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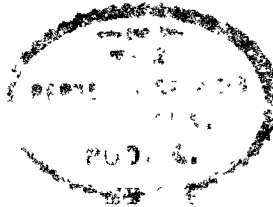
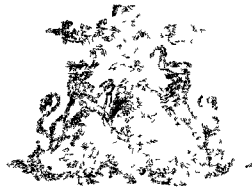
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MYSORE REPRESENTATIVE ASSEMBLY

(DASARA SESSION)

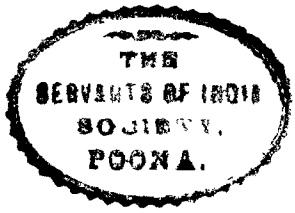
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Part I



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APPENDIX I

ON BUREAUCRACY

ON THE ARYA SAMAJ.

Here a religious development, essentially puritanical in principle, evinced like Puritanism in political matters, a sturdy independence but little to the taste of a bureaucratic Government. Accordingly, its followers were treated with contumely, the leaders deported or otherwise punished, their proceedings watched with the jealousy of an Abdul Hamid, and all and sundry were given to understand that, although the association remained within the letter of the law, that was the utmost that could be said in its favour. All loyal, all respectable men would do well to shun its contamination. Who can doubt that, had the attitude of the other religions towards authority been different to what it is, they too would have incurred the disfavour of Government? *Pp. 39, 40.*

ON THE NATIONAL CONGRESS.

Closely parallel with the action of the Government against the Arya Samāj is their attitude towards the Indian National Congress. The glittering torch which the one has held up in the domain of religion the other has kindled in the domain of politics. The National Congress has striven to arouse the people from their servile slumber, to incite them to think for themselves politically, to criticise the action or inaction of Government, to remedy abuses, and to originate reform. It is the first-fruits of Western leaven working in Oriental politics. In fact, it has done more: it has created politics in India. To a people accustomed from immemorial ages to timid submission to authority and dull acquiescence with injustice, it has preached the right of private judgment, the right of the citizen to stand forth to criticise the acts of the rulers and to propose remedies. Strange augury in a land of political lotus-eaters! From the rock had sprung forth green foliage, the lifeless desert was filled with the murmur of spring waters. Their discussions breathed a spirit of frank criticism, free from carping or cavilling, a criticism not untouched by a note of sincere and at times well-warranted indignation. It was a such a criticism as one constantly hears in England from moderate, not extreme, opponents of the party in power. The reforms they suggested, whether one concurs or not in their present expediency, were the reforms of reasonable and sane observers of Indian politics. Some, such as the reduction of the salt duty and the reversal of the "forward" policy on the Afghan frontier, the Government of India have since adopted with complete success. Others, as the separation of judicial and executive functions, have received their tardy benediction. The speeches and resolutions breathe a spirit of entire loyalty, a touching deference to the British Throne and the British Parliament.

With what welcome has the bureaucracy greeted this first dawn of national life? An enlightened Government would have actively encouraged a political movement so quick with inspiration and with love of ordered progress; a sagacious one would at least have extended to it its countenance. Not so the Indian bureaucracy. For the first time they beheld their monopoly of statecraft openly challenged; for the first time they heard questions of high policy discussed with the frankness and freedom that characterise a parliamentary debate. Sacrilegious hands had been laid on the ark of mysteries. When it became evident that the National Congress had come to stay, the amused contempt which its first meetings evoked gave place to

apprehension and some degree of alarm. The epithet "disloyalty," which under a bureaucracy has the same taint as the mediæval "heresy"—an epitome, in fact, of all that is irretrievably damnable—was freely bandied about with reference to its proceedings. It bootied nothing that the resolutions passed were studiously loyal, that the form of discussion in no way transgressed the limits of the home Parliament, that more than one distinguished civilian was closely associated with its committees.

