

PART V.

DOCUMENTS RELATING TO THE CONSTITUTION OF THE INDIAN JUDICIARY.

(1833-1916)

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AN ACT FOR THE BETTER ADMINISTRATION OF JUSTICE
IN HIS MAJESTY'S PRIVY COUNCIL.

(3, & 4 William IV. C. 41).

14th August, 1833.

* * * *

And whereas, from the decisions of various Courts of Judicature in the East Indies, and in the plantations, colonies, and other Dominions of His Majesty Abroad, an appeal lies to His Majesty in Council : and whereas matters of Appeal or Petition to His Majesty in Council have usually been heard before a Committee of the whole of His Majesty's Privy Council, who have made a Report to His Majesty in Council, whereupon the final Judgment or determination hath been given by His Majesty : And whereas it is expedient to make certain Provisions for the more effectual hearing and reporting on Appeals to His Majesty in Council and on other matters, and to give such powers and jurisdiction to His Majesty in Council as hereinafter mentioned :—

Be it enacted etc. * * * That the President for the time being of His Majesty's Privy Council, the Lord High Chancellor of Great Britain for the time being, and such of the members of His Majesty's Privy Council as shall from time to time hold any of the offices following, that is to say, the office of Lord Keeper or First Lord Commissioner of the

**INDIAN
CONSTITUTIONAL DOCUMENTS
VOL. I**

Indian Citizen Series.

Edited by

PANCHANANDAS MUKHERJI, M.A., F.R.E.S.

*Professor of Political Economy and Political Philosophy, Presidency College ;
Lecturer, Calcutta University.*

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VOL. I

COMPILED AND EDITED
WITH AN INTRODUCTION

BY

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"The Co-operative Movement in India."

SECOND EDITION

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To
The Sacred Memory
OF
His Beloved Brother
The Late Sivadās Mukherji, B. A.

(Born May 26, 1896, Died March 2, 1918).

***Who was one of the First to enlist in the Indian Defence
Force and who, even on his deathbed, prayed to God
that he might live to serve his
King and Country***

***This Book is humbly dedicated by the Author as a token
of Affectionate Remembrance.***

PREFACE TO THE FIRST EDITION.

Before the recent enactment of the Government of India (Consolidation) Act, Indian constitutional laws were scattered through a large number of statutes spread over about a century and a half. Though the Indian constitutional laws have now been codified into a single, all-embracing statute, yet its clauses can be properly understood only by reference to the various individual statutes referred to above. Besides, any one who wishes to trace the evolution of the present Indian constitution can only do so by studying the chronologically consecutive statutes relating to the constitution of the Executive, the Legislature and the Judiciary. To facilitate such a study of Indian constitutional development I have incorporated in this volume not only the various important statutes (or only their important sections) which form landmarks in Indian constitutional development, but also the speeches of the responsible ministers in charge of the bills in either House of Parliament. These speeches (which are all taken from authoritative reports of Parliamentary Debates) not only give us an insight into the spirit underlying the letter of the law, but also an exposition of the principles and ideals of those who were the fathers of the Indian constitution. Besides, I think that the speeches delivered in either House of Parliament by statesmen like Pitt, Palmerston, Disraeli, Derby, Gladstone, Morley and Asquith, on bills which shaped the Indian constitution and defined the principles of the Government of India, have an intrinsic and perennial value of their own, and should not be allowed to sink into oblivion. They possess an interest and an importance which increase, instead of diminishing, as time rolls on.

In addition to the statutes and the speeches I have also included in this volume epoch-making Proclamations and Announcements, and various important Despatches and Resolutions enunciating principles and policies, which have great constitutional significance. In this connexion I have to express my deep obligations to the Government of India for having given me permission to copy out from the original and to publish the historic Despatch from the Court of Directors, dated the 10th December, 1834.

In the Introduction I have attempted to give brief historical summaries of (1) the rise and growth of British power in India from 1600 A. D. to 1765 A. D. ; (2) the development of the Indian Constitution from 1765 A. D. to the present day ; (3) the development of the system of Provincial Financial Settlements ; and (4) the development of Local Self-Government under British rule. They do not profess to be exhaustive original investigations, but are chiefly meant as a guide to the study of the various documents incorporated in this volume.

In this book it has been my aim to preserve in one place and in a permanent form all the more important original documents relating to the constitution of the Government of India so that the student of Indian constitutional history, the publicist, and the Indian legislative councillor may not have any very great difficulty in finding out references to particular documents. My labours will be amply repaid if this book be of some help to such enquirers and if it thereby promote a scientific study of the Indian constitution. I shall feel much obliged if readers of this book will offer me any suggestions or point out to me any mistakes or omissions.

Before I conclude, I deem it to be my duty to acknowledge my indebtedness to my esteemed colleague, Prof. S. C. Roy, M.A., for the constant help and encouragement which I have received from him in the compilation of this volume.

DURBHANGA LIBRARY, }
September the 1st, 1915. }

P. MUKHERJI.

PREFACE TO THE SECOND EDITION.

When the first edition of this book was published three years ago, I had had considerable misgivings about its success. But the subsequent reception of the book by the press and the public throughout India and their unanimous testimony as to its great usefulness showed that it supplied a keenly felt want of the educated Indian public. Emboldened by the kind patronage of an indulgent public, I have ventured to bring out this improved and enlarged edition.

The book has not only been brought up to date throughout, but many entirely new features have been added to it—so much so that the present edition is nearly double the size of the first edition. I would specially refer here to the inclusion in this edition, among various other things, of *Documents illustrating the relations of the British Government with the Native States*, *Documents relating to the Representation of India in the Imperial War Cabinet* with corresponding sections in the Introduction, and the *Montagu-Chelmsford Reform Proposals* with all their relevant documents, such as the *Recommendations of the Royal Commission on Decentralisation (1909)*, the *Congress-League Scheme* and the *Joint Address*. I have tried to make the book as complete and up-to-date as possible, so that the student of Indian Constitutional History and the publicist may have, ready at hand in one volume, all the materials necessary to form their judgment on the great constitutional issues now before the country. I shall deem my labours amply repaid if this book be of some help to those on whose sound and sane judgment the future of political India depends and if it leads to an unbiassed, scientific study of Indian constitutional questions.

I should be failing in my duty if I did not gratefully acknowledge the invaluable help rendered to me by my revered father, Babu Lal Mohan Mukherji B.L., author of *Indian Case-Law on Ejectment*, in the preparation of this volume. I should also like to take this opportunity of thanking Babus Shyamapada Banerji and Nirapada Banerji, proprietors of the *Nababibhakar Press*, but for whose ungrudging assistance in passing the book through the press, its publication would have been longer delayed.

(ii)

Owing to the increase in the size of the book (from 550 pages in the first edition to about 900 pages in the present edition) and the increased cost of paper and printing etc. I have been compelled to raise its price.

PRESIDENCY COLLEGE,
Calcutta, August the 20th, 1918. }

P. MUKHERJI.

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APPENDIX A.

General Summary of the conclusions and recommendations
of the Royal Commission on decentralization,
Dated the 25th February, 1909.

General relations of the Provincial Governments with the Government of India : Chapter II.

1. Provincial Governments should be subject in all respects to the general control of the Government of India, and their functions and powers should be variable by that Government or by the Secretary of State.

2. Future policy should be directed to the enlargement of the spheres of detailed administration entrusted to Local Governments and the authorities subordinate to them.

Finance : Chapter III.

3. While, in present circumstances, we are generally satisfied with the financial relations now existing between the Government of India and the Local Governments, we suggest :—

- (i) That when fixed assignments in any Province become unduly large, they should be commuted, as circumstances permit, into shares of growing revenue.
- (ii) That when the revenues of Provincial Governments require general increase, this might be provided by gradually provincializing certain heads of revenue which are now divided.
- (iii) That in respect of services for which they pay, wholly or in part, Provincial Governments should receive the powers lately granted to the Government of India as regards creation of appointments, and alteration in their emoluments; grant of office, house, conveyance or fixed travelling allowances; passing of additions to minor establishments up to a limit of Rs. 50,000 per annum; and deputation and temporary appointments.

We also suggest further enhancement of the powers of the Government of India, and of Provincial Governments, in respect to the creation of new appointments, and the raising of salaries.

- (iv) That the restrictions on Local Governments in respect to the abolition of appointments or reduction in their emoluments, and to the creation, abolition, or reduction in pay, of classes or grades of officers should be done away with in the case of 'Provincial' and 'Subordinate' services.
- (v) That uniformity of pay is unnecessary in respect of 'Provincial' and 'Subordinate' services of the same general character, but working under different Local Governments; and that rules for the recruitment of 'Provincial' services need not require the sanction of the Government of India.

4. If, however, Provincial Legislative Councils obtain an effective control over Provincial finances, we consider that it will be necessary hereafter:—

- (i) To give the Provinces more distinct sources of revenue, and greater powers over their budgets.
- (ii) To allow Local Governments to impose special Provincial taxation, subject to the preliminary sanction of the Government of India and the Secretary of State.
- (iii) To give them larger latitude in regard to appointments belonging to 'Provincial' and 'Subordinate' services.
- (iv) To raise the Rs. 50,000 limit above referred to in the case of minor establishments, and to confine scrutiny of proposals in respect of such establishments to financial considerations.

5. We deprecate, even in present circumstances, minute criticism on points of administrative detail in cases which Local Governments have to submit for sanction under financial rules.

6. We recommend some increase of the powers of Provincial Governments in dealing with establishments which are wholly paid for from Imperial revenues; and we propose that the Chief Commissioner of the North-West Frontier Province should be given a quasi-provincial settlement.

7. In regard to the Civil Service Regulations, we think:—

- (i) That a number of the rules are rigid and complicated, especially those relating to leave, travelling allowances, and "foreign service."

- (ii) That in respect of officers serving under them, Local Governments should usually have the same power to relax ordinary rules in special cases as is enjoyed by the Government of India.
- (iii) That they should be allowed to delegate to Boards of Revenue, heads of Provincial departments, and Commissioners—in respect of officers appointed by, or serving under these—a large portion of the powers vested in them by the Code.

We recommend that the Civil Service Regulations should be thoroughly revised in accordance with the principles we have suggested.

8. The Civil Account Code is also unnecessarily minute, and should be revised so as to confine it to rules of procedure necessary from the point of view of Imperial finance.

9. Accounts rules and procedure, and audit requirements should be simpler in the case of expenditure incurred by local bodies, than in the case of direct Government outlay.

10. The detailed control hitherto exercised by the Government of India over Excise administration in the Provinces should now be largely diminished.

Public Works : Chapter IV.

11. We point out the necessity for further decentralization in regard to the Public Works Department. Our principal recommendations are as follows :—

- (i) Local Governments and the Government of India should be allowed to pass estimates for individual works up to a limit of 20 lakhs total cost, the present limit being 12½ lakhs.
- (ii) The Governments of the other major Provinces should have the same power of passing construction estimates for Imperial works as is now enjoyed by Madras and Bombay.
- (iii) Local Governments should be allowed full discretion in delegating to their officers powers of professional sanction in respect to public works.
- (iv) They should have larger discretion in the matter of constructing houses for their officers.
- (v) The Governments of all the major Provinces should be able (as Madras and Bombay now are) to appoint their own Chief and Superintending Engineers.

- (vi) Local Governments should not be under any special restrictions in respect to their 'Provincial' and 'Subordinate' Public Works staff.

12. With a possible exception in regard to railways, the Public Works accounting staff should be under the Finance Department of the Government of India.

13. The Public Works Code should be materially simplified, its provisions being confined to rulings necessary for general application in the interests of Imperial finance and control.

Land Revenue : Chapter V.

14. All the major Provinces should have the same powers as the Governments of Madras and Bombay now possess in settlement matters.

15. The general principles of land revenue assessment should be embodied in Provincial legislation.

16. Inland revenue, and in all other matters, rules which an Act permits to be made by a Local Government should be subject merely to the general control of the Government of India, and not to its previous sanction.

17. We suggest general principles in respect to alienation of Government land and rights appertaining thereto, which give a clearer position, and larger freedom, to the Local Governments. The general principles governing such alienation should be made the subject of legislation.

Forests, etc. : Chapter VI.

18. We emphasize the need for further decentralization in regard to forest administration, and recommend that :—

- (i) The Inspector-General of Forests should cease to be a *de facto* Deputy Secretary to the Government of India, and be simply an advisory and inspecting officer.
- (ii) The Government of all major Provinces which possess a considerable forest staff should be able to appoint their own Conservators (and Chief Conservators where these exist) as Madras and Bombay now do.
- (iii) Certain restrictions now imposed on Local Governments by the Forest Acts should be relaxed, and any future important amendment of the Forest law should be undertaken in the Provincial Legislative Councils.
- (iv) If the Indian Forest Code is to be retained at all, it should only contain matters essential for Imperial control.

*Subjects dealt with in the Home Department :
Chapter VII.*

19. In regard to police, the control of the Government of India, apart from that vested in them by financial rules, should be limited to the prescription of general principles and lines of policy. Nor should they exercise any special control over 'Provincial' and 'Subordinate' police establishments in the Provinces.

