon, 6th Dec, 1883. F.C.
 - (3) Fergusson to Kimberley, No Date, Dec. 1883. F. C.
 - (4) Gladstone to Ripon, 11th Oct, 1883. Cited in Wolf, Ripon vol. 2. p. 143.
 - (5) Desp. Govt. of I. to S. of S. Legis. No.11, 20th Jan. 1884 P.P. 1884, vol. 60.p.851.

"the claim put forward by Europeans to decline at their own discretion the jurisdiction of native magistrates."¹

Though the Government of India rejected the proposal of Evans, they were glad that an opening was made in the deadlock by Evans. They were eager to continue negotiations and thought that in their turn they should offer terms to the opponents of the Bill. The proposals of Fergusson again came into discussion and they were referred to Kimberley. Kimberley by telegraph rejected the proposal of the Mixed Bench but Ripon insisted that the jury offer was most suitable to concede.²

Hope was the only opponent of the jury offer in the Council. He considered trial by jury "a retrograde measure" which would not prosper either in England or in India. But his main objection was that an exceptional jury concession to the Europeans in general and not to Indians would be "very embarrassing."³ Ripon waived the objection on the ground that Englishmen were accustomed to enjoy trial by jury at home and were brought up to set ^{the} highest value on it.⁴ Such an opinion resembled the views of Fergusson and his colleagues that Europeans by virtue of their national distinction could claim most reasonably the trial by jury in India.⁵ Thus in the prospect of a compromise Ripon's Government had ultimately to admit the Englishman's national distinction in India. They finally had no hesitation in supporting one of the proposals of Fergusson's Government which they had rejected three months

(1) Ripon to Northbrook, 25th Dec. 1883. Printed R.P.

(2) Ibid.

(3) Minute by T.C. Hope, 24th Jan. 1884. P.P. 1884, vol. 60. p. 855.

(4) Minute by the Viceroy, 26th Jan, 1884. P.P. 1884, vol. 60, p. 858.

(5) Ch. Secy. Govt. of B. to Secy. Legis. Dept. Govt. of I. No. 3232, 14th May 1883. P.P. 1884, vol. 60, p. 170.

earlier. The opposition also accepted gracefully the offer of trial by jury and conceded the government in their turn an increase in the power of the District Magistrate to sentence an European from 3 months imprisonment to 6 months. Fergusson himself proposed such an increase and he even felt that similar extension of the power of the Sessions Judge beyond one year's imprisonment on an European accused should be granted. A judge who could sentence a native to death, Fergusson thought, should not have so limited power over Europeans.¹

The Concordat ultimately reached between the Government of India and the Anglo-Indian Defence Association decided that the District Magistrates and the Sessions Judges should be ex-Officio Justices of the Peace with powers to try European-British subjects. Any European-British subject charged before them, however, could claim a mixed jury. The Concordat extended the penal power of the District Magistrates from 3 months imprisonment to 6 months. It directed further that the District Magistrate, in case of difficulty in arranging a trial by jury, could transfer the case of an European for trial to such other courts as the High Court might decide.²

The reaction of Fergusson to the Concordat was one of unmixed satisfaction. He was delighted to observe that "the expedient at last adopted by the two parties" was based on the proposals of his Government.³ But he felt that the proposal of the mixed Bench in case of trial by the District Magistrate was more convenient an arrangement than trial by the District

(1) Fergusson to Kimberley, 28th Dec. 1883. F.C.

(2) Desp. Govt. of I. to S. of S. Legis. No.11, 20th Jan. 1884. P.P. 1884. vol. 60, p.851.

(3) Fergusson to Kimberley, 28th Dec. 1883. F.C.

