

CHAPTER VI.

Re-settlement of political relations with the British Government—An experiment in constitutional Government for Native States—Revision of administrative departments.

In June 1875 the Marquis of Salisbury who was then Secretary of State for India called the attention of the Government at Calcutta to the advisability of making a beginning for overhauling the administrative machinery of Mysore so as to adapt it for the Maharaja's rule when the time came for the restoration of the country to His Highness. The Government of India were also aware that several complicated questions required solution in the interval that existed before the young Maharaja's installation in power. The distraction caused by the famine however had prevented both the Government of India as well as the Chief Commissioner from bestowing any attention on this subject and it was not till November 1878 that the matter was taken up.

On the 9th of November of that year the Government of India in a letter addressed to the Chief Commissioner observed that in settling the new form of administration for Mysore it was to be noted that the case under consideration was different from that of any other Native State which had been temporarily administered by the British Government. Two generations of the inhabitants of Mysore had grown up under British rule and in one part of the State there was a considerable body of English settlers who relying upon the protection assured to them by a systematic administration had invested their capital and acquired valuable property in the soil. The whole population had thus become accustomed to be governed upon principles which were universally admitted to be essential. The laws were written and duly promulgated, criminal and civil justice was dispensed by regular courts, the assessment and collection of revenue were made under permanent rules and generally the administration was carried on upon the same method and according to the standard of conduct which prevailed throughout British territory. It was therefore advisable, they said, that before Mysore was transferred to its future ruler the Government of India

should take adequate guarantees against any prejudicial changes being made in the administration which had taken root in the country.

The Government of India also considered it necessary to determine at the outset the main conditions which were to be attached to the investiture of His Highness the Maharaja with the full powers of executive government. These conditions, in their opinion, were to be regarded as forming something of the nature of a constitution for Mysore and were to be regarded as not liable to change without the assent of the British Government. The first condition was that the body of laws and rules made for the transaction of public affairs approved by the Government of India upto the time of the transfer were to remain in force until they were modified by competent authority. Any material deviation from the administrative system thus settled required the concurrence of the Government of India, while for the amendment of laws provision was to be made by the establishment of some legislative machinery. An immediate consequence of the declaration of the principle that all official authority was derived from some definite sanction would mean that no demands for taxes or other payments to the State could be made except under some law or prescriptive right or recognised custom. Further, a clear distinction was to be drawn between the private fortune of the Maharaja and the public revenues of the State, so that no appropriation of public money could be made otherwise than under the regularly constituted authorities entrusted with its expenditure. Complete accounts of the public expenses were to be rendered and subjected to competent audit. The system of annual appropriations based on a budget estimate to supply the funds needed for the several departments of the Government was to be continued. In judicial matters the executive was to have the same ample power of interference which was possessed by the executive government in British India and by similar analogy the restrictions upon prosecutions of public servants for acts done in their public capacity were to be the same as those established by the laws of British India. These were to be, according to the Government of India, the principles which the future Government of Mysore was to accept and maintain.

Next as regards the manner in which the administration was to be organised, it was thought necessary to follow at all events at the outset the form of administration as it existed then. The administration at the time was conducted by a Chief Commissioner aided by a Secretary, by a Judicial Commissioner who besides exercising a general supervision over the proceedings of the inferior courts of justice was the chief judicial appellate authority in the State, by three Commissioners of Divisions who discharged both judicial and administrative functions and by an organisation in each district at the head of which was a Deputy Commissioner who was judge and magistrate as well as collector. In the Departments of Public Works and Education the organisation was very similar to that which prevailed in British Provinces. The management of the police was under the Deputy Commissioners of districts aided by Police Assistants and by a Deputy Inspector-General who exercised a general supervision over the whole police of the State. There was a small military force under the command of a European officer who was designated Military Assistant to the Chief Commissioner.