20. Any material alteration in the Police laws should be effected by Provincial legislation.

21. While desiring to maintain in the Indian Medical Service an Imperial, and essentially military, organization, we recommend that Local Governments should have larger control in respect to commissioned medical officers doing civil work in the Provinces. In particular, they should be able to select the heads of their Medical and Sanitary Departments.

22. Local Government should have as full power over their civil assistant surgeons and hospital assistants as in regard to other 'Provincial' and 'Subordinate' services.

Imperial Inspectors General: Chapter VIII.

23. We dwell upon the danger of these officers—who should be mainly confined to technical functions, inspection, and the giving of advice and information—being allowed to usurp any administrative control in respect to Provincial departments, and we lay down what their duties ought to be, and how they should be exercised.

Legislation, Appeals, and Reports and Returns: Chapter IX.

24. The legislative amendments consequent on our proposals can be most conveniently accomplished by the enactment of a General Act of Delegation, which will permit the transmission of executive functions to a lower authority than that indicated in any particular Act, by Government notification. We suggest conditions and safeguards which will prevent this procedure from leading to any material encroachment on the prerogatives of the Legislatures.

25. Officers of 'Imperial' services must retain a right of appeal against orders of a Local Government which affect them prejudicially. Otherwise, we would only, as a rule, allow appeal from original orders of Local Governments. Where these have acted as appellate authorities, their decisions should be final.

26. As a means of reducing reports and returns, we suggest a fresh inquiry similar to that set on foot by Lord Curzon's administration, which should be repeated every few years.

27. Provincial administrative codes and manuals are too lengthy, and should be curtailed as opportunity offers.

Constitution of Provincial Governments : Chapter X.

28. From the administrative point of view, we consider that the system of single Lieutenant-Governors is no longer suited to the larger Provinces. We are not in favour, however, of providing Civilian Lieutenant-Governors with Civilian colleagues, or of converting members of Boards of Revenue into subordinate colleagues of the Lieutenant-Governor. We prefer a regular Council Government, such as exists in Madras and Bombay, with a Governor usually, but not invariably, appointed from Home. We think that all Council Governments should consist of not less than four members besides the Governor, and that not less than two of these should be appointed under the conditions which now apply in Madras and Bombay. This enlargement would permit of the appointment of specially qualified natives of India.

We recognize, however, that change in the existing system is not equally urgent in all Provinces, and that the time for making such change must be largely determined by political considerations.

29. We make suggestions for placing Secretariat officers more in touch with district work, and we draw attention to an undesirable tendency to uniformity in Provinces whose constituent portions are not homogeneous.

30. Executive Councils of the character we propose should allow of more satisfactory arrangements for the control of public works and finance in the Provinces.

Boards of Revenue and Financial Commissioners :

Chapter XI.

31. We think that, with the Local Governments constituted as at present, Boards of Revenue and Financial Commissioners should be retained ; but that they might advantageously be absorbed in the Executive Councils which we have suggested.

32. In that event, the existing Board of Revenue in Madras should be replaced by a system of territorial Commissioners. Under existing conditions, we would enlarge the functions of the Board of Revenue so as to include matters, outside revenue, dealt with by Commissioners in other Provinces.

33. In Bombay, where there is no Board of Revenue, Commissioners should have full opportunity for collective consultation, while an enlarged Executive Council should afford the further co-ordination in respect of revenue matters which is elsewhere provided by a Board of Revenue or Financial Commissioner.

34. So long as Boards of Revenue and Financial Commissioners remain, they should have larger powers than at present, the control of the Local Government in matters dealt with by the Board, etc., being confined, as far possible, to matters of principle and policy.

Commissioners : Chapter XII.

35. We consider it essential to give larger powers to Commissioners, and reject proposals for their abolition, or their conversion into mere advisory and inspecting officers.

36. It is specially necessary to entrust them with the co-ordination of the work of the various special departments within their divisions. A commissioner should have full right to call for any information from the officers of such departments, and to have it given to him spontaneously in regard to any proposed new departure of importance. Any views he may express should receive the fullest consideration, and he should be able to stop any action of a department which he considers undesirable, reference to the Local Government being thereupon made if the departmental authorities ask for it.

37. We make specific suggestions for co-ordination in respect of local public works expenditure.

38. We make proposals for giving Commissioners and Collectors a voice in regard to secondary and collegiate education, and in respect of training and technical schools.

39. We suggest larger financial powers for Commissioners.

40. We consider that they should have power to appoint tahsildars and officers of like standing ; that they should be able to post junior Civilians and Deputy Collectors within their divisions ; and that they should be competent to invest officers with magisterial powers.

41. In matters connected with land revenue and general administration, Commissioners should be given all powers which cannot safely be delegated to Collectors, and the exercise of which is not deemed an essential function of the headquarters officers.

42. We suggest the general adoption of a system of Provincial conferences similar to that adopted in Bengal. Such conferences would

consist of (a) Commissioners of divisions ; and (b) members of the Board of Revenue, or the Financial Commissioner, of the Province (so long as these exist), Secretaries to Government, and heads of Provincial departments. Non-officials of standing should also be invited to attend for the discussion of particular subjects.

43. Commissioners in all Provinces should also meet by themselves for the discussion of important questions, and should be able to submit joint representations to Government on questions of policy and procedure.

44. We suggest that the Provincial conferences should be supplemented by analogously constituted conferences in each division.

45. We do not consider it advisable to create special advisory councils for Commissioners and Collectors, in view of the fact that the Commissioner will have the benefit of the opinions of the divisional conference above suggested, while the Collector can consult his district board. We should like to see the practice of consultation with the district board on matters outside their legal sphere, extended.

Collectors : Chapter XIII.

46. We consider it necessary to enhance the powers and position of the Collector. He should be recognized as the head of the district in all administrative matters ; and he should be entitled to call for information from officers of special departments, and to have such information given to him spontaneously in matters of importance, while any views he may express should receive the fullest consideration from such officers.

47. The Collector should have a weighty voice in regard to the distribution of irrigation water, outlay on Provincial roads, and other matters dealt with by the Public Works Department ; but his relations with the officers of that department in such matters must be left for Local Governments to determine.

48. His present position in regard to police matters should in no case be weakened.

49. In all matters affecting the people, district forest officers should be regarded as assistants to the Collector ; and minor forest lands and pastures might be transferred to the control of the land revenue authorities.

50. In matters connected with land revenue and general administration, our recommendations for the universal application and development of the sub-divisional system will make the Collector mainly a supervising, controlling, and appellate authority in regard to the ordinary district

administration. The relief from detailed work thus given to Collectors will enable the transmission to them of a variety of powers hitherto reserved to Commissioners. The general presumption should be that, in cases which come up to him, the Collector should be the deciding authority; and while there are certain matters, financial and otherwise, in which he cannot be given a free hand, the sphere of these should be limited as far as possible.

51. We make suggestions for giving larger financial powers to Collectors, and for improving their office establishments.

52. District establishments which deal with land records or with work in connexion with assessments outside a special land revenue settlement, should be under the Collector, and the main results of land revenue settlement schemes should be submitted by the Settlement Officer through him.

53. The Collector should be the final authority in matters affecting village officers.

54. The necessity for a general increase in the district staff cannot be gauged until the full effect of our proposals has been considered, but we are satisfied that an increase in the *cadre* is of primary importance in several Provinces, and we think this question should be taken up without delay.

Sub-divisional, and other subordinate district, officers :

Chapter XIV.

55. We consider that the sub-divisional system should be universally applied; and that the Sub-divisional officer should be a Collector of first instance, having the tahsildars of his sub-division under him, and dealing himself with revenue matters which they cannot dispose of, or with appeals from them. Apart from special difficulties in decentralizing work affecting the realization of the land revenue in the two Bengals, the general presumption should be that the Sub-divisional officer is competent to dispose (subject to appeal to the Collector) of questions with which the tahsildar cannot deal; but we indicate exceptions which must apply to such a general proposition.

56. Sub-divisional officers should deal with the appointment and removal of village officers, and of junior clerks within their sub-divisions.

57. They should hear appeals in criminal cases from second and third class magistrates in their sub-divisions.

58. They should reside permanently within their charges, but they may spend some portion of the year at the headquarters of the district, if the Local Government considers this expedient.

59. In Provinces in which Collectors, Sub-divisional officers and tahsildars now dispose of civil suits, they should be relieved of this duty as soon as circumstances permit.

60. The tahsildar should be the disposing officer (subject to appeal to the Sub-divisional officer) in matters in which his opinion must in practice be accepted. We would not, however, give tahsildars financial powers, save in the matter of agricultural loans, nor the power to appoint to village offices, or to fill up vacancies, other than those occurring in menial posts, in their own office establishments.

61. Tahsildars who discharge criminal functions should receive second class magisterial powers as soon as they have proved their fitness as magistrates of the third class, and some may expediently be granted first class powers.

62. We have had much evidence as to tahsildars being over-worked. In so far as they cannot adequately be relieved by the grant to them of larger powers, by the transfer of criminal case-work to separate officers, or by the delegation of some of their functions to deputy tahsildars, the necessary remedy is reduction in the size of the heaviest tahsils.

63. Deputy tahsildars should have powers of their own, and should not be merely head clerks to the tahsildar.

64. We condemn the system of recruiting tahsildars from the clerical ranks which prevails in Madras. The subordinate revenue service should be divided into two grades, an upper and a lower, and the upper grade, which would include tahsildars and deputy tahsildars, should be separately recruited from young men of good character and family, and superior educational attainments. We would not, however, preclude the promotion of deserving men from the lower ranks.

65. In the two Bengals, owing to the absence of charges corresponding to the tahsils of other Provinces, the direct communication of the administration with the people is mainly through the police. We propose to remedy this by the creation of circles, within the sub-divisions, which would be in the local charge of sub-deputy collectors, who would hold the same position here as the tahsildars elsewhere.

66. We desire to extend the system of appointing non-official gentlemen of position and influence to deal with criminal cases which would otherwise go before stipendiary courts.

*Suspensions and remissions of land revenue, Agricultural loans,
Acquisition of land for public purposes, and Court of
Wards administration: Chapter XV.*

67. We make proposals with the object of giving freer discretion to Commissioners and Collectors in respect of suspensions and remissions of land revenue.

68. We also propose larger powers to Commissioners, Collectors, Sub-divisional officers and tahsildars in respect to agricultural loans.

69. We suggest that Commissioners should be able to deal with minor cases of land acquisition for public purposes, which now have to go up to the Local Government.

70. We think that Commissioners and Collectors should have larger powers in the administration of Court of Wards estates, and we propose to effect this by dividing such estates into three classes. The management of all must rest primarily with the Collector, but his final powers in regard to third class estates might be much fuller than in respect to others, while Commissioners might similarly be entrusted with very full powers in respect to all but first class estates.

71. Subject to their retention of general control, Collectors should be permitted to delegate to Sub-divisional officers or to local managers, all or any of their powers in Court of Wards matters.

72. In the event of the disappearance of Boards of Revenue and Financial Commissioners, the Local Government would have to take their place as the central authority in Court of Wards matters; but in that case, still larger powers ought to be given to the Commissioners.

*Method of appointment of Commissioners and Collectors, and
the principal officers of other departments; Transfers,
Knowledge of the Vernaculars; Touring; and
Contact with the people: Chapter XVI.*

73. Promotion to Collectorships should be by seniority, but subject to rigorous rejection of the unfit. This principle has already been laid down but is not adequately applied in practice.

74. When a man is found definitely incompetent to be a Collector, the Local Government should have the power to retire him on a suitable pension.

75. The same principle should apply in regard to District Judges, and to high district officials in other departments.

76. Commissionerships should be filled by the best Collectors of the Province, seniority being only regarded when other qualifications are practically equal ; but special pensions need not be granted to men not selected.

77. The same principle should apply to the highest officers of other departments.

78. Transfers of district officers are far too frequent, and the attendant evils have not been adequately recognized by the Provincial Secretariats. We make suggestions for material reduction in transfers, and we consider that every effort should be made to keep an officer for three years, at the very least, in the same district. We draw attention also to the fact that transfers are particularly undesirable when they involve frequent changes of men between different language areas.

79. We find that European officers, more especially in Madras, Bombay and the two Bengals, are not sufficiently acquainted with the vernaculars, and we suggest remedies for this.

80. We also make some suggestions in regard to touring.

81. We consider that the officers of Government, and especially the European officers, are not in sufficient contact with the people ; and while indicating the difficulties which have to be met, we make some suggestions for improvement.

Appeals : Chapter XVII.

82. In Chapter IX we have considered the question of appeals from decisions of Local Governments. We now deal with appeals within the Provinces.

We think that at least one appeal should be allowed to Government officers against any order which affects their prospects materially. Subject to this, we would leave the question of restricting appeals from such officers in the hands of Local Governments. No appeal should, however, be admitted from an officer passed over for promotion to a post to which considerations of seniority are not usually held to apply.

83. As regards other administrative appeals, each Local Government must fix its own conditions, but one appeal should ordinarily suffice as regards questions of fact, and when an appeal is allowed it should be to the next highest authority.