Magistrate "saddled with a jury."¹ Ripon, in his turn, was greatly relieved at the conclusion of the controversy. He feebly attempted to prove that ~~that~~ the compromise "yielded nothing for which the government was contending,"² and that it had abolished all distinctions between Indians and Europeans of the grade of District Magistrate and Sessions Judge.³ But in his own conscience the Viceroy was uncertain. "I know I have risked the loss of the confidence of the natives," he confessed to Northbrook, "... and that I may be charged with having betrayed those who trusted me and with having yielded weakly to mere clamour. I feel all this deeply and at times it almost crushes me."⁴

The Concordat over ^{the} Ilbert Bill achieved the legal equality of European and Indian judges of certain categories only at the expense of the disparity between the European and Indian offenders. This was merely because the former might demand a jury which the latter might not. The remedy lay in an uniform extension of trial by jury in all parts of the country. The Maharaja of Darbhanga suggested this in the concluding debate on the Ilbert Bill in the Legislative Council.⁵ The Bombay branch of East India Association hinted at this by pointing out ~~the~~ anomaly.⁶ The matter was pressed strongly in May, 1884 by ^{the} East Indian Association, Calcutta. They indicated that the jury system, so meagrely employed in India, could be extended by executive action.⁷ By the Code of Criminal

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- (1) Fergusson to Ripon, 10th Jan, 1884. R.P.
 - (2) Ripon to Fergusson, 26th Dec. 1883. F.C.
 - (3) Speech of Viceroy, 7th Jan, 1884. India Legis Council.Proc.
 - (4) Ripon to Northbrook, 25th Dec. 1883. Printed R.P.
 - (5) Speech of Maharaja of Darbhanga, 25th Jan, 1884. India Legis. Council Proc.
 - (6) Memorial, Bombay branch of East India Association, 12th Jan. 1884. P.P. 1884, vol. 60, p. 786.
 - (7) Memorial, East Indian Association, Calcutta, 27th May, 1884, **Jud.** Proc. Govt. of I. July, 1884.

Procedure the local governments were empowered to extend the jury system to any district they might think fit for its reception.

Ripon, who was conscious of the disparity of the Ilbert Bill, felt that trial by jury should be extended as widely as possible. His intention was to proceed in the matter through the local governments and by instalments so as not to raise any public discussion. In the light of the Ilbert Bill controversy he was cautious but eager to soothe the injured Indian sentiment. To Fergusson he wrote that even a limited extension "would be a valuable indication of the willingness of the government to apply the jury system,"¹ He invited Fergusson to take the initiative and hoped that "the other governments will doubtlessly follow suit."²

Fergusson, however, was quite reluctant to revive "the smouldering embers of the Ilbert Bill controversy." His main objection was based on his conviction in "the shortcomings of native character." He doubted the suitability of trial by jury in a country "where caste, creed and prejudice enter so largely into considerations of justice."³ Though reluctant Fergusson found it difficult to disregard the wishes of the Viceroy. Besides, he was at least content that the Viceroy gave the initiative on the subject to the local government and had not taken it centrally.⁴ In April, 1884 Fergusson confidentially asked for the opinion of men in the judicial service in the Presidency. The majority of the judicial officers favoured only a very limited extension of the

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- (1) Ripon to Fergusson, 8th April, 1884. F.C.
 - (2) Ripon to Fergusson, 19th June, 1884. F.C.
 - (3) Fergusson to Ripon, 27th April, 1884. R.P.
 - (4) Fergusson to Ripon, 27th April, 1884. R.P.

jury system in some enlightened parts of the Presidency.¹
 In September, 1884 the government of Bombay announced that trial by jury would be introduced in Karachi, Belgaum, Ahmedabad and Surat in addition to Poona.²

The administrative reforms during 1880-85 distinctly show two different British attitudes towards the government of India. Ripon represented the liberal outlook with his sympathy for the Indian opinion, respect for the rights and interests of Indians and eagerness to concede to them a vital share in the administration of the country. Sometimes, however, Ripon appeared vacillating in spite of his benevolence, high principle and anxiety to promote the aspirations of the Indians. Unsupported in India and at home, he swayed before opposition on issues like the Factory Act, Ilbert Bill and the import duties. Fergusson represented the civilising paternal attitude towards the administration of India. He was concerned about efficient management of the public affairs under Britain's lofty imperialism. He was reluctant to rely on the members of the subject race and was committed to the belief of superiority of the race character of Indian administration. With these views he approached the questions of factory legislation, taxation, civil service, Ilbert Bill and the trial by jury displaying his practicability, constructiveness and public spirit.