The mere fact that its members were in opposition, albeit a reasonable and proper opposition, to the Government of India overrode all pleas in its favour. From successive Viceroys, who viewed its proceedings with chilly disapproval, to the jackals of the semi-official press, who have never wearied in traducing and denouncing its proceedings, the National Congress has met from officialdom but "the welcome of war-knives." Bureaucracy has never hesitated to avow frankly its antipathy to everything connected with the Congress. It is undermining the whole structure of British rule, it fomented disaffection; better suppress its proceedings summarily than run the risk of an Armageddon in the future. For your bureaucrat, like your thorough-going militarist, suffers from a kind of political dyspepsia; he takes the dyspeptic's gloomy view of future eventualities. If a certain country builds an extra *Dreadnought*, that is a sure presage of a wanton and crushing invasion of our defenceless shores. If in India a native in all good faith denounces some rather obvious defect in our rule, he is clearly the instigator of disaffection, the fore-runner of another Indian Mutiny. These worthy people confuse mainly independence with disloyalty; they cannot conceive of natives except either as rebels or as timid sheep.

Pp. 40—44

FREE PRESS

The general attitude of a despotism towards the press is sufficiently obvious. It is one of dislike tinged by diffidence—the diffidence of the polished gentleman towards the small boy of whose actions he is uncertain and against whom he cannot with dignity retaliate. There is no medicine so distasteful as free criticism to your true despot, whether autocrat or bureaucrat; indeed, any light of publicity on his proceedings he deprecates as both unnecessary and indecorous. Like the mole, he loves to work in secret, only presenting the finished molehill for the public gaze. *Pp. 49, 50.*

Taken as a whole, the press of India remains an entity which the Government would very well do without if they could. To the end of the chapter the advantages they may derive from it—those it confers on the people—are to them relatively unimportant—will appear but a dross when weighed in the balance against the irritation and resentment, which its criticisms excite in the official mind. Biologists describe amongst the denizens of the deep a certain catfish, whose function in nature is to maintain in health the other fishes by constantly irritating and biting them and keeping them generally on the move. Well, the Indian press is the catfish of the Government of India. And if for that reason only, the latter cannot be expected greatly to love it. *Pp. 51, 52.*

DRUGGING WITH OPIUM.

We make bold to say that by the inculcation of submission, and the crushing of personal initiative, the bureaucracy is inflicting the gravest moral injury with which it is possible for one people to curse another. To deprive a people by conquest of its political independence is an evil, for it wounds its self-respect and enfeebles it

vitality, but it is an evil which material prosperity may to some extent counterbalance. But to maintain them after conquest in a state of perpetual tutelage, to treat them as children who shall have no will of their own, whose chief glory shall lie in servile obedience to commands—that is more than a wrong: it is a sin against humanity. It is as though after making a man captive we drugged him with opium in order to keep him quiet and obedient to orders.

For the stultification of national and personal ideals, which results from a despotic system, is nothing short of bedwaring inspiration in a nation's manhood. Nations advance, a people becomes great, not through docility and submissiveness, but by the free play of aspiration and thought, the liberty to advance along all lines of legitimate progress in a self-respecting independence of spirit. That is the very antithesis of the bureaucratic ideal. Efficiency of the machine, not the living organic growth of a people—progress, if such there be, on the initiative of the Government, not progress on the initiative of the people, such are its watchwords. *Pp 57, 58*

Here, then, lies the third defect of the Government of India. In addition to the necessary bane of a foreign domination and the gratuitous evils springing from its system of repression and tutelage, it is destitute of the human touch that can link the sympathies of the ruled to their rulers, and that atones for so many shortcomings. Can we wonder at the more emancipated spirits beating themselves against the granite walls of their prison with bitterness and despair, aye, sometimes with crime and dark iniquity? *P 60*

EDUCATION.

They (officials) seem to regard education as though it were some potent medicine, to be administered only by the most skilful physicians, and even then with caution and misgivings.