84. The exercise of special revisionary powers in cases where a regular appeal does not lie should be very closely restricted.

Village organization : Chapter XVIII.

85. It is most desirable to constitute and develop village *panchayats* for the administration of certain local affairs within the villages. This system must, however, be gradually and cautiously worked. The headman of the village, where one is recognized, should be *ex-officio* chairman of the *panchayat* ; other members should be obtained by a system of informal election by the villagers. The *panchayat* should be a small body of about five members, and only in exceptional circumstances should different villages be brought under the same *panchayat*.

86. The functions of *panchayats* must be largely determined by local circumstances and experience. We make the following general suggestions :—

- (i) They should have summary jurisdiction in petty civil and criminal cases.
- (ii) They should be allowed to incur expenditure on the cleansing of the village and minor village works.
- (iii) They might be entrusted with the construction and maintenance of village school-houses, and with some local control in respect of school management.
- (iv) Selected *panchayats* might have the management of small fuel and fodder reserves.

87. We consider it essential for the success of the *panchayat* system that it should not be concomitant with any new form of local taxation. *Panchayats* should receive a portion of the land cess levied for local board purposes in the village, special grants for particular objects of local importance, receipts from village cattle-pounds and markets entrusted to their management, and small fees on civil suits filed before them. Their application of the funds entrusted to them should be judged by general results, and should not be subject to rigid audit.

88. With the *panchayat* system thus developed, we do not consider it necessary to retain artificial local agencies such as village unions and sanitary committees.

89. Such outside supervision of *panchayat* affairs as is necessary, including the creation of new *panchayats*, enhancement or diminution of powers, and, where necessary, abolition of an unsatisfactory *panchayat*, must rest with the district officers. *Panchayats* should not be placed under the control of district or sub-district boards.

90. We call attention to evidence received in some Provinces as to the under-payment of village officers, and their resort to corrupt practices.

Rural Boards : Chapter XIX.

91. We think that sub-district boards should be universally established, and that they should be the principal agencies in rural boards administration.

92. Ordinarily a sub-district board should be established for each taluka or tahsil, but where sub-divisional boards have been working, or may be made to work, satisfactorily, the subdivision may remain the jurisdictional area.

93. We do not, however, propose to abolish district boards, or to make them mere councils of delegates from the sub-district boards for the settlement of matters of common interest. Nor, on the other hand, do we desire to place sub-district boards entirely under the control of the board for the whole district. We suggest a scheme under which the sub-district boards will have independent resources, separate spheres of duty, and larger responsibilities within these; while the district board, besides undertaking some direct functions for which it seems specially fitted, will possess co-ordinating and financial powers in respect of the district as a whole.

94. Sub-district boards should have the charge of minor roads in the district; of primary and (where they desire it) of middle vernacular education; of medical work; of vaccination; and of sanitary work in rural areas where this has not been entrusted to *panchayats*.

95. They should have a freer hand than at present in respect of school curricula and other matters dealt with in the Provincial Educational Codes, and should seek to promote education by grants-in-aid to indigenous or private institutions rather than through board schools. The board school staff, and the local inspecting agency required for board and aided schools, should be under their control, but there should be a further inspection of such schools on behalf of Government.

96. The district board should keep up the main roads in the district, with the exception of trunk roads which should be a Government charge; and should maintain district services, for work under the sub-district boards, in respect of roads, education, medical relief and sanitation.

97. District boards which desire to maintain their own engineers should be allowed to do so, and it should be left to the discretion of the Local Governments to employ such engineers to execute minor works for Government.

98. The present restrictions on the sanction of ordinary works and sanitation estimates by rural boards should be abrogated, but they should

have the right to call upon Government engineers and sanitary officers for assistance in regard to such matters.

99. We see no objection to district boards levying a special cess for the construction of tramways or light railways, subject to the conditions now in force in Madras.

100. The Government should place rural boards on a sounder financial footing—

(i) By letting them have the whole of the land cess.

(ii.) By rateable distribution of the special grant of 25 per cent. on the land cess now made.

(iii.) By increasing this grant when circumstances permit.

(iv.) By taking over charges in respect of trunk roads; famine and plague relief; local veterinary work; and any charges now incurred by the boards in regard to police, registration of births and deaths, etc. Nor should rural boards be required to make any contribution in respect of Provincial services, for other items of Provincial administration, or for assistance rendered to them by Government officers in the ordinary course of their duties.

101. Where poor districts require special grants from Government, these should be made in lump sums, or as percentages of expenditure incurred on specific services, and they should be given under a *quasi*-permanent settlement.

102. District board should not be allowed to increase the land cess beyond one anna in the rupee on the annual rental value, and sub-district boards should not raise any separate land cess. Otherwise rural boards should be able to levy rates and fees at their discretion within the limits laid down by law. Where no definite limits have been prescribed, the sanction of the Commissioner should be required to changes in the rates.

103. Sub-district boards should receive a fixed proportion, generally one-half, of the land cess raised in their areas, and certain sources of miscellaneous revenue. Additional resources would come from grants distributed by the district board.

104. The district board's principal items of revenue would be the rest of the land cess, less the amount to be assigned to village *panchayats*; certain miscellaneous receipts; and grants from Government. Such monies as are not required for direct district board services should be distributed among the sub-district boards, with reference to their varying needs.

105. Rural boards should not be bound to spend specific proportions of their income on particular services.

106. Sub-district boards should not have borrowing powers. District boards may borrow under present conditions.

107. Rural boards, whether district or sub-district, should have full power to pass their own budgets. They should, however, maintain prescribed minimum balances, which should not be drawn on without the sanction of the Commissioner in the case of district boards, and of the district board in the case of the sub-district boards.

108. The sanction of the Commissioner should be required in regard to the appointment, removal and salary of district board engineers, paid secretaries and health officers, where these are entertained. Otherwise, the only outside control required over rural boards in establishment matters is the promulgation by the Local Government of model bye-laws or schedules, laying down general rules in regard to such matters as leave, acting and travelling allowances, pension or provident funds, and the maximum salary to be given to officials of various classes. Departure from these schedules should require the sanction of the Local Government, or of the Commissioner in salary matters.

109. Sub-district boards should contain a substantial majority of elected members, with a nominated element sufficient to secure the due representation of minorities, and of official experience. The method of election should be suited to local circumstances and should be such as to provide for the due representation of different communities, creeds and interests. District boards should also contain an elective majority, to be chosen by the non-official members of the sub-district boards.

110. The Collector should be president of the district board; and the sub-district board president should be nominated, and should usually be the Sub-divisional officer or the tahsildar. The vice-presidents should, however, be elected non officials.

111. The appointment of nominated members of rural boards and of presidents of sub-district boards, and the gazetting of elected members and vice-presidents, should rest with the Commissioner.

112. Rural boards should have power to delegate any of their administrative functions to committees, and to include in them persons who are not members of the board.

113. The proceedings of sub-district boards should be conducted in the vernacular, and those of all rural boards should be published in the vernacular.

114. The creation, suspension or abolition of rural boards, and all alteration in their constitution, must remain in the hands of the Local Government, but there need not be previous reference to the Government of India as is now required in some Provinces.

115. The Commissioner should be able to direct a board to perform any specific act or duty imposed on it by law, and, if his warnings have been neglected, should be competent to take action at its expense. The present powers given to Commissioners and Collectors to intervene in urgent cases, where action of a board is in excess of its legal power or seems likely to lead to a breach of the peace, etc., must remain.

116. The right of inspection of rural board works and properties now given to Commissioners and Collectors should remain. Officers of special Government departments, such as those dealing with public works, education and sanitation, should also have the right to inspect rural boards' works and institutions.

117. While we look forward eventually to a system of rural boards in Burma, the time and method of introducing these should be left entirely to the discretion of the Local Government. We would leave similar discretion to the Local Government as to the creation of district boards in Assam, where there are now only sub-divisional boards.

Municipalities : Chapter XX.

118. A number of the petty municipalities now existing will not be fit to exercise the large powers which we propose for municipalities in general, and should, like the present "notified areas" and some of the existing local fund "unions," be administered, on more simple lines, by committees which may be styled "town *panchayats*."

119. Municipalities should have the same full powers as we suggest for rural boards in respect to the services assigned to them.

120. They should undertake primary education and may—if they are able and willing to do so—devote money to middle vernacular schools.

Otherwise, the Government should relieve them of any charges they now have to incur in regard to secondary education, hospitals at district headquarters, famine relief, police, veterinary work, etc. Nor should they contribute for services which are made Provincial, or be made to devote specific proportions of their income to particular objects.

We do not propose to relieve them from plague charges, but where these are heavy the Government should contribute substantially.

121. While we do not propose that municipalities should receive any regular subvention from Government, corresponding to the 25 per

cent. on the land cess given to rural boards, they should receive assistance in respect to specially large projects, such as those concerned with drainage or water supply ; and in the case of the poorer municipalities some subvention for general purposes will probably be required. Grants of this latter description should, as in the case of rural boards, be of a practically permanent character.

122. Municipalities should have full powers in regard to taxation, within the limits of the laws under which they work.

123. Government control over municipal borrowing should continue, and any permanent alienation of municipal property, or lease of the same for periods of seven years and upwards, should require outside sanction.

124. Subject to the maintenance of prescribed minimum balances, municipalities should have a free hand in respect to their budgets.

125. The control of municipalities over their establishments should be of the same character as has been suggested for rural boards.

126. Municipal council should ordinarily contain a substantial elective majority, and should usually elect their own chairman. Government officers should not be allowed to stand for election ; but where a nominated chairman is necessary, he should be an official.

127. In some of the larger cities it might be desirable to vest the executive administration in the hands of a full-time nominated official, apart from the chairman of the municipal council. Such an officer would, however, be subject to the control of the council as a whole, and of a standing committee thereof.

128. Where a vice-chairman of a municipal council is required, he should be an elected non-official.

129. The appointment of nominated members and chairmen of municipal councils, and the gazetting of elected members and chairmen should be entrusted to the Collector ordinarily, and to the Commissioner in the case of cities. The removal of a member for special reasons should always rest with the Commissioner.

130. Municipal councils should be able to delegate any of their administrative functions to committees, which may include persons not on the council.

131. The general outside control of the Local Government, and of the Commissioner and Collector, should be of the same character as in the case of rural boards ; and officers of special Government departments should enjoy similar right of inspection.

132. The corporations of the Presidency municipalities, in which category we would also include Rangoon, should all have powers as large as those which the Bombay municipality now possesses.

133. We consider that the Bombay system of vesting the executive municipal administration in the hands of a separate commissioner, responsible to the corporation (which elects its own chairman), and to standing committee thereof, is preferable to the Calcutta and Madras method of making the chairman an official nominated by Government,

134. Where it is considered expedient that hospitals and educational institutions in a Presidency town should be directly controlled by Government, the Municipality should not be forced to contribute thereto.

APPENDIX B.

A JOINT ADDRESS from Europeans and Indians to His Excellency the Viceroy and Governor-General and the Right Honourable the Secretary of State for India.

THE following is a record of meetings, held at Darjeeling and Calcutta, to discuss the position created by the pronouncement of the 20th of August on Indian Policy, by the Imperial Government :—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of increasing the association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India, as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance, as a preliminary to considering what these steps should be, that there should be a free and informal exchange of opinion between those in authority at Home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India, to discuss these matters with the Viceroy and the Government of India to consider with the Viceroy the views of Local Governments, and to receive the suggestions of representative bodies and others. I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility. Ample opportunity will be afforded for the public discussion of the proposals, which will be submitted in due course to Parliament."

I.—PRINCIPLES.

The Imperial Government having sent the Secretary of State to India for the purpose of gathering the opinions of all sections, we feel that the members of both the communities should discuss together the advice to

be offered to the Government, bearing in mind that future generations are more affected than ourselves by changes about to be made. We also think that, in times like these, anything of the nature of civil discord amongst those not called upon for active service is out of place. Our opinion is that Europeans and Indians should first agree as to the main outlines which they think the pending reforms should follow. These outlines having been settled, it will then be possible for the different sections to formulate their own views as to details, in respect of which it would be to the public advantage that the Government should have every shade of opinion before them. The agreement relates only to the points printed in black type.

Turning then to the recent pronouncement, we note that it was issued as embodying the policy of the Imperial Government upon which the three principal parties in Great Britain are now represented. As no contrary motion has been raised in either House, it must, in accordance with all precedents, be recognized as a declaration of policy accepted unanimously by the supreme legislature of the British Commonwealth.

In view of these considerations we agree to accept the pronouncement of the 20th August as common ground, within the limits of which the discussion can take place.

We have next to consider the positions implied in this pronouncement. To begin with we note that for the first time in any official pronouncement the vague and ambiguous term 'self-government' is replaced by the plain and definite words 'responsible government,' which necessarily means the creation of executives responsible to, and therefore removable at the will of, elective bodies and electorates. This principle finds no expression in the various proposals already before the public on the 20th of August, which were all inspired by the looser conception embodied in the words 'self-government.' The pronouncement thus creates a new position, which cannot be met by the adoption of any scheme of reforms as yet submitted for public consideration.

We agree that, having accepted the pronouncement, we are not only free, but even bound to consider the new situation created thereby with open minds.