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- (1) Confidential correspondence regarding an extension of the system of trial by jury in Bombay Presidency/R.P.
 - (2) Res. Govt. of B. ind. Dept. No. 6636-38, 16th Sept. 1884.
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CONCLUSION

Throughout the nineteenth century the administration of India, the centre of the British empire, was considerably influenced by contemporary English thought on government and empire. Fergusson - a Tory by political upbringing, authoritarian by military training and paternalist by the tradition of the laird - closely resembles the intellectual liberals in outlook. The intellectual liberals of mid-Victorian England like Sir F. Stephen and Sir H. Maine broke away from the mainstream of Gladstonian or democratic liberalism and helped to give a philosophical force to Tory imperialism.¹ The Stephen approach to administering India was based on the assumed superiority of European civilisation and race in India. Britain's imperial mission in India, according to Stephen, was the introduction of the essential parts of European civilisation in a country "densely populated, grossly ignorant, steeped in idolatrous superstition." In Stephen's opinion the British rule in India was "essentially an absolute government... founded not on consent but on conquest."² Britain's object in India was not the

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- (1) Sir F. Stephen, the political philosopher and historian, and Sir H. Maine, the legal expert, advocated the ideas of intellectual liberalism after they returned from service in India as law members of the Viceroy's Council.
- (2) Stephen's letter to The Times, 1st March, 1883; in C.H. Philips, ed. The Evolution of India and Pakistan, 1858-1947: Select Documents, 1962, p. 56.

transplantation of democratic institutions but the welfare of the backward peoples of India through efficient and paternal government. The Stephen method ruled out any concession of the right of self determination to the Indians and presupposed that Britain could not abandon her civilising task in India without disaster ensuing, and that her connection with India would grow stronger rather than the reverse. Many of Stephen's views were shared by his friend Lord Lytton and later on, by his intellectual disciple Lord Curzon, who elevated "The Englishman's justification in India" to the height of an imperialist philosophy. As opposed to the Stephen outlook the democratic liberals assumed a different attitude towards the government of India. Liberals like Gladstone stood for racial equality and for an appreciation of the desires and aspirations of the Indians. They refused to ignore the opinion of the western educated Indians - a product of British rule. They pleaded for the retrenchment of the Indian armies and the replacement, as far as possible, of ^{The} expensive European element in the civil services by Indian officials.¹ Gladstonian liberal policy in India aimed at sound finance, moderate establishments and the liberal extension of the privileges of the subject race. As early as 1858 Gladstone himself summed up the rightful object of

(1) R.J. Moore, Liberalism and Indian politics, 1966, p.27.

Britain's Indian policy : "India is to be governed for India and as far as may be proved practicable, by Indians."¹

The relationship of a Tory Presidency Governor like Fergusson and a Gladstonian Liberal Viceroy like Ripon during 1880-85 can be understood in terms of a conflict between the two approaches to Indian administration. The conflict was reflected on most of the important issues raised during Ripon's Viceroyalty. The focal point of the contrast was the attitude to be assumed by the British towards the educated middleclass Indians, the future leaders of Indian Society. While Ripon, as the representative of democratic liberalism, wanted to prepare the educated classes for the government of the country, Fergusson was disdainful of their ability, distrusted their aspirations and insisted on their racial inferiority. Fergusson resisted Ripon's scheme for the extension of local self-government and disapproved of Ripon's repeal of the Vernacular Press Act and the attempted amendment of the Arms Act. He entertained a poor opinion of the Indian civilians and favoured the virtual exclusion of Indians from the open Civil Service competition in England. He was sympathetic towards the European agitation against the Ilbert Bill and was opposed to the total abolition

(1) J. L. Hammond and M.R.D. Foot, Gladstone and Liberalism, 1952, p.77.