Under the future regime most of the duties which were being discharged by the Chief Commissioner, it was considered, would fall to the share of the principal officers of the Maharaja's Government in subordination to him. The allotment of functions to these officers and the fixing of their relative responsibilities were matters for careful deliberation. While it was desirable, said the Government of India, that the vigour and promptitude in the despatch of business which usually resulted from investing one person with ample and superior powers should be secured, especially during the early years of the Maharaja's rule when he was yet to acquire sufficient strength and experience, it should at the same time be recognised that the system of concentrating the executive authority over all departments in a State in the hands of a single high official had proved by constant trial to be open to objections. Where the Chief of a State was able and energetic, the extensive powers of a Dewan, it was believed, rarely survived for any period after the termination of a Chief's minority. Where the Chief was by training or temperament indisposed to assume the burden of personal

administration, the institution of a Dewan favoured that indisposition and encouraged tendencies which were apt in the end to affect injuriously the position and character of the hereditary Chief. The Government of India therefore considered that the safest arrangement at the beginning was to provide the Maharaja with a Council consisting of not more than three of the highest officials at headquarters. Of this Council, one member could be selected as the Maharaja's chief executive officer or Dewan and as the immediate directing head of the departments in all matters except those which by the rules of business were to be reserved for consideration in Council. The other two members were to be selected from among the heads of the principal departments according to personal qualification and were to undertake in addition to their special departmental business such portions of the work sent up to the Council as were allotted to each. At the Council which would meet once or more often in the week the Maharaja was to usually preside and no important measure was to be inaugurated until it had been thus collectively discussed and passed. In the Judicial Department provision was needed for a Chief Court of appeal which was to discharge the duties then being discharged by the Judicial Commissioner. In the opinion of the Government of India this court was to be composed of a plurality of judges with a European Chief Judge for some years to come. The administration of the police was also to remain for many years to come in the hands of a European officer and similarly the department of Public Works.

J. D. Gordon the Chief Commissioner gave his concurrence to the above principles and propositions and at the same time impressed upon the Government of India the advisability of maintaining a proper and adequate machinery for the administration of the State and of placing some restriction on the military forces to be maintained by the State. As regards the Chief Judge of the High Court being a member of the State Council, Gordon expressed the opinion that though the combination in the same person of the functions of a Lord Chancellor with those of a Chief Judge might not be in strict accordance with European ideas, yet in a native administration it would be a source of strength to the executive government without impairing the judicial administration of the High Court. Gordon

also suggested that the proposed Council might with advantage be supplemented by a deliberative assembly composed of eminent retired officials, representatives of great local families, and representatives of the various sections and interests of the people before whom all proposed legislation, important measures of administrative reform and budget appropriations of public money might be placed for discussion and opinion. Such an assembly would, in his opinion, give the executive government an expression by practical and intelligent men of public opinion on all proposed measures, while it would not fetter the action of the executive. Moreover, it would afford the further advantage of providing a field of useful occupation and distinction to the leading non-official members of the community. As regards the ruler himself, having regard to the inevitable imperfections of chiefs succeeding to power by hereditary right and to the attendant evils in fixing on them the responsibility for the acts of Government, it was desirable that the Maharaja should not take upon himself too much of the details of administration. He should, of course, take a lively interest in the administration, exercise a healthy influence upon it by approval or displeasure, but in the main, said Gordon, it was desirable that he should confine himself to the consideration and discussion and the approval or veto of general measures and of nominations to the more important offices and to the selection of proper men for filling the highest posts in the administration.

In May 1879 Lord Lytton's Government addressed a despatch to the Secretary of State which began with a recital of Lord Northcote's observations made in 1867 of the need of assuring a sufficient guarantee for the continued good administration of the Mysore territory whose inhabitants had become used to orderly government for a long period under British rule and contained a summary of the measures which, in their opinion, secured the object in view as set forth in the correspondence with the Chief Commissioner of Mysore. The despatch also set forth that the transfer of a rich and civilised State from British to native rule with the stipulation that its Government should continue to be maintained at the British Indian standard of efficiency was a unique experiment inasmuch as it was necessary to maintain the dignity

and comparative independence of the ruler of the State by reserving to him personally some substantial share in the actual direction of the affairs of his State, remembering that in the great majority of the States in India the ruler's authority was by theory, though not actually, unlimited. This consideration had however to be subordinated to the still more essential necessity of providing beforehand some positive guarantees and checks against the consequences which would follow any serious misuse of the ruler's power through inexperience, through an unfortunate disposition, or under the advice of bad counsellors. At the same time, it was necessary to remember that while the constitution framed with these objects should continue effectively to fulfil them, the ruler and his Government should not feel themselves kept too closely under tutelage and restraint. The first step in framing the constitution was to surround the Maharaja with counsellors and high officials of known ability and experience and to establish such methods of transacting public business as would ensure every step being taken after deliberation and under distinct responsibility.