We are further of opinion that the direction of any steps taken in the immediate future ought to be considered first and foremost from the point of view whether they are calculated to lead towards the goal presented in the pronouncement under review. The necessary criterion, whereby all

immediate proposals must be judged, is a clear conception of the ultimate goal, however remote. That goal is defined as 'responsible government in India as an integral part of the British Empire.' This implies the calling into existence in India of a self-governing nation or nations, on the lines of the great self-governing Dominions. The all-important question is, therefore, raised, whether India is to be regarded, like the continent of Europe, as the future home of a number of self-governing nations, or else like the United States as it would have been, had it developed as a British Dominion, a nation living within the bounds of one territory, but in size so great that it must be divided into a number of self-governing provinces. Is India to become a nation or a continent of nations, a Dominion or a group of Dominions? Are the separate provinces to be developed as separate self-governing nations? Or are we to look forward to a time, however remote, when interests common to India will be controlled by a Government responsible to India as a whole?

For those who accept the pronouncement the answer will be found implicit in its terms. Bengal, Madras, Bombay, Bihar and Orissa, the United Provinces and the Punjab are indeed units of population equal or approximating to the scale of great European powers. But, if developed as self-governing nations, their future electorates would still be unable to control railways, tariff, commercial law, and other major interests common to India as a whole. The control of interests purely Indian, would still have to be exercised in the future, however distant, by the Imperial Government of the British Commonwealth. Responsible government for India in Indian affairs could never be realized under these conditions. The history of the United Kingdom of Canada, of Australia and of South Africa proves that national self-government cannot be realized here for any unit smaller than the Indian Peninsula. However formidable that enterprise may seem, and however remote its ultimate attainment, that goal must be adopted by those who accept the pronouncement and read its terms in the light of the experience gained in the other Dominions. Is the comprehensive nationhood of India, to be called into being in centuries to come, the individualities of the Bengalee, the Marathi, the Sikh, the Canarese and all the other numerous races must each find their place as sub-nationalities, like those of the English, Scotch, Welsh and Irish in the United Kingdom, and like those of the British and French in Canada. The goal to be kept in mind must, therefore, be, not the nations of Europe but rather the United States as it would have been had it developed as a self-governing dominion of the British Commonwealth. However remote the realization of this conception may be, steps to be taken in the imme-

diate future must yet be judged by the criterion whether they tend towards that goal.

To begin with, we are bound to consider how far the existing map is in harmony with this conception.

The map of India has been designed to suit the needs of a great dependency, whose internal and domestic affairs are subject in every detail to direction from an authority on the other side of the world. A government, whose mainspring is outside the area it is governing has no difficulty in uniting under one administrative machine, not only communities which are different in character, but separate territories. Under this system, the Imperial Government had no difficulty in incorporating Burma as a province of India. But if India is now to be governed with a view to becoming a self-governing nation, Burma, by reason of her situation, never can have a place in its national fabric. She has less in common with India than Ceylon. Her affinities with India are less than those of Finland with Russia, or of Mexico with the United States. The project of developing India as a self-governing nation can be rendered less formidable at once by eliminating Burma. It has no place in the picture. It ought to be put in the same category as Ceylon, and nothing in these suggestions should be taken as referring to Burma.

In like manner, the conception, abandoned in the recent pronouncement, has operated to divide India into a few great satrapies commensurate with the principal nations of Europe. In Bombay it has united communities so diverse as Sind, the Marathas and the Canarese. No less artificial is the union of Bihar with Orissa. In the United Provinces more than 48,000,000 souls have been brought under the rule of a single officer and so long as these Governments are solely amenable to a Government which takes its direction from London, no difficulty is experienced. But the moment any real beginning in responsible government is made, and executives responsible to electorates are created, however limited the powers entrusted to them may be to begin with, such combinations will surely break down. They will fail as certainly as did the attempt to unite Ontario and Quebec under one executive responsible to a common electorate. The foundations of Canadian nationhood were only laid by according separate provincial governments to both the races, under which each race could enjoy unhampered its own language, religion and system of law. The examples of the United States, Canada, Australia and South Africa, as contrasted with India, China and the dependencies of Spain and France in the eighteenth century prove

that under elective institutions provincial administration cannot be made effective for units of population the size of great nations. Had the United States attempted to develop herself on the basis of five or six provinces, each would, for administrative reasons, have been driven to subdivide itself into minor self-governing provinces commensurate in size with the existing forty-eight States. County Councils or District Boards cannot take the place of Provincial Governments, which in nations of a certain magnitude, must be interposed between local authorities on the one hand and the national Government on the other. Hence, the Government of the United Kingdom with its population of 45,000,000 is increasingly unable to cope with their need for social reform.

Thus, had America tried to develop on the basis of five or six provinces, each with subordinate provinces, each therefore on the scale, and organized on the pattern, of great federal nations, each would have felt and acted as nations. They would have fallen apart, and the United States would have failed to achieve national unity in accordance with the demands of nature and good government. Her territory would have become the home of five or six nations, with no common control of interests common to all. Like Europe or South America, she would have become the theatre of ceaseless wars, instead of the home of internal peace.

The conclusion is that it is impossible for India to develop as a self-governing Dominion or to achieve a genuine nationhood in the future, however distant, on the basis of a map inherited from the Moghul Empire and fashioned to suit the needs of an administration which has its main-spring in England. We agree, therefore, that the selection of areas capable of development as the self-governing provinces of a future United States of India within the British Empire should be undertaken at the outset. These areas should be termed "Provincial States" as a reminder that they are designed to serve as the autonomous provinces of the future United States of India within the Empire. The term also recalls the Native States. Their areas should be commensurate with the larger of those States like Hyderabad and Mysore, and should be determined, so far as possible with reference to history, to community of race, language and religion and above all effective self-government on true provincial lines. Care should also be taken not to combine under one Provincial Government areas of totally different types, the economic interest of which are wholly distinct.

So long as an autocratic regime exists, its subdivisions can be re-adjusted with relative ease. But the moment they are made the areas of elective

authorities, the difficulty of changing them tends to become insuperable. Had the States of America been too large at the outset to serve as the ultimate areas of provincial autonomy, no power could alter them now, short of conquest or civil war. The Kingdom of Prussia overshadows all Germany, and no one dares to suggest its partition into provinces commensurate with its partners. To-day it needs but the nerve and foresight of a statesman to find and fix areas in India capable of developing into effective self-governing provinces, and yet such as will admit of her growth as a nation at unity with herself.

We agree, therefore, that the existing provinces need not be assumed to be areas suitable as a basis for responsible government, but such areas must be settled at the moment when the first instalment of responsible government is granted.

Bearing in mind, then, the picture of India as a self-governing Dominion of the federal type, we recognize that, in the words of the pronouncement before us, 'progress in this policy can only be achieved by successive stages.' There must be stages, and the questions before us are, where those stages should begin, and what they should be. Reason and experience alike point to the conclusion that it is not in the sphere of the central Government that the beginning should be made. Whether in the case of the United States of America, of Canada, Australia or South Africa, nothing was done, or could have been done, to create a central and national Government responsible to the nation as a whole, until responsible government had been completely and finally established in the several provinces. This does not imply that changes cannot, or ought not, to be made whereby public opinion may be voiced more freely in the counsels of the central authority, while that authority remains in theory and practice responsible to the Secretary of State. But responsible government means entrusting some functions to executives which hold office, and can be dismissed from office, by elected legislatures or electorates. That principle must first be tried and established in the provinces. It is only when provincial executives are answerable for all their functions to provincial electorates that the Indian executive can be rendered answerable to, and removeable by, an Indian Parliament and an Indian Electorate.

We, therefore, agree that the first steps towards responsible government cannot be taken in the sphere of the central Government.

We have next to consider the fact that administrative mechanism designed to obey an authority remote from India itself cannot, as it

standards, respond to the impetus of Indian electorates. Mechanism must be adapted to the nature of the force which drives it. The whole administrative system of England would have to be revised, if the control of the electorate were replaced by a centralized power exercised from without. The reverse is equally true of India. If electorates are to be given responsibilities however limited, they must to a great extent, and to an increasing degree, operate through departments, organised on principles different from those of the present machinery. With the introduction of responsible government it is necessary, therefore, to contemplate a change, not only of areas, but also in the character of the departments through which the electorates are to operate. The existing provincial administrations can not be moulded by a series of gradual changes into the provinces of a self-governing Dominion. Their place must gradually be taken by provincial organs of a new type. The first step must be to create new organs responsible to the electorates of suitable areas. To these, specified functions, together with corresponding revenues and powers and additional taxation, must be transferred. All other functions must be reserved to the existing provincial Governments, to be transferred by successive stages to the elective organs, as each may prove its capacity for assuming the additional burden.

It follows, therefore, that during the period of transition governments of two different types will have to exist side by side. No instalment of responsible government can be granted without creating executives responsible to, and therefore removable by, elective assemblies and electorates for certain functions and revenues within suitable areas. Meanwhile, the powers not yet transferred must be exercised by the existing provincial Governments, which must be kept in being for that purpose, and remain responsible to, and therefore removable only by, the Government of India, the Secretary of State and finally Parliament itself. If responsible government is the goal, the only other alternative is sooner or later to transfer all powers of government at one stroke to executives removable at the will of Indian electorates. But this course is expressly barred by the terms of the proclamation we have agreed to accept. It follows that in the transition stage governments of two different types must co-exist, the one responsible to electorates, the other to the Secretary of State. In our opinion, therefore, it is of the utmost importance to insist now that the responsibility must in either case be a real one. The responsibility of the new executives to their assemblies and electorates, however limited their functions, must be real. It must not be confided and destroyed by a net-work of minor restrictions and sanctions. On the

other hand, the responsibility of the old governments to the Secretary of State for the functions reserved to them must be no less a real one. In discharging those functions, they can and should be exposed in every detail to the criticism and influence of Indian opinion. But in the last analysis the ultimate power of decision in respect of those functions must be reserved to the Secretary of State and his agents, until they can be transferred to the executives responsible to the electorates. And, in the words of the pronouncement, 'the British Government and the Government of India must be judges of the time and measure of each advance.'

We agree, therefore, that, during the period of transition, Governments of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers, and that the responsibility of each must in fact be a real one, and their powers must be sufficient to enable them to discharge that responsibility efficiently.

We have now to approach the question how new organs of provincial government responsible to electorates can be brought into being. The first preliminary is to create these electorates, and also to provide an adequate supply of leaders competent to guide them and to translate their mandates into action and law.

With a view to providing men in some sort competent to act as members of popular legislatures and executives, there are improvements which might be made in the existing system. Executive Councils might be introduced in the United Provinces, the Punjab and the Central Provinces, and Indians, not exceeding in number half the members other than the head of the province, might be appointed to each. A second Indian Member might be added to the Executive Councils already in being. But these suggestions, if adopted, would add but half a dozen to the number of Indians in touch with administrative detail; of greater importance therefore is the suggestion that the unofficial Members of Provincial Councils should be divided into committees, severally attached to the Members of Council, in much the same relation as the India Council is attached to the Secretary of State. In this capacity they would see and advise upon cases submitted to their opinion by their Member of Council, and thus gain an insight into administrative conditions. The most valuable of these changes can be made without legislation and might, therefore, be effected as quickly as possible. They will help to prepare legislators and ministers for the first experiments in responsible government.

On the other hand, they will do nothing to prepare electorates. Electoral figures have never been published ; but in parts of Northern India they are known scarcely to exceed one twothousandth part of the population. But electorates of an adequate strength and quality are the necessary foundation of responsible government. There must be an adequate number of citizens to whom Government is answerable, and from whom, therefore, Government can derive its authority ; and those citizens must be capable in some sort of understanding the questions submitted to their judgment, of placing the public interest before their own, of doing justice to each other, and, what is of even greater importance, to those outside the electorate, even at the sacrifice of their personal interests. The material for such electorates is sadly deficient, and must be created. To argue that this can be done merely by extending the type of education given in schools and colleges is a dangerous fallacy. On the contrary, as all experience shows, a general extension of education without a simultaneous extension of political responsibility ends by sapping the foundations of government. A great improvement and extension of education throughout India is urgently needed. But wisdom can only be learned from the teaching of experience itself, and all that education can do is to open a people's mind, and enable them to read the lessons of experience which the exercise of responsibility alone can bring.

In order to train voters for the task of government, some responsibilities for government must be laid upon them. Until this is done, the process of political education has not been started. The gradual extension of such responsibilities must go side by side with the extension of education. Nor do we consider that this can now be limited with safety to the sphere of Local Government, which, of necessity, deals with administrative details only. The time is at hand when some responsibility for considering and deciding questions of principle, some political responsibility, that is to say, ought to be placed on the shoulders of electorates. Thus, while we do not think it is possible at this stage to make such changes in the Government of India, we think that the time has passed when the principle of responsible government can be limited, as it now is, to the sphere of local administration. If genuine electorates are to be called into being, some responsibilities of a provincial nature must first be laid upon them, and afterwards increased, as the electorates can be strengthened and enlarged, and can demonstrate capacity for bearing the burden. To make that burden too heavy at the outset is to jeopardise the whole project. No prudent person, for

instance, would suggest that they should be made responsible for the maintenance of law and order to begin with. To do so, would be risking a break-down, which more than anything would delay progress towards complete responsible government. To begin with, the old experienced Government must stand by to maintain order, and discharge those functions upon which the immediate stability of the social fabric depends. The first powers to be transferred to electorates should be those connected with social reforms, with the future building up of society, like education and Local Government. As soon as electorates have proved themselves capable of discharging these functions, it will be time to transfer others, the neglect of which is more quickly felt. We think, as a general proposition, that an electorate may be deemed fit for the exercise of full responsible government whenever it has been entrusted with, and has proved its competence in the control of, Police and Justice.