of racial disqualification of native judges in trying Europeans in criminal proceedings. He was in favour of increasing taxation and enhancing assessments on land. On the question of land revenue, factory legislation, famine relief and the official chairmanship of the local boards he emphasized the benevolent paternalism of the British Government. Ripon, on the other hand, was in favour of minimum government interference, moderation in government assessment on land, light taxation and cautious factory legislation. His advocacy for the increase of age in civil service competition, his belief in the justice of racial equality in the Ilbert Bill and his attempt to afford political education to the Indians through local self-government are proofs of his devotion to the objects of democratic liberalism. While Fergusson was without regard for the importance of popular feeling Ripon was always sensitive to the reactions of the people. He could not allow Fergusson's proposed Bill to extort forced labour from the agriculturists for locust killing. On two other occasions he had to disallow Fergusson's attempts towards legislation that would interfere with the free action of individuals. First in August, 1880 the Government of Bombay introduced a Bill in the Legislative Council for the preservation of all kinds of game in the Presidency. Indian opinion objected on the ground that the measure would promote the increase of animals injurious to agriculture, especially

in a country like India where agriculture was the chief employment of the people. Ripon, unwilling to disregard the feelings of the people for such an insignificant cause,¹ decided to withhold his assent to the Bill. Similarly, in June, 1882 Fergusson's Government moved a Bill to amend the excise law in the Presidency in order to regulate consumption of and trade in Mhowra flowers.² The government believed that these flowers were widely used for illicit distillation.³ The critics of the Bill in the Bombay Legislative Council firmly established that the Mhowra flowers were used widely in Gujarat and some other parts as vegetables by poorer people. The flowers were also used as fodder for cattle.⁴ Ripon suspected that the provisions of the Bill would result in "undesirable interference on the part of the excise officers with an article of food consumed by many poor people in the country".⁵ The Viceroy accordingly refused to give his assent to the Bill. Excluding the issue of the essential works of irrigation and railways in a famine-threatened country, the outlook and emphasis of Ripon and Fergusson were entirely different.

(1) Ripon to Fergusson, 22nd April, 1881. F.C.

(2) Flowers or berries from the Mhowra or Mahuda tree were widely prevalent in Gujarat and Konkan. The fleshy corolla of these flowers was consumed as food by the poor and the hill tribes like the Kolis and the Bhils. Country liquor was also distilled from these flowers.

(3) Statement of Objects and Reasons of the Bill to amend Bombay Akbari Act, 1882. Legis Proc. Govt. of I. Nov. 1882.

(4) Speech of V. N. Mandalik, 21st June, 1882. Bomb. Legis. Coun. Proc.

(5) Ripon to Fergusson, 16th Aug. 1882. F.C.

The difference existed also in their attitudes towards the British imperial policy with regard to Afghanistan and the coastal areas of the Red Sea. The expansionist foreign policy of Disraeli in England and the aggressive forward movement of Lytton in India influenced Fergusson to advocate a policy of interference and strategic advancement. Ripon, in contrast, preferred a policy of restraint and non-involvement - though his concern for imperial security was not really less than that of Fergusson. Fergusson's forward leanings explain much of his constant and assiduous interference in the jurisdiction of the native chiefs on comparatively small issues. He, however, preferred in the larger issues like the massacre of the Maiyas or the rising of the Bhils to support princely authority in the name of law and order. Ripon, on the other hand, generally maintained his position of liberal abstention and desired to show respect for the privileges and sentiments of the native princes. But in cases of grave misrule he was not reluctant to intervene. As regards the defence of India Ripon was in favour of retrenchment of the Indian army in order to facilitate public works and preparations for famine relief. Fergusson - a Russophobe - wished to increase the defence expenditure on the plea of an insurance against future emergency. Ripon, who disliked centralisation as a principle,¹ demanded centralisation of

(1) Ripon to Sir E Perry, 27th June, 1881. Printed R.P.

command of the Indian army on the ground of efficiency. Fergusson vigorously defended the Presidential commands on considerations of imperial security and local sentiment. Ripon frankly disliked this "intensely local feeling" of Fergusson.¹

Ripon's overall estimation of Fergusson was also poor. "I am much disappointed with Fergusson," he wrote Northbrook, "he is - I fear - very narrowminded and injudicious."² To Viscount Halifax he ridiculed Fergusson's unusual concern for British security in India : "I ought to tell you that Sir J. Fergusson - the Governor of Bombay Presidency - has made a great discovery, he has found out that Macaulay's essays on Clive and Warren Hastings are very dangerous to British rule in India and has ordered them to be removed from the reading books in the schools of his Presidency: India is now safe."³ "Fergusson," Ripon commented to Hartington, "was a silly fellow."⁴ Fergusson on his part did not entertain any high opinion about Ripon. He disapproved "the popularity hunting tendency" of Ripon and was amazed at his success in this direction.⁵ He had no doubt that Ripon's

(1) Ripon to Northbrook, 1st July, 1881. Printed R.P.