As regards the deliberative assembly proposed by Gordon, the despatch stated that it was premature to introduce in the beginning an institution which had not been tried in British India and which was not known to have succeeded elsewhere under circumstances analogous to those of Mysore, although some such accessory development might follow in the future.

The despatch also referred to the importance of the military establishment of the State. It was necessary that this establishment should not undergo a reduction below a certain numeric strength which should be adequate to the dignity and importance of the ruler of a State like that of Mysore. The Silledar Horse was a body of old standing and of long repute and it would be impolitic to leave the State with a local force of that kind much inferior in numbers to the mounted troops which were kept up in other first class States for internal protection and for display. The despatch concluded with these important observations:—"The experiment of placing His Highness the Maharaja of Mysore at the head of constitutional government—that is, a Government to be conducted

on fixed and fundamental principles—undoubtedly makes a new departure in the policy of the Imperial Government towards the Native States of India. To determine the proper method of dealing with these States and of discharging the responsibilities which they entail upon the Paramount Power has always been and still is a problem of great difficulty. For the improvement of their condition and their gradual assimilation to the general system and standard of the Imperial Government is almost essential to their preservation. But the knowledge that we are now anxious to preserve Native States and the feeling of political security which has gradually gained ground among their rulers have tended almost as much to impede as to facilitate our endeavours to strengthen and consolidate these governments. In the period which preceded British predominance in India, a State which fell into confusion and embarrassment was in imminent danger from attack by more powerful neighbours and in the period which followed it was often threatened with annexation. The Native States have now no longer anything to fear either from foreign conquest or from annexation, while the Chiefs have received a distinct assurance from Her Majesty's Government that the succession of their legitimate heirs shall be recognised and maintained. Thus, while the power of the ruler has remained in theory and occasionally in practice absolute, the natural preventives and antidotes to extreme imprudence and mismanagement have to some extent been withdrawn. It is certain that this freedom from fear of the consequences of lax and injurious administration has been to some perceptible extent detrimental in its effects upon their counsellors and officials and upon all those who are influential in the governments of the States.

“Under these circumstances and through the operation of these causes the Supreme Government has been obliged of late years to interpose frequently in the affairs of Native States. The incapacity or the grave misconduct of a ruler has produced complications which have demanded immediate and stringent remedies, or the interval of a long minority has made it necessary to superintend more closely a State's management. Where the government has not been for the time sequestered and placed under British officers, the personal authority of the ruler has ordinarily passed with little

change into the hands of some native minister specially selected for ability. But while the frequent intervention of the British Government in any shape to restore order in a Native State is of itself inconvenient and undesirable and while the expedient of introducing British officers has its obvious drawbacks, the alternative of entrusting very large powers to a single minister however able and energetic has been found by experience to be attended with special disadvantages.

“The policy now enunciated proceeds upon the broad principle that in order to guard against chronic misrule in a Native State and to obviate the necessity for frequent and arbitrary interposition by the Supreme Government to remedy the consequences of such misrule, it is expedient to avail ourselves of every opportunity of placing some reasonable limitations upon the personal power of the ruler or of the minister to whom the administration may be entrusted. The limitations thus imposed must be brought on public record in order to place them beyond question or controversy; and in certain cases the general power of supervision to be exercised by the Supreme Government may need to be strengthened and extended. If the application of these principles to Mysore be approved by Her Majesty’s Government, they may form the groundwork of a settled policy which will guide the Government of India in the general discharge of its responsibilities towards feudatory States. A new and valuable precedent will have been established and this with the experience which will have been gained in Mysore may enable us in future to deal systematically with similar questions of reorganisation or reform.....”