In our opinion, therefore, a beginning should be made in training electorates by making them responsible for certain provincial functions. But the training will not be effective, unless the system is so simplified that electors can easily trace the effect of the votes they cast. The existing tangled and complicated system of election is destructive of all educational result so far as political responsibility is concerned. The ordinary voter cannot possibly foresee the result of his vote on the Provincial Council, still less on the Imperial body. Besides which the existing system is an incentive to corruption. If only to render corruption more difficult, the initial electorates should be as large as possible. They should include those whose pockets will be directly affected by the votes they cast, for it is thus that the connection of cause and effect is first brought home to electors.

Above all, the method of voting must be direct. Indirect election not only destroys the educational value of the system, but destroys responsibility itself. It is really a device for concealing the fact that adequate electorates do not exist and evades the difficult truth that they cannot be made a reality without giving some responsibilities to some electorates not yet ripe for them and taking inevitable risks.

II.—Outline of the Scheme proposed.

We now propose to outline a scheme of development such as we think would give effect to the principles upon which we have agreed. Having done so, we shall be in a position to suggest the special safe-

guards which should be accorded to Industrial and Commercial interests. We recognize that the scheme must be one capable of adaptation to suit the highly various conditions and levels of advancement in the different provinces of India. We shall, therefore, sketch the scheme as we think it might be applied to a particular province, taking as our example one, which is not so advanced as the old *Présidencies*, but perhaps more so than other parts of India. For this purpose we select the United Provinces, which has the advantage of being, not only central, but also the largest in India.

In this Province we suggest the old Kingdom of Oudh as an area suitable to form a Provincial State in the future self-governing Dominion. Another might be formed from the divisions surrounding Benares, a third from the Doab; while those to the North-West might be grouped round Meerut. Primitive communities, like those of the hill districts of Kumaon and Bundelkhand and of Mirzapur, might, to begin with, be reserved to the present Government of the United Provinces. This Government, subject to certain changes, which we shall outline later, would remain in being, holding and exercising all powers which had not been transferred to the four Provincial States.

The first step would be to create the largest electorates which may be deemed possible under existing conditions, in accordance with the principles suggested above. Indian conditions are so various that these principles must be applied in harmony with the conditions of each Provincial State.

These electorates should elect assemblies consisting of from 45 to 75 members each. To these bodies should be transferred at least the present functions of the District Boards, coupled with the control now exercised by the Government over those functions. In order to simplify the electoral system, as far as possible at the outset, and avoid confusing the minds of inexperienced voters by numerous elections, those of the District Boards might be abolished for the present in backward provinces at any rate. The Boards might be appointed by the Government of the Provincial State until it sees fit to re-establish an electoral system for the districts.

The municipalities would, of course, remain as at present, but would be transferred to the control of the Provincial State. The creation of panchayats and other local authorities would also be included within its legislative powers.

By this scheme the new Governments would at once be vested with full control throughout their areas of—

Roads and Bridges. | Primary Education.
Local Government.

To these in the United Provinces we think that Agriculture, and in Bengal that higher education, should be added.

The administration of these functions would rest with a Ministry drawn from the assembly and responsible thereto. The Ministry would consist of five portfolios :—

A Minister of Public Works.
Ditto of Education.
Ditto of Local Government.
Ditto of Agriculture.
Ditto of Finance.

The Ministry would be called into being as follows. An officer, presumably the senior commissioner in each Provincial State, would be made the superior officer of the other Commissioner or Commissioners in that area. As Chief Commissioner he would thus control all the officers in charge of the reserved functions retained by the Government of the United Provinces. He would also act as the constitutional head of the Provincial State, that is to say in the capacity of the Governor of a Province like Quebec or Tasmania. In that capacity he would send for the Member of the newly elected assembly who, in his judgment, was best qualified to command the support of that body, and would ask him to form a Ministry.

The Ministry, when formed, would then proceed to design departmental machinery suitable for administering the various functions under their portfolios. Their new departments would be staffed from officers taken over from the services of the United Provinces, all existing rights of officers being strictly safeguarded by law. In this operation they would be assisted, not only by the Chief Commissioner, but also by a Civil Service Commission of three, with reference to which we have more to say hereafter. Ministers would not be expected to take over their functions from the old Government until the arrangements for the necessary departments were complete.

The relations of the Chief Commissioner to his Ministers are of great importance. An undivided responsibility would rest on Ministers, so far

as the functions transferred to them are concerned. They would be responsible to the assembly for their decisions, and, provided they were *intra vires*, the Chief Commissioner would have to give legal effect to those decisions by his signature. No responsibility would rest upon him in respect of the transferred powers. But before signing their decisions he would have every opportunity of giving his Ministers advice, and, if they were wise, they would avail themselves of his advice to the full. They would do so the more readily in that an undivided control of their own functions would rest with themselves. They would be responsible to the assembly, and the assembly to the electorate; and a chain of responsibility at once simple and clear, between the elector and the administrative officer, would thus be established.

The Chief Commissioner would thus be in a position to guide his Ministers in the execution of the transferred powers by his influence and advice. On the other hand, he would control all the officers of the United Provinces in charge of the reserved functions within the area of the Provincial State. He would thus be well situated to smooth away the causes of friction inevitable between the two authorities. In all federal systems at least two authorities must administer their different functions within the same area, and some friction always exists. Whether the system works or not, simply depends upon the efficacy of the means provided for reducing the friction and of disposing of questions at issue between the two organs of Government.

We agree that a share of the consolidated revenue of the Province should be handed over to the Provincial State Governments, proportionate to the cost of the functions transferred to them: in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself.

This is essential to any genuine scheme of responsible government. The electors must learn from experience that, if they demand an extension of services placed under their control, the cost of the extension must also be met from their own resources. This condition is vital to their political training. The taxes imposed by them can still be collected by the existing Board of Revenue, as happens at present with the cesses imposed by District Boards. The taxes, however, imposed by the Provincial State Government should be collected from the tax-payer on separate and distinctive notes of demand so that he may clearly recognize that the charge is one imposed by his own representatives.

The finances of the Provincial States should be subject to the same audit as those of the United Provinces itself, that is to say of the Finance Department of the Government of India. The auditors should disallow any expenditure outside the powers of the Provincial State, and institute enquiries, when any trace of corruption is found. They should also disallow all unauthorized expenditure, but on this, and, generally, on all matters relating to financial administration, they should report direct to the Committee of Public Accounts of the State assembly.

The Government of the United Provinces might be empowered to make grants-in-aid of certain objects, subject to inspection, the payments to depend upon the Provincial State Government having carried out those objects to the satisfaction of the Inspectors. But otherwise checks and sanctions in detail should be studiously avoided, for two reasons. In the first place, they are the most fertile cause of friction. In the second place, they undermine the responsibility which ought to rest on the new Governments and their electorates. The Government of the Province will, of course, retain the usual power of veto over legislation passed by Provincial State assemblies ; and borrowing would be subject to Government control.

Otherwise, we believe, that the one sound and effective check will be found in a power of total suspension held in reserve. If the Government of a Provincial State prove its utter incompetence, the assembly should be dissolved, and the issue referred to the electors. If then the electors fail to establish a Government competent to put matters straight, and their area remains a scene of neglect, corruption or disorder, the system must be suspended for that area. The Provincial Government will be there to resume their functions and to set the Provincial State in order, just as is done in the case of Native States, continuing to administer until the time seems ripe for a fresh beginning of responsible government. In the case of civil disorders, brought about by the intolerance of a Provincial State Government, there must be powers of summary suspension. We return to this subject also later.

The initial experiment would be started for a definite period of, say, seven years. At the end of that period the whole system throughout India would be reviewed by a Commission reporting direct to the Secretary of State. The Commission should include men who had served as Governors of Crown and self-governing Colonies. After examining the conditions of each Provincial State on the spot, the Commissioners would report whether fresh powers should be granted such as the control

of irrigation and forests, of higher education, of local railways, of famine relief, and so forth. Or it might report that the Government had done so indifferently that the existing powers should merely be renewed. Lastly, in cases of total failure, it should have powers to report in favour of suspension ; but, before the Secretary of State takes final action, the papers should be laid before both Houses of Parliament.

It must at the outset, be laid down that during the seven years' period no claim can be entertained for further administrative powers or a further share of the consolidated revenue of the province. This is essential in the interests of the new electoral bodies themselves. Their whole energies must be reserved for the task of justifying the powers already assigned to them and thus establishing their claim to further powers at the end of the period. If the attention of the electorates is continuously diverted from social reforms to agitation for political change, progress towards responsible government is foredoomed from the outset. The dates at which claims for further changes are to be considered should be fixed in advance, and the machinery whereby those claims are to be decided on the basis of fact and experience should be settled from the outset.

We agree that in the intervening periods no demand for further executive powers or for a further share of existing revenues should be entertained.

This does not apply, however, to legislative powers. Again we are keeping in mind the picture of India, as she will be when constitutional finality is attained, and all matters, domestic to India, are subject either to her Provincial State assemblies, or to an Indian Parliament. In the work of framing the final constitution, the task of apportioning the legislative powers between the National Government on the one hand and those of the Provincial States on the other, will be difficult indeed, unless, during the period of transition, the problem has been worked out and solved by the test of experience. To this end we suggest that Provincial State assemblies shall be encouraged to petition the Provincial Governments, from time to time, for legislative powers they desire to exercise. The petition would be cast into the form of an enabling Bill submitted to the Legislative Council of the Province. The Bill, after first and second reading would be referred to a committee upon which the Provincial Government would appoint a majority of members. The procedure of the committee would be exactly that of a Standing Committee of Parliament appointed to deal with Bills promoted by local authorities.

Counsel would be heard on behalf of the promoters, and of all interests affected by the Bill. The preamble would have to be proved. The clauses would then be considered, passed, negatived or amended; and evidence for or against the contentions of those promoting the Bill would be heard. The enabling Bill, if passed into an Act, would then define with accuracy the limits within which the Provincial State assembly could legislate on the subject.

The same method is applicable to new sources of revenue. A Provincial State Government might desire to increase its revenues by a stamp on patent medicines sold within its area. It would then be open to it to embody the proposal in an enabling Bill and to bring it before the Legislative Council of the Province. Under the Bill, if passed, its assembly would then pass legislation imposing the new tax. Thus by means of experiment, appropriate sources of Provincial State revenue would be discovered.

At the close of each period of seven years, the Commissioners would review the results, and advise whether the powers so obtained by one Provincial State should be extended to all. The Government of India should be free, at any moment, to generalize such powers by legislation. In this way, whenever the time comes to create a government for India responsible to an Indian electorate, the legislative powers appropriate to the Provincial States will have been ascertained by the only trustworthy tests, those of trial and experience.

That time will have arrived whenever a sufficient number of Provincial States have acquired the control of justice, jails and police and have proved their competence for the fundamental task of Government, that of maintaining order. The confirmation of a Provincial State in those powers will amount to a final certificate of the fitness of its electorate for full responsible government. When a sufficient number of Provincial State electorates have acquired that certificate, the time will have come to summon their representatives to a National Convention to devise a constitution, under which the Government of India can be made responsible to an Indian Parliament and electorate; and the constitution, like those framed by the representatives of the Canadian, Australian and South African Provinces, will acquire legal effect as a statute of the Imperial Parliament. In matters common to all India, responsible government cannot be introduced by stages. It must be introduced at one stroke, by one instrument of Government—the constitution of India, under which she will assume her final place in the Commonwealth of Nations. That can only take place when a sufficient number of Provincial States have

established and proved their competence for responsible government. The stones will then have been quarried and shaped from which the final edifice can be built.

The old Provincial Governments will, of course, vanish the moment their final powers have passed to their Provincial States. But the question of reforms, such as will fit them to fulfil their transitional functions, is of great importance. Their functions will be to hold and administer the reserved powers until the last final function, that of maintaining order, can be handed over. But another and even more important function will be that of supervising the acquisition by the Provincial States of new legislative powers and sources of revenue, which, of course, they will do subject to the direction of the Government of India.

As stated already, we assume that Executive Councils will be established in all but the minor provinces, one half of which will be Indian; a majority being retained for the European members by the Governor's casting vote.