(2) Ibid.

(3) Ripon to Halifax, 28th May, 1881. Printed R.P.

(4) Ripon to Hartington, 25th May, 1881. Cited in Gopal Ripon, p.219

(5) Fergusson to Cranbrook, 9th March, 1883. C.C.

appeals to popular applause had weakened British authority in India, exalted the natives and incited a partisan spirit in the country. Ripon's claim to have promoted the good government of the country seemed to him to be "incomprehensible".¹ The difference of views between Fergusson and Ripon and their intolerance of each other was also reflected in the relationship between the Presidency Government and the Supreme Government. The British disaster at Maiwand, the question of the abolition of the Presidential command of the Indian army and the controversy over the extension of local self-government rudely disturbed the governmental relations up to 1882. In official circles this estrangement of relations between the Government of India and the Government of Bombay were not "anything that could be wished."² Sir E. Perry found the Government of Bombay "recalcitrant" following the reverses at Maiwand.³ Hartington was embarrassed to observe "the frequent causes of friction" between the two governments.⁴ In connection with the local self-government scheme the estrangement of the governments in India became bitter and public and the dismayed Indian press readily recorded it. The relations, however, improved following Fergusson's

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- (1) Fergusson to Kimberley, 19th Dec. 1884. F.C.
 - (2) Baring to Fergusson, 9th Jan. 1881. F.C.
 - (3) Perry to Ripon, 14th July, 1881. Printed R.P.
 - (4) Hartington to Fergusson, 24th Dec. 1880. F.C.

exertions to reach a compromise on the Ilbert Bill controversy, but they remained far from satisfactory.

Fergusson's colleague in government, General A. Hardinge, the Commander in Chief of Bombay, was of the opinion that Fergusson's chief credit lay in maintaining his position "as much by opportune resistance at one time as by conciliation at another."¹ Fergusson's opposition to the liberal policies, his shrewd manoeuvres and the extortion of timely compromises and concessions brought him real successes. The arguments that he presented to Hartington for the retention of Pishin must have added weight to Ripon's case. His strenuous efforts resulted in the establishment of a British protectorate on the Hadramaut. He also took an active part in increasing Britain's imperial liabilities on the Somali coast, despite the disinclinations of the liberal cabinet at home. Fergusson attained similar success in connection with local self-government in Bombay when he forced Ripon to accept the official guidance of the local boards and a meagre extension of municipal franchise. He had little difficulty in getting his own way with regard to the enhancement of land revenue assessments at revisions. On the Ilbert Bill controversy Fergusson's success was no less significant. His plea that the Europeans in criminal cases should have the right to claim

(1) Hardinge to Fergusson, No date. F.C

a mixed jury before a native judge finally resulted in the Ilbert Bill compromise. It compelled Ripon to acknowledge the exceptional judicial privileges of Europeans in India.

Fergusson's successes were Ripon's failures and the number of such failures during his Viceroyalty was quite large. Ripon was liberal but vulnerable to opposition. He was rich in sound ideas but lacked the driving force to implement them. He was sincere to the cause of extending the rights and privileges of the Indians but was weak in determination. Often he was vacillating and compromising. His compromises over the Factory Act, the import duties and the Ilbert Bill were glaring examples of his weaknesses. Ripon's Viceroyalty in India, in fact, is important for its intentions rather than for its achievements.

In comparison with Ripon Fergusson was a mediocre but firm and practical. In his limited sphere he was efficient, believing that the Anglo-Indian administration should be a despotism of a paternal and beneficent type, working ceaselessly for the good of the people. A contemporary English political observer like W.F. Blunt found him a typical good old Tory who "does his best as a kindly despot and a liberal landlord."¹ Indian opinion admitted that Fergusson was conscientious, hardworking and even possibly

(1) W. S. Blunt, India under Ripon, 1909, p.225 .