Clearly, then, officials in India have received no antecedent bias towards a general diffusion of education. And what little fervour may still remain in them—official routine and bureaucratic influences will probably chill to freezing point. To a bureaucrat, education, unless confined within the strictest limits, is of necessity odious. If you educate the proletariat, if you scatter schools broadcast, you prepare the ground for the dissemination of all kinds of disloyalty and upstart ideas, you make people critical and impatient of official control, and, worst of all, you teach them to be independent and to think for themselves, quite possibly on lines which officials regard as pernicious. All this is wrong, very wrong. Much better that they should retain their traditional docility to rulers, who alone know what is best for their subjects. Once the people really begin to think for themselves, it is impossible to say to what lengths they may be led, what crude and ill-advised ideas may begin to ferment. The office of Government, or at least of a bureaucratic Government, is to guide and control the people, and an educated people is notoriously impatient of control from without. Indeed, a certain school of officials openly ascribes the present unrest in India to education, which it deprecates as the prolific seed-bed of sedition and disloyalty. *Pp 67, 68*

The official attitude towards a Bill so moderate and so cautious as that of Mr Gokhale fully explains the halting progress made until quite recently in Indian education. *P 70*

To devote two-fifths of the total revenue to the Army meant the starving of education and the loss of millions of lives through quite preventable disease. It is no exaggeration to say that Russia has caused infinitely greater evil to India by the menace of war than she can ever achieve by war itself. *P. 79.*

BUREAUCRACY AND SACERDOTALISM

In its mental outlook a bureaucracy has much in common with a sacerdotal system. There is the same

aloofness from and sense of superiority to the common people, the same belief in their own omniscience, the same kindly benevolence to the laity if only they accept unquestioned the guidance of the elect. On the other hand, criticism inspires in each case an angry impatience, the people or laity being conceived of as ignorant, and shut off by an impassable barrier from the practice of the mysteries. It is not without cause that the Indian press stigmatises the Simla officials as an hierarchy. A bureaucratic polity is a sacerdotal polity. And the segregation during the large, sometimes the greater, part of the year of the various Governments in sequestered hilltops is closely analogous to the segregation of monks on sacred mountains. *Pp 86, 87*

PUBLIC OPINION À LA BUREAUCRAT

Hardly less wide of the mark was his [Lord Curzon's] appeal not the same occasion for a temperate and suggestive—not hostile—public opinion, which was to be representative of native sentiment generally and not of one section of it. Such a public opinion deferentially brought to the notice of Government—very much as a number of nice little boys with Eton jackets and white collars might make a suggestion to their headmaster—would, no doubt, be entirely consonant with the ideals of an enlightened bureaucrat. It would gently stimulate him without the introduction of any rude or jarring element. But, outside a comic opera, no more impossible dream was ever dreamed. *Pp 116, 117*

THE DECAY OF A NATION.

If you deprive a nation of all share in its own Government, in the forging of its destiny, you emasculate its energies, undermine its character, and scar, as with a hot iron, its self-respect. In the sphere of the intellect such a Government spells, not progress but decay. *P 160.*

As for the community itself, how can it possibly develop into a virile nation when persistently relegated to the position of little children divorced from all public affairs, divorced from all that makes for the soul of a people? Naturally in these circumstances manly virtues decay, docility and submission are all the vogue. It is not the freeman but the thrall whom the bureaucrat delights to honour. Every flash of independence will be snuffed out, only a nation of helots, brooding over past independence in a twilight of effete materialism, remains. Officials would no doubt deprecate such a consummation as the goal of their rule, but except in so far as that rule is modified and its aims amended by outside influences, it must undoubtedly produce that result. What avails it to prate of some vaguely remote self-government, when all the time every act is sapping the virility that alone can make Self-Government a success? *Pp 169, 170*

Bureaucratic Government. Bernard Houghton, late I. C. S.

APPENDIX II

LIFE IN VILLAGES

THE village life is being transformed. The city sends to the village Manchester cloths, and these are replacing the cloths woven by its weavers. Not only weavers, but also other artisans are losing their occupations and turning to agriculture. The cheap kerosene oil from Baku or New York threatens the oilman's existence. Brass and copper, which have been used for vessels from time immemorial, are threatened by cheap enamelled ironware imported from Europe. The village sugar-cane is also in danger on account of the competition from imported sugar, which is sold at a very low price. The manufacture of sugar from *gur* (molasses) tends to become unremunerative