The Legislative Councils should be composed mainly of delegations from the assemblies of the Provincial States, together with some additional members appointed by Government to represent special interests. There is nothing to prevent the introduction of officials at any time, who are required to discuss matters within their expert knowledge. But official voters should vanish. The existing system of official members voting by order, irrespective of their personal views, is derogatory to their own position, wasteful of their valuable time, fatal to principles which should govern public debate, and eminently calculated to create a feeling of antagonism between Indians and Europeans as such. It is also insincere. If Government cannot accept a motion of whatever kind, let the Governor say so, and let that suffice. A final difference of opinion between the Government responsible to the Secretary of State and the spokesmen of public opinion is not mended by the practice of annulling the votes of elected members by those of officials' cast, under orders of Government. Let the Councils consist entirely of non-official members, the members of the Executive Council and such other officials as they choose to bring with them appearing only for the purposes of debate. Let every detail of administration, of legislation and of the estimates be brought before the Council for discussion. Let the work of Government be exposed to unofficial criticism and influence from end to end. The onus of final decision in matters for which the executives are responsible to the Government of India and to the Secretary of State rests with them, subject, of course, to the provision that those superior authorities can always reverse

the decision of their agents, on petition from the Legislative Councils. Just as the responsibility of the Provincial State ministers to their assemblies and electorates must be unhampered and clear, so also must be that of the Provincial executives to the Government of India and the Secretary of State.

That the two principles are inseparable will be seen by reference to the procedure whereby the Legislative Councils will deal with enabling Bills promoted by Governments of Provincial States. The Legislative Councils will mainly consist of delegations from those bodies, one of which is promoting the Bill. An assembly so formed will be likely to voice every kind of opinion which may be held with regard to the new legislative powers sought therein. On second reading, on report stage and on third reading its members will have every opportunity of doing so. The assembly will send members to the Select Committee. Government will thus have access to every phase of public opinion on the subject, as well as to the views of the Government of India, which will hold a brief for the future federal Government of India. But clearly the power of final decision on any disputed point could not be left with the spokesmen of the Provincial State assemblies. The system will not work, unless the responsibility of either authority for the functions assigned it is real; which cannot be, unless its power is equivalent to its responsibility. The most important of all the responsibilities reserved to the old Governments in the transitional stage is that 'of judging of the time and measure of each advance.'

We consider that the Imperial Legislative Council should be reformed on the same principles. The official votes should vanish and the members should be largely recruited by proportional representation from the Provincial State assemblies and other public bodies as at present.

As the transfer of officers is likely to prove more delicate and difficult than the transfer of powers, the subject has been left for separate treatment. Our view is that there should be attached to the Government of India and to the Government of each province a standing commission of three senior officers, one of whom should always be an Indian. These Commissioners should inspect and be cognizant of the work of every department, and of every officer in those departments. It should be their duty to bring to the notice of Government all cases of over or under employment, of overlapping and of all defects in organization. They would serve in fact as the Consulting Engineers of the administrative machine. They would have no powers but those of report. It would rest with Governments to give effect to their recommendations. A vast

human machine, which is always being changed and increased, requires continuous inspection of experts who stand outside it and view it as a whole. Government which is part of the mechanism has no time to do this ; and, without the advice of such experts, the gradual adjustments required to keep it in gear, and to avoid overlapping and waste, are not perceived and made in time. When the whole structure has grown thoroughly obsolete and clearly unsuited to public needs, a Civil Service Commission is appointed, largely consisting of amateurs. An elaborate enquiry is undertaken at vast expense. Questions are put which are difficult for officials to answer with honesty in public. A great strain is put on their time and a great disturbance of the public mind is occasioned. Their recommendations involve changes so great that it is very difficult to carry them into effect, whereas those changes, if effected gradually, as the need had arisen, could easily have been made.

This is one aspect of the permanent Civil Service Commissions which exist in the Dominions. But there is another and even more important feature of the institution as it exists in Australia and New Zealand. Appointments and promotions are, of course, made by the Government, but on the advice of the Commissioners. Government is not bound to take their advice, but if it departs therefrom, it is bound to record its reasons for the information of the legislature. The plan has been devised to relieve Government of the demoralising burden of patronage, which consumes the time and energy of its members urgently needed for administrative work. In effecting this object, the permanent Advisory Commission has proved successful.

In India, we think that all appointments should be made on the advice of such Commissioners. Three should be attached to Government of India, and three to each of the provinces. Where the Government of India, or Provincial Governments depart from their advice, their reasons should be recorded for the information of the Secretary of State ; where Provincial State ministers are unable to take their advice, their reasons should be recorded and submitted to their Legislative assemblies.

The Standing Commissions would play an important part in the transfer of officers to the departments of the new elective authorities. Such transfers would be voluntary so far as is possible. Ministers, with the advice and assistance of the Chief Commissioner, would arrange for the voluntary transfer of officers from the old departments to their own. But where voluntary arrangements failed, the transfer would be effected on the advice of the Commissioners, to which effect would be given by the Provincial Government, subject to the conditions specified above. The

organization of the new departments would also proceed subject to the expert advice of the Commissioners.

III—Safeguards.

We have outlined a scheme such as we think is capable of being adapted to varying conditions in the different provinces of British India. But wherever, as in Bengal, there exist commercial and industrial interests representing great investments of capital, we consider that special safeguards are necessary, less in the interests of the investors than of the people of India themselves. Responsible government cannot be initiated or advanced without an increase of public expenditure. A development of natural resources is essential in order to provide the additional revenue. But development requires a free investment of capital from without, and nothing could be more fatal to the prospects of such investment than to allow an impression, however unfounded, to take root at this juncture that existing investments of capital are not secure. Unless special safeguards are provided at the outset, fears will exist in the money markets of the world that existing interests may be subject to injury, either by reason of predatory or regulative legislation, or by reason of neglect of transportation and other facilities. It is wise to allay these fears at the outset.

In the first place, all legislation will be subject to the veto of the Indian and Provincial Governments subject to the Secretary of State. In Dominion constitutions, the Acts of Parliament, embodying the powers of the Dominion Governments, do not include most important constitutional provisions, those governing the relations of the Dominion to the Imperial Government. Such provisions will be found in the instructions issued to the Governors by the Imperial Government.

It is in instructions issued by the Imperial Government to the Government of India, that securities against legislation injurious to commercial and industrial interests can be given. In these instructions it should be laid down that legislation affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State, and a limit of time should be laid down, within which representatives from the interests affected can be received by him.

We agree that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reforms is embodied.

This will not, however, allay the fears of those who have invested their capital in plantations and other industrial undertakings scattered

about the country, lest the value of their property may be ruined by neglect of transportation facilities, of protection from flood, water-supply and of other public utilities.

Where damage to industrial interests from such neglect can be proved, the provincial Government should have power to step in, and do the necessary work at the cost of the Provincial State Government in default. Throughout the period of transition the Provincial Government responsible to the Secretary of State will be in existence and in a position to provide the necessary remedy. That Government will vanish only when the Provincial State Governments within its jurisdiction have finally proved their capacity for efficient administration. The final certificate of efficiency would not be given to a Provincial State Government, so long as it shewed a tendency to neglect public utilities upon which the value of capital invested on productive undertakings in their area depends.

We agree that the Provincial Governments responsible to the Government of India and the Secretary of State shall have power to do or repair public works, upon which the value of invested capital depends, neglect of which is due to the default of Provincial State Governments, and to charge the cost thereof to the revenues assigned to the Government in default.

In this connection we return to the final remedy of recalling powers and of total suspension. It is, however, mainly with a view to the progress of responsible government itself, that we urge that these safeguards should be made real. If India is to move as quickly as possible towards the goal of complete responsible government, each part of India must, in the stage of transition, be enabled to move at its own pace. Government must be ready to reward proof of efficiency in administering powers already granted by a generous transfer of fresh powers. The whole system rests on the principle of placing responsible governments on trial, testing capacity, and making recorded experience the ground of future advance. Such advances should be bold ; but advances will not be bold, unless it is understood from the outset that, where steps in advance have clearly been premature, they can be retraced. Experiment is the only sound basis of policy ; but no experiment is real, unless Government is able to abide by negative as well as by positive results. Government will make experiments freely, only if it knows that it can and must give practical effect to lessons of failure as well as to those of success. If the right of recall be established, Government should be bold in adding to the powers of progressive electoral authorities. For the rapid advance towards full responsible government of some Provincial States will certainly react on their

backward neighbours. Nothing is more contagious than example, and it is to the forward States that we look to set the pace of progress. It should, therefore, be made as safe and easy as possible for Government at stated intervals to add to the powers.

For similar reasons the power of total suspension held in reserve is important. The existence of the power, in fact as well as in law, will largely operate to render its use unnecessary. If the Imperial veto on Colonial legislation is rarely exercised, it is largely because the power, unlike that of the Sovereign, is a real one. Colonial ministers refuse to accept amendments from their own supporters when they know that such amendments, if incorporated in a measure before the legislature, would oblige the Imperial Government to veto it.

In like manner the public disgrace, inseparable from suspension, will act as a spur to the ministers, assemblies and electorates of backward Provincial States, and prevent their allowing the standard of government from degenerating to the point when total suspension is obviously needed in the public interest. Neglect and corruption cannot continue to flourish unchecked in one Provincial State without reacting on the progress of the others. Positive anarchy is infectious and spreads to its neighbours. Just as a progressive State will stimulate progress in those behind it, so a total failure will impede the progress of those in advance of it. The best hope for such a community is the total suspension of its incapable regime as in the case of a Native State where anarchy is rampant. Corruption must be weeded out, injustice must be redressed, public utilities must be restored, and a clean and efficient standard of government re-established, before the community is allowed to begin once more an attempt to do these things for itself. It is on the same principle that in the United Kingdom a constituency, provenly corrupt, is disenfranchised for a period of years.

We agree that the Government of India must have the right to recall powers which have been abused or neglected, and, in extreme cases, to suspend the Governments of Provincial States. Such powers shall always be subject to the sanction of the Secretary of State and of Parliament; but in cases of emergency the Government of India may exercise the power, subject to the subsequent sanction of the Secretary of State and of Parliament.

Lastly, it is necessary to consider how an adequate representation can be secured for those in charge of commercial and industrial undertakings. These are largely financed from capital outside India, and are mainly administered by Europeans. They are in number a mere handful, but, in

the interests of the new elective authorities, it is essential that they should be represented in some proportion to the magnitude of the interests they control. It would be a calamity to India if they drifted into the position of Uitlanders. Their assistance is needed in building up the fabric of responsible government. Provincial State ministries and assemblies will have everything to gain by an adequate infusion of a race to whom the working of responsible government is familiar.

We agree that, (a) wherever industrial and commercial interests are located, an adequate representation should be accorded; (b) adequate representation should be accorded to Mahomedans, Land-holders and minorities generally.

IV.—Procedure to be followed in giving effect to the scheme.

The question will naturally be raised how effect can be given to the provisions set out at the end of the last section. The same question arises with regard to a number of other provisions recommended in this note. Any scheme, which suggests at this juncture how India can start on her progress towards responsible government, is open to the same criticism. The new pronouncement was only made on the 20th of August last, and the Secretary of State has reached India within three months from that date. It is utterly beyond the power, even of skilled and experienced officials, to collect within that time the facts and figures necessary before the details of proposals can be worked out. Nor, we venture to predict, will the Secretary of State himself be able to do this, with all the assistance which the Government of India can give him. The short time at his disposal here will be more than occupied with the study of principles, and if any attempt is afterwards made to work these principles into a complete scheme in London, we believe that it will fail for lack of detailed information, which can only be obtained on the spot. Such failure will mean delay, and delay will not be understood in India. It will surely breed distrust and continued agitation. The greatest need of India is that prompt and unmistakable steps should be taken to give effect to the policy outlined in the recent pronouncements. The only way in which this can be done, is by the early enactment of a measure by Parliament such as will set in train the progress of India towards responsible government there foreshadowed.

The solution of the problem, we suggest, will be found in the precedent set by the Government of London Act of 1899. By this measure it was proposed to abolish more than forty Vestries, and establish in their place

a far smaller number of municipal bodies. The whole scheme, including the constitution of the new bodies, was firmly outlined in the measure. Yet the Parliamentary draughtsman, situated as he was in the middle of the subject dealt with by the measure, with all the forces of the Local Government Board, the Home Office, the London County Council, the City of London, and the Vestries at his disposal, was unable to cope with the innumerable details which had to be worked out before effect could be given to its provisions. In order to bring the new bodies into existence, it was necessary to delimit areas, fix the number of members on the various bodies, adjust their finances, and disentangle and re-arrange a multitude of details. All this was remitted to three Commissioners named and appointed under the Act. The moment the Act was passed the Commissioners got to work, and, as their arrangements were framed, legal effect was given to them by orders in the Council issued in terms of its provisions.

We believe that the adoption of this course is the only way to avoid a delay which will prove mischievous in the extreme to the peace and interests of India. It is not delay in bringing into being the new organs of Government that we fear. That of necessity is a task the details of which need time for their execution. Any attempt to burke those details will only end in further postponement. The delay, we fear, is in framing a measure which the Imperial Government can adopt for submission to Parliament, and in the passage of that measure into law. The trust of India in Parliament is unimpaired, and if once the scheme of reforms is firmly outlined in statutory form, and Commissioners are appointed to give effect to it, the people of India will not be found wanting in patience. Their energies will, we think, be devoted to aiding the Government and Commissioners in working out the details and carrying them into effect.