"well meaning".¹ Dufferin entertained a better opinion about Fergusson's efficiency than did his predecessor. On the eve of Fergusson's return from Bombay Dufferin wrote about him to Kimberley : "He has been a very respectable Governor, not very clever, but painstaking and sufficiently sensible. He leaves his Presidency in a fair order."² But historically in India Fergusson went against the forces of the time, which Ripon wanted to sustain and direct. Sentimental or democratic liberalism sought to promote the interest of the educated Indians and to foster representative government in India. Stephen's view of racial superiority, the Lyttonite jealousy of the educated Indians and the Curzonian imperial mission were opposed to Indian aspirations and obstructive to the growth of free institutions in India. To the people of Bombay Fergusson at the most was "entitled to individual admiration but certainly not to national gratitude."³

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- (1) Indian Spectator, 15th Feb. 1885. Bomb. Native Newspaper Report.
 - (2) Dufferin to Kimberley, 2nd March, 1885. Dufferin Papers. Dr. R.J. Moore kindly passed this information to me.
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- BOX 1. Letters from the Secretaries of State, Lord Hartington and Lord Kimberley, communications from the local Commander-in-Chief and from the neighbouring Governors.
- BOX 2. Letters from Fergusson to the Secretaries of State.
- BOX 3. Letters from members of Fergusson's Council e.g. J.B.Peile ; correspondence with the Chief Justice of Bombay High Court and other Judges ; and letters from Lord Dufferin.
- BOX 4. Fergusson's letters to Kimberley and his correspondence with government officials.
- BOX 5. Letters from Lord Ripon and government officials.

BOX 6. Letters from the Residents of Aden.

BOX 7. Fergusson's letter books, containing copies of his letters to various persons and letters from members of his Council, e.g. E. Ravenscroft and M. Melvill.

BOX 8. Fergusson's letters to Ripon.

BOX 9. Fergusson's letters to Ripon and Dufferin.

BOX 10. Letters from government officials.

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- 2 Political and Secret Letters to India.
- 3 Political and Secret Letters to Bombay.
- 4 Political and Secret Letters from Bombay.
- 5 Foreign Department Proceedings of the Government of India.
- 6 Foreign Department Proceedings (External) of the Government of India.
- 7 Political Department Proceedings of the Government of Bombay.
- 8 Military and Marine letters from India.
- 9 Military and Marine letters to India.
- 10 Military and Marine letters from Bombay.
- 11 Military and Marine letters to Bombay.
- 12 Military Proceedings of the Government of India.
- 13 Political and Secret letters from Aden.
- 14 Political and Secret letters to Aden.
- 15 Financial letters from India.
- 16 Financial letters to India.

- 17 Financial letters from Bombay.
- 18 Financial letters to Bombay.
- 19 Finance and Commerce Proceedings of the Government of India.
- 20 Revenue letters from India.
- 21 Revenue letters to India.
- 22 Revenue letters from Bombay.
- 23 Revenue letters to Bombay.
- 24 Revenue Department Proceedings of the Government of India.
- 25 Revenue Proceedings (land) of the Government of Bombay.
- 26 Separate Revenue Proceedings of the Government of India.
- 27 Famine Proceedings of the Government of India.
- 28 Public Works Department Proceedings (Railway Construction and Irrigation) of the Government of India.
- 29 Public Works Department Proceedings (Irrigation and Railway) of the Government of Bombay.
- 30 Legislative Department Proceedings of the Government of India.
- 31 Legislative Department Proceedings of the Government of Bombay.
- 32 Home Department Proceedings of the Government of India.
- 33 Judicial Department Proceedings of the Government of India.
- 34 Public Proceedings of the Government of India.
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- 36 General Department Proceedings of the Government of Bombay.
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A.39	Note on Retention of Kandahar.	H. N. Norman	1880
A.40	Memorandum on Kandahar	H.C.Rawlinson	1880
A.43	Narrative of events in Afghanistan, August, 1878 to December, 1880.	A.W.Moore	1880
A.44	Pishin	Capt.H.Wylie	1880
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B.8	Turkish claim over Eastern E. Hertslet and Egyptian claim over the Western shores of the Red Sea.		1874