In August 1879 Viscount Cranbrooke, Secretary of State for India, conveyed his approval of the measures proposed by the Government of India for the gradual adaptation of the then existing administrative system of Mysore to the new conditions in which that State was to be placed on its transfer to native rule. He also agreed with the Government of India that the experiment of placing the Maharaja of Mysore at the head of a Government to be conducted on fixed and fundamental principles was a new departure in the policy of the Imperial Government towards the Native States

of India. To determine the proper method of dealing with those States and of discharging the responsibilities of the British Government towards them had always been a problem of great difficulty. The absolute security against internal revolt now enjoyed by native rulers entailed upon them obligations towards their subjects which they could not be allowed to disregard. It was in the gradual and judicious extension in Native States of the general principles of government which were applied in British territory that their rulers would find the surest guarantee of their administrative independence and the best safeguard against intervention on the part of the Paramount Power. Experience alone could determine how far the proposed system would effect a perfectly satisfactory adjustment of the relative powers of the Maharaja, his Minister and Council, and the British Government. Much would depend on the cordial goodwill and co-operation of the native ruler himself and it was therefore the desire of Her Majesty's Government that no time should be lost in explaining to the Maharaja the changes in the administration which were already in course of execution and the political organisation of which he was intended to be the head. His Highness was then of an age to take a comprehensive and intelligent view of the question which intimately affected his future position, in order that he might form at least a general idea of the system which he would be required to administer.

On the 3rd March 1880 the Government of India informed the Secretary of State that the Chief Commissioner had frequently discussed with and explained to the Maharaja the administrative changes which were being made or were contemplated and the nature of the political institutions over which His Highness was to preside. With regard to the extent to which the direction of the administration would remain in the hands of the Maharaja himself, the Government of India communicated their views to the Secretary of State in these words—"It has never been intended that His Highness' personal authority in State affairs should be other than wide and substantial or that the powers entrusted to the Dewan or to the Council should be exercised independently of the State's ruler. It is most difficult, on the one hand, to define beforehand

with any precision the share of authority to be retained in His Highness' hands without producing the appearance, if not the effect, of limiting that authority; and this we desire not to do formally. On the other hand, it is not easy to settle any exact limitations other than rules of procedure in the transaction of business upon the powers either of the Dewan or the Council which will not in practice be construed as giving them some independent authority within those limitations. According to the system we would introduce, no councillor or ministerial officer would have any constitutional power to act independently of the Maharaja or to issue orders except in His Highness' name and subject to His Highness' revision. Thus the chief authority and the ultimate governmental responsibility would in all classes rest actually as well as nominally with the State's ruler. But we consider it essential under this system of personal government to provide that all important acts and orders shall necessarily have passed through certain departmental formalities and shall have undergone certain regular processes of examination and joint consultation before they issue in the Maharaja's name and by his will. Moreover, since it is obviously necessary that a large part of the details of current business should be disposed of by His Highness' ministers, it is equally necessary that these ministers should have defined duties and responsibilities. For these reasons and with these objects we consider it expedient to give the official advisers and chief ministerial officers a voice in all important deliberations and the right to place on record their views regarding any matter of consequence affecting the administration of the country. Unless some such foothold in the system of Government is secured to the members of the Council, they can scarcely be held answerable either for the proper discharge of their departmental duties or for the advice which they may give to the Maharaja and their influence and utility will be proportionately slight. But beyond this privilege of advising and of recording their advice, the proposed measures would confer upon them no separate status."

Before handing over the administration to the young Maharaja, considerable reductions in expenditure became necessary on account of the fall in the annual revenue due to the famine of 1876-1877

and this task was undertaken in the period between 1878-1881. The total expenditure in 1878-1879 was Rs. 1,09,50,760 and the same in 1881 on account of revision stood at Rs. 99,96,281. One effect of this revision of expenditure was that intermediate offices of control like those of the Commissioners of Divisions were abolished and District and Sessions Judges were appointed for performing judicial work which was being done by the Commissioners. So far as the higher judiciary was concerned there came to be a complete separation between the executive and judicial functions from this period.