We agree, therefore, in advising that the specific points to which our agreement relates and the outlines of the scheme sketched in these proposals be laid down in an Act of Parliament : but that all questions, within these outlines relating to franchises, constitutions, powers, finances and such like details be remitted to not more than five Commissioners named under the Act, to be dealt with in India by the Commissioners, in consultation with Governments and People, the arrangements of the Commissioners, to be given the force of law by Orders in Council.

The goal of responsible government having now been declared, the scheme should, in our opinion, be one which initiates not only the immediate steps, but renders visible to the people of India the whole path to

the ultimate goal. We urge that the measures should be such as will leave no room for constitutional agitation, either now, or at any future time. It should set them free to devote their whole strength to social and political reform, by placing political as well as social reform within their reach. The situation we desire is one in which communities in all parts of British India can attain to new political powers, always, but only, by proving their fitness to exercise those they already possess, and will lead as quickly as those proofs can be given, to a complete and final attainment of their status as the greatest Dominion in the British Commonwealth. It is to that end that we, British and Indians, have framed these proposals. We desire that the foundations of responsible government in India should be laid in trust and amity between her people and those whose forefathers have given this system to the world, that our enemies may learn that we know how to realize its principles, as well as to defend them. We, therefore, unite to submit this scheme, believing that so, in the Providence of God, a cornerstone may be laid in this Commonwealth of Nations for the perpetual union of East and West.

With regard to the details of the scheme outlined above, we think that it is desirable that every one should reserve full liberty of judgment. Our agreement relates only to the following specific points :—

We agree—

- (1) to accept the pronouncement of the 20th of August as common ground, within the limits of which the discussion can take place ;
- (2) that, having accepted the pronouncement, we are not only free, but also bound to consider the new situation created thereby with open minds ;
- (3) that the existing provinces need not be assumed to be areas suitable as a basis for responsible government, but such areas must be settled at the moment when the first instalment of responsible government is granted ;
- (4) that the first steps towards responsible government cannot be taken in the sphere of the central Government ;
- (5) that, during the period of transition, governments of two types must co-exist, the one responsible to electorates for specific powers, the other to the Secretary of State for all other powers ; that the responsibility of each must in fact

- be a real one, and their powers must be sufficient to enable them to discharge that responsibility efficiently ;
- (6) that a share of the consolidated revenue of the province should be handed over to the Provincial State Governments, proportionate to the cost of the functions transferred to them ; in addition to which should be handed over certain specific powers of taxation, such as would fall on the Provincial State electorate itself ;
 - (7) that further additions to the powers of Provincial States, and to their share of existing provincial revenues should be considered by Commissioners reporting direct to Parliament, at intervals of, say, seven years, such interval to be specified at the outset ; and that in the intervening periods no demand for further executive powers, or for a further share of existing revenues, should be entertained ;
 - (8) that legislation passed by Provincial State Governments affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State ; and a limit of time should be laid down, within which representations from the interests affected can be received by him ; and further, that instructions to this effect should be included in a schedule attached to the Act of Parliament in which the scheme of reforms is embodied ;
 - (9) that the Provincial Governments, responsible to the Government of India and the Secretary of State, shall have power to do or repair public works, upon which the value of invested capital depends, neglect of which is due to the default of Provincial State Governments, and to charge the cost thereof to the revenues assigned to the Government in default ;
 - (10) that the Government of India must have the right to recall powers which have been abused or neglected ; and in extreme cases to suspend the Governments of Provincial States. Such powers shall always be subject to the sanction of the Secretary of State and of Parliament ; but in cases of emergency the Government of India may exercise the

power, subject to subsequent sanction of the Secretary of State and of Parliament ;

- (11) that (a) wherever industrial and commercial interests are located, adequate representation should be accorded ; (b) adequate representation should be accorded to Mahomedans, Land-holders, and minorities generally ;
- (12) that the specific points to which our agreement relates and the outlines of the scheme sketched in these proposals be laid down in an Act of Parliament : but that all questions within those outlines, relating to franchises, constitutions, powers, finances, and such like details be remitted to not more than five Commissioners named under the Act, to be dealt with in India by the Commissioners, in consultation with Governments and People, the arrangements of the Commissioners to be given the force of law by Orders in Council.
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APPENDIX C.

RESOLUTION adopted by the Thirty-First Session of the Indian National Congress held at Lucknow, on the 29th December, 1916, outlining a Scheme of Reforms as a Definite Step towards Self-Government. Also adopted by the All-India Muslim League at its Meeting held on the 31st December, 1916.

RESOLUTION.

(a) That having regard to the fact that the great communities of India are the inheritors of ancient civilisations and have shown great capacity for government and administration, and to the progress in education and public spirit made by them during a century of British Rule, and further having regard to the fact that the present system of Government does not satisfy the legitimate aspirations of the people and has become unsuited to existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a Proclamation announcing that it is the aim and intention of British policy to confer Self-Government on India at an early date.

(b) That this Congress demands that a definite step should be taken towards Self-Government by granting the reforms contained in the scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim League (*detailed below*).

(c) That in the reconstruction of the Empire, India shall be lifted from the position of a Dependency to that of an equal partner in the Empire with the self-governing Dominions.

REFORM SCHEME.

I.—Provincial Legislative Councils.

1. Provincial Legislative Councils shall consist of four-fifths elected and of one-fifth nominated members.
2. Their strength shall be not less than 125 members in the major provinces, and from 50 to 75 in the minor provinces.

3. The members of Councils should be elected directly by the people on as broad a franchise as possible.

4. Adequate provision should be made for the representation of important minorities by election, and the Mahomedans should be represented through special electorates on the Provincial Legislative Councils in the following proportions :—

Punjab—One-half of the elected Indian Members.

United Provinces—30 % " "

Bengal—40 % " "

Behar—25 % " "

Central Provinces—15 % " "

Madras—15 % " "

Bombay—One-third " "

Provided that no Mahomedan shall participate in any of the other elections to the Imperial or Provincial Legislative Councils, save and except those by electorates representing special interests.

Provided further that no bill, nor any clause thereof, nor a resolution introduced by a non-official member affecting one or the other community, which question is to be determined by the members of that community in the Legislative Council concerned, shall be proceeded with, if three-fourths of the members of that community in the particular Council, Imperial or Provincial, oppose the bill or any clause thereof or the resolution.

5. The head of the Provincial Government should not be the President of the Legislative Council, but the Council should have the right of electing its President.

6. The right of asking supplementary questions should not be restricted to the member putting the original question, but should be allowed to be exercised by any other member.

7. (a) Except customs, post, telegraph, mint, salt, opium, railways, army and navy, and tributes from Indian States, all other sources of revenue should be Provincial.

(b) There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the Provincial Governments, such fixed contributions being liable to revision when extraordinary and unforeseen contingencies render such revision necessary.

(c) The provincial Council should have full authority to deal with all matters affecting the internal administration of the province including the power to raise loans, to impose and alter taxation, and to vote on the Budget. All items of expenditure, and all proposals concerning ways and

means for raising the necessary revenue, should be embodied in Bills and submitted to the Provincial Council for adoption.

(d) Resolutions on all matters within the purview of the Provincial Government should be allowed for discussion in accordance with rules made in that behalf by the Council itself.

(e) A resolution passed by the Provincial Legislative Council shall be binding on the Executive Government, unless vetoed by the Governor in Council, provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

(f) A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

8. A special meeting of the Provincial Council may be summoned on a requisition by not less than one-eighth of the members.

9. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Government should not be required therefor.

10. All Bills passed by Provincial Legislatures shall have to receive the assent of the Governor before they become law, but may be vetoed by the Governor-General.

11. The term of office of the members shall be five years.

II.—Provincial Governments.

1. The head of every Provincial Government shall be a Governor who shall not ordinarily belong to the Indian Civil Service or any of the permanent services.

2. There shall be in every Province an Executive Council which, with the Governor, shall constitute the Executive Government of the Province.

3. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Councils.

4. Not less than one-half of the members of the Executive Council shall consist of Indians to be elected by the elected members of the Provincial Legislative Council.

5. The term of office of the members shall be five years.

III.—Imperial Legislative Council.

1. The strength of the Imperial Legislative Council shall be 150.

2. Four-fifths of the members shall be elected.

3. The franchise for the Imperial Legislative Council should be widened as far as possible on the lines of electorates for Mahomedans for the Provincial Legislative Councils, *and the elected members of the Provincial Legislative Councils should also form an electorate for the return of members to the Imperial Legislative Council.*

4. One-third of the Indian elected members should be Mahomedans elected by separate Mahomedan electorates in the several Provinces, in the proportion, as nearly as may be, in which they are represented on the Provincial Legislative Councils by separate Mahomedan electorates.

Vide provisos to section I, clause 4.

5. The President of the Council shall be elected by the Council itself.

6. The right of asking supplementary questions shall not be restricted to the member putting the original question but should be allowed to be exercised by any other member.

7. A special meeting of the Council may be summoned on a requisition by not less than one-eighth of the members.

8. A Bill, other than a Money Bill, may be introduced in Council in accordance with rules made in that behalf by the Council itself, and the consent of the Executive Government should not be required therefor.

9. All Bills passed by the Council shall have to receive the assent of the Governor-General before they become law.

10. All financial proposals relating to sources of income and items of expenditure shall be embodied in Bills. Every such Bill and the Budget as a whole shall be submitted for the vote of the Imperial Legislative Council.

11. The term of office of members shall be five years.

12. The matters mentioned hereinafter shall be exclusively under the control of the Imperial Legislative Council :

- (a) Matters in regard to which uniform legislation for the whole of India is desirable.
- (b) Provincial legislation in so far as it may affect inter-provincial fiscal relations.
- (c) Questions affecting purely Imperial Revenue, excepting tributes from Indian States.
- (d) Questions affecting purely Imperial expenditure, except that no resolution of the Imperial Legislative Council shall be binding on the Governor-General in Council in respect of military charges for the defence of the country.
- (e) The right of revising Indian tariffs and customs-duties, of imposing, altering, or removing any tax or cess, modifying the

existing system of currency and banking, and granting any aids or bounties to any or all deserving and nascent industries of the country.

(f) Resolutions on all matters relating to the administration of the country as a whole.

13. A Resolution passed by the Legislative Council should be binding on the Executive Government, unless vetoed by the Governor-General in Council : provided however that if the resolution is again passed by the Council after an interval of not less than one year, it must be given effect to.

14. A motion for adjournment may be brought forward for the discussion of a definite matter of urgent public importance, if supported by not less than one-eighth of the members present.

15. When the Crown chooses to exercise its power of veto in regard to a Bill passed by a Provincial Legislative Council or by the Imperial Legislative Council, it should be exercised within twelve months from the date on which it is passed, and the Bill shall cease to have effect as from the date on which the fact of such veto is made known to the Legislative Council concerned.

16. The Imperial Legislative Council shall have no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties.

IV.—The Government of India.

1. The Governor-General of India will be the head of the Government of India.

2. He will have an Executive Council, half of whom shall be Indians.

3. The Indian members should be elected by the elected members of the Imperial Legislative Council.

4. Members of the Indian Civil Service shall not ordinarily be appointed to the Executive Council of the Governor-General.

5. The power of making all appointments in the Imperial Civil Services shall vest in the Government of India, as constituted under this scheme, due regard being paid to existing interests, subject to any laws that may be made by the Imperial Legislative Council.

6. The Government of India shall not ordinarily interfere in the local affairs of a province, and powers not specially given to a Provincial Government, shall be deemed to be vested in the former. The authority of the Government of India will ordinarily be limited to general supervision and superintendence over the Provincial Governments.

7. In legislative and administrative matters the Government of India as constituted under this scheme, shall, as far as possible, be independent of the Secretary of State.

8. A system of independent audit of the accounts of the Government of India should be instituted.

V.—The Secretary of State in Council.

1. The Council of the Secretary of State for India should be abolished.

2. The salary of the Secretary of State should be placed on the British Estimates.

3. The Secretary of State should, as far as possible, occupy the same position in relation to the Government of India, as the Secretary of State for the Colonies does in relation to the Governments of the self-governing Dominions.

4. The Secretary of State for India should be assisted by two Permanent Under-Secretaries, one of whom should always be an Indian.

VI.—India and the Empire.

1. In any Council or other body which may be constituted or convened for the settlement or control of Imperial affairs, India shall be adequately represented in like manner with the Dominions and with equal rights.

2. Indians should be placed on a footing of equality in respect of status and rights of citizenship with other subjects of His Majesty the King throughout the Empire.

VII.—Military and other matters.

1. The military and naval services of His Majesty both in their commissioned and non-commissioned ranks, should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India.

2. Indians should be allowed to enlist as volunteers.

3. Executive Officers in India shall have no judicial powers entrusted to them and the judiciary in every province shall be placed under the highest Court of that province.

SYED MOHAMMED.
N. SUBBA RAU.
General Secretaries.

APPENDIX D.

Summary of Recommendations embodied in the Report on Indian Constitutional Reforms, 1918.