φ Public Record Office, Cabinet Papers (CAB37)

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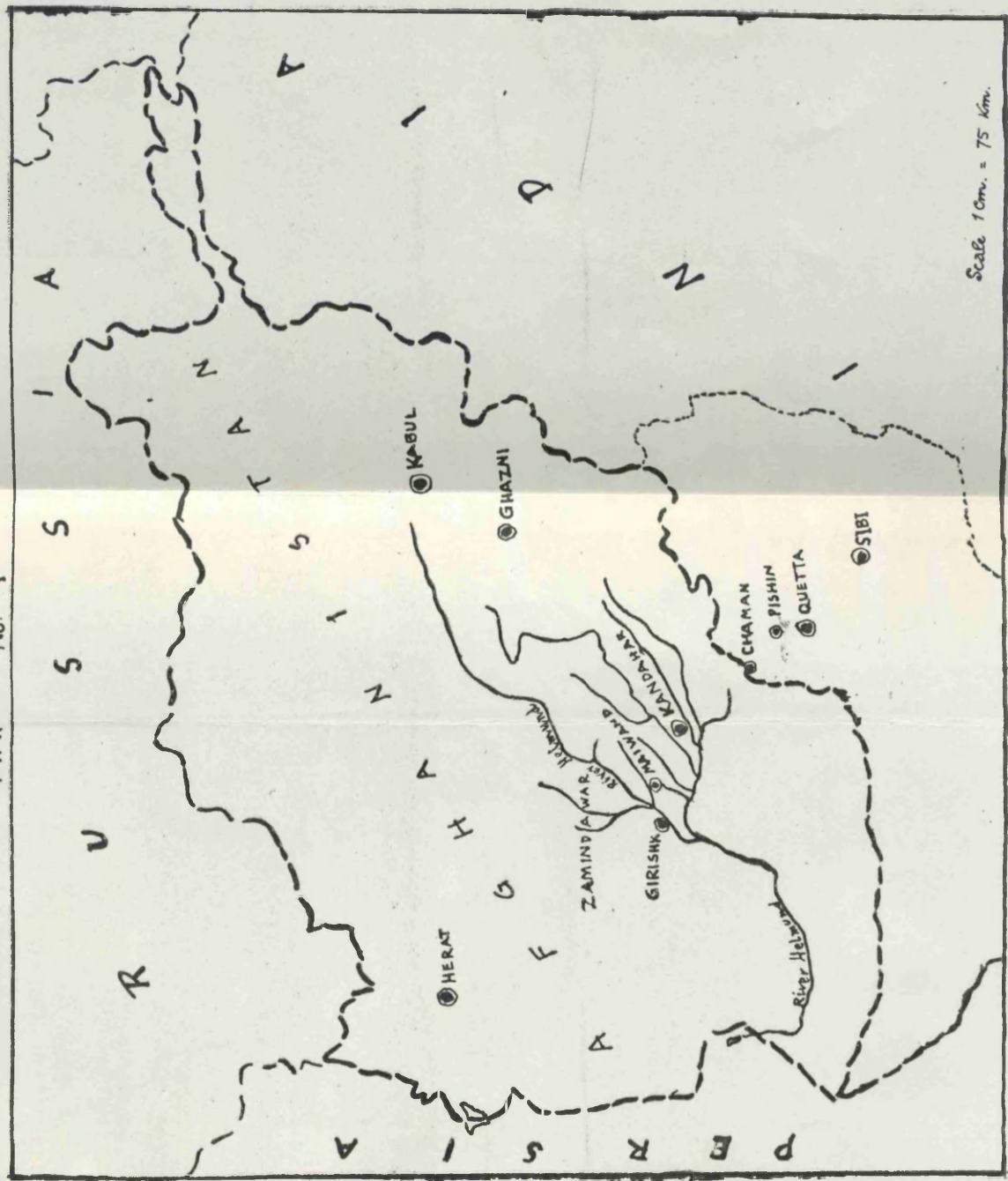
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MAP No. 1



Scale 10cm. = 75 km.

Scale $\frac{1}{2}$ inch = 200 Km.