PARLIAMENT AND THE INDIA OFFICE.

1. The control of Parliament and the Secretary of State to be modified.
2. The salary of the Secretary of State for India to be transferred to the Home Estimates.
3. The House of Commons to be asked to appoint a select committee for Indian affairs.
4. A committee to be appointed to examine and report on the present constitution of the Council of India and on the India Office establishment.

THE GOVERNMENT OF INDIA.

5. The Government of India to preserve indisputable authority on matters adjudged by it to be essential in the discharge of its responsibilities for peace, order, and good government.
6. A Privy Council for India to be established.

The Executive.

7. To increase the Indian element in the Governor-General's Executive Council.
8. To abolish the present statutory maximum for the Executive Council and the statutory qualification for seats.
9. To take power to appoint a limited number of members of the legislature to a position analogous to that of parliamentary under-secretaries in Great Britain.

The Legislature.

10. To replace the present Legislative Council of the Governor General by a Council of State and a Legislative Assembly.
11. The Council of State to consist of 50 members (exclusive of the Governor General, who will be president, with power to nominate a vice-president). Of the members 21 to be elected and 29 nominated by the

Governor General. Of the nominated members 4 to be non-officials and not more than 25 (including the members of the Executive Council) to be officials.

The life of each Council of State to be 5 years.

The Governor General in Council to frame regulations as to the qualifications for membership of the Council of State.

12. The Legislative Assembly to consist of about 100 members, of whom two-thirds to be elected and one-third nominated. Of the nominated members not less than one-third to be non-officials.

The president of the assembly to be nominated by the Governor General.

13. Official members of the Council of State to be eligible also for nomination to the Legislative Assembly.

14. The Governor General to have power to dissolve either the Council of State or the Legislative Assembly.

15. The following procedure to be adopted for legislation.

A. Government Bills : ordinarily to be introduced and carried through the usual stages in the assembly, and if passed by the assembly to be sent to the Council of State. If the Council of State amend the Bill in a manner which is unacceptable to the assembly, the Bill to be submitted to a joint session of both Houses, unless the Governor General in Council is prepared to certify that the amendments introduced by the council are essential to the interests of peace and order or good government (including in this term sound financial administration), in which case the assembly not, to have power to reject, or modify such amendments. But in the event of leave to introduce being refused or the Bill being thrown out at any stage the Governor General in Council to have the power, on certifying that the Bill is within the formula cited above, to refer it *de novo*, to the Council of State. The Governor General in Council also to have the power in cases of emergency so certified to introduce the Bill in the first instance in, and to pass it through, the Council of State, merely reporting it to the assembly.

B. Private Bills : to be introduced in the chamber of which the mover is a member and on being passed by that chamber to be submitted to the other. Differences of opinion between the chambers to be settled by means of joint sessions. If, however, a Bill emerge from the assembly in a form which

- the Government think prejudicial to good administration, the Governor General in Council to have power to certify it in the terms already cited and to submit or resubmit it to the Council of State, the Bill only to become law in the form given it by the council.
16. Resolutions to have effect only as recommendations.
 17. The Governor General and the Crown to retain their respective powers of assent, reservation, or disallowance.
 18. The Governor General to retain his existing power of making Ordinances and the Governor General in Council his power of making Regulations.
 19. Nominated official members of the Council of State or the Legislative Assembly to have freedom of speech and vote except when Government otherwise directs.
 20. Any member of the Council of State or the Legislative Assembly to be entitled to ask supplementary questions. The Governor General not to disallow a question on the ground that it cannot be answered consistently with the public interest, but power to be retained to disallow a question on the ground that the putting of it is inconsistent with the public interest.
 21. Rules governing the procedure for the transaction of business in the Council of State and the Legislative Assembly to be made in the first instance by the Governor General in Council. The Legislative Assembly and the Council of State to be entitled to modify their rules, subject to the sanction of the Governor General. In each case such modifications not to require the sanction of the Secretary of State in Council and not to be laid before Parliament.
 22. Joint standing committees of the Council of State and the Legislative Assembly to be associated with as many departments of Government as possible. The Governor General in Council to decide with which departments standing committees can be associated, and the head of the department concerned to decide what matters shall be referred to the standing committee. Two-thirds of each standing committee to be elected by ballot by the non-official members of the Legislative Assembly and the Council of State, one-third to be nominated by the Governor General in Council.

THE PROVINCES.

23. The provincial Governments to be given the widest independence from superior control in legislative, administrative, and financial

matters which is compatible with the due discharge of their own responsibilities by the Government of India.

24. Responsible government in the provinces to be attained first by the devolution of responsibility in certain subjects called hereafter the transferred subjects (all other subjects being called reserved subjects), and then by gradually increasing this devolution by successive stages until complete responsibility is reached.

Provincial Executives.

25. The executive Government in a province to consist of a Governor and Executive Council, a minister or ministers nominated by the Governor from the elected members of the Legislative Council, and an additional member or members without portfolios.

26. The Executive Council to consist of two members, one of whom will be an Indian.

Reserved subjects to be in the charge of the Governor and the members of the Executive Council.

27. The minister or ministers to be appointed for the term of the Legislative Council, and to have charge of the transferred subjects.

28. The additional member or members to be appointed by the Governor from among his senior officials for purposes of consultation and advice only.

29. The Government thus constituted to deliberate generally as a whole, but the Governor to have power to summon either part of his Government to deliberate with him separately. Decisions on reserved subjects and on the supply for them in the provincial budget to rest with the Governor and his Executive Council; decisions on transferred subjects and the supply for them with the Governor and the ministers.

30. Power to be taken to appoint a limited number of members of the Legislative Council to a position analogous to that of parliamentary under-secretaries in Great Britain.

Provincial Legislatures.

31. In each province an enlarged Legislative Council with a substantial elected majority to be established. The council to consist of (1) members elected on as broad a franchise as possible, (2) nominated, including (a) official, and (b) non-official, members, and (3) ex-officio members. The franchise and the composition of the Legislative Council to be determined by regulations to be made on the advice of the committee described in paragraph 53 by the Governor General in Council,

with the sanction of the Secretary of State, and laid before Parliament.

32. The Governor to be president of the Legislative Council, with power to appoint a vice-president.

33. The Governor to have power to dissolve the Legislative Council.

34. Resolutions (except on the budget) to have effect only as recommendations.

35. Nominated official members to have freedom of speech and vote, except when Government otherwise directs.

36. Any members of the Legislative Council to be entitled to ask supplementary questions.

37. The existing rules governing the procedure for the transaction of business to continue, but the Legislative Council to have power to modify them, with the sanction of the Governor.

38. Standing committees of the Legislative Council to be formed and attached to each department, or to groups of departments. These committees to consist of members elected by the Legislative Council, of the heads of the departments concerned, and the member or minister, who would preside.

39. Legislation on all subjects normally to be passed in the Legislative Council. Exceptional procedure is provided in the succeeding paragraphs.

40. The Governor to have power to certify that a Bill dealing with reserved subjects is essential either for the discharge of his responsibility for the peace or tranquillity of the province, or of any part thereof, or for the discharge of his responsibility for reserved subjects. The Bill will then, with this certificate, be published in the *Gazette*. It will be introduced and read in the Legislative Council, and, after discussion on its general principles, will be referred to a grand committee; but the Legislative Council may require the Governor to refer to the Government of India, whose decision shall be final, the question whether he has rightly decided that the Bill which he has certified was concerned with a reserved subject.

The Governor not to certify a Bill if he is of opinion that the question of the enactment of the legislation may safely be left to the Legislative Council.

41. The grand committee (the composition of which may vary according to the subject matter of the Bill) to comprise from 40 to 50

per cent of the Legislative Council. The members to be chosen partly by election by ballot, partly by nomination. The Governor to have power to nominate a bare majority (in addition to himself) but not more than two-thirds of the nominated members to be officials.

42. The Bill as passed in grand committee to be reported to the Legislative Council, which may again discuss it generally within such time-limits as may be laid down, but may not amend it, except on the motion of a member of the Executive Council, or reject it. After such discussion the Bill to pass automatically, but during such discussion the Legislative Council may record by resolution any objection felt to the principle or details and any such resolution to be transmitted, with the Act, to the Governor General and the Secretary of State.

43. Any member of the Executive Council to have the right to challenge the whole, or any part, of a Bill on its introduction, or any amendment, when moved, on the ground that it trenches on the reserved field of legislation. The Governor to have the choice then either of allowing the Bill to proceed in the Legislative Council, or of certifying the Bill, clause, or amendment. If he certifies the Bill, clause, or amendment the Governor may either decline to allow it to be discussed, or suggest to the Legislative Council an amended Bill or clause, or at the request of the Legislative Council refer the Bill to a grand committee.

44. All provincial legislation to require the assent of the Governor and the Governor General and to be subject to disallowance by His Majesty.

45. The veto of the Governor to include power of return for amendment.

46. The Governor General to have power to reserve provincial Acts.

Finance.

47. A complete separation to be made between Indian and provincial heads of revenue.

48. Provincial contributions to the Government of India to be the first charge on provincial revenues.

49. Provincial Governments to have certain powers of taxation and of borrowing.

50. The budget to be laid before the Legislative Council. If the Legislative Council refuses to accept the budget proposals for reserved subjects the Governor in Council to have power to restore the whole, or

any part, of the original allotment on the Governor's certifying that, for reasons to be stated, such restoration is in his opinion essential either to the peace or tranquillity of the province, or any part thereof, or to the discharge of his responsibility for reserved subjects. Except in so far as he exercises this power, the budget to be altered so as to give effect to resolutions of the Legislative Council.

Local self-government.

51. Complete popular control in local bodies to be established as far as possible.

Modification of provincial constitutions.

52. Five years after the first meeting of the new councils the Government of India to consider any applications addressed to it by a provincial Government or a provincial Legislative Council for the modification of the list of reserved and transferred subjects. In such cases the Government of India, with the sanction of the Secretary of State to have power to transfer any reserved object, or in case of serious maladministration to remove to the reserved list any subjects already transferred and to have power also to order that the salary of the ministers shall be specifically voted each year by the Legislative Council. The Legislative Council to have the right of deciding at the same, or any subsequent, time by resolution that such salary be specifically voted yearly.

PRELIMINARY ACTION.

53. A committee to be appointed, consisting of a chairman appointed from England, an official, and an Indian non-official. This committee to advise on the question of the separation of Indian, from provincial, functions, and to recommend which of the functions assigned to the province should be transferred subjects. An official and an Indian non-official in each province which it is at the time examining to be added to the committee.

54. A second committee to be appointed, consisting of a chairman appointed from England, two officials, and two Indian non-officials, to examine constituencies, franchises, and the composition of the Legislative Council in each province, and of the Legislative Assembly. An official and an Indian non-official in each province which it is at the time examining to be added to the committee.

55. The two committees to have power to meet and confer.

COMMISSION OF INQUIRY.

56. A commission to be appointed ten years after the first meeting of the new legislative bodies to review the constitutional position both as regards the Government of India and the provinces. The names of the commissioners to be submitted for the approval of Parliament. Similar commissions to be appointed at intervals of not more than twelve years.

THE NATIVE STATES.

57. To establish a Council of Princes.

58. The Council of Princes to appoint a standing committee.

59. The Viceroy in his discretion to appoint a commission, composed of a high court judge and one nominee of each of the parties, to advise in case of disputes between States, or between a State and a local Government or the Government of India.

60. Should the necessity arise of considering the question of depriving a Ruler of a State of any of his rights, dignities, or powers, or of debarring from succession any member of his family, the Viceroy to appoint a commission to advise, consisting of a high court judge, two Ruling Princes, and two persons of high standing nominated by him.

61. All States possessing full internal powers to have direct relations with the Government of India.

62. Relations with Native States to be excluded from transfer to the control of provincial Legislative Councils.

63. Arrangements to be made for joint deliberation and discussion between the Council of Princes and the Council of State on matters of common interest.

THE PUBLIC SERVICES.

64. Any racial bars that still exist in regulations for appointment to the public services to be abolished.

65. In addition to recruitment in England, where such exists, a system of appointment to all the public services to be established in India.

66. Percentages of recruitment in India, with definite rate of increase, to be fixed for all these services.

67. In the Indian Civil Service the percentage to be 33 per cent of the superior posts, increasing annually by 1½ per cent until the position is reviewed by the commission (paragraph 55).

68. Rates of pay to be reconsidered with reference to the rise in the cost of living and the need for maintaining the standard of recruitment. Incremental time-scales to be introduced generally and increments to continue until the superior grade is attained. The maximum of ordinary pension to be raised to R6,000, payable at the rate of 1s. 9d. to the rupee, with special pensions for certain high appointments. Indian Civil Service annuities to be made non-contributory but contributions to continue to be funded. Leave rules to be reconsidered with a view to greater elasticity, reduction of excessive amounts of leave admissible, and concession of reduced leave on full pay. The accumulation of privilege leave up to four months to be considered.

69. A rate of pay based on recruitment in India to be fixed for all public services, but a suitable allowance to be granted to persons recruited in Europe, or on account of qualifications obtained in Europe, and the converse principle to be applied to Indians employed in Europe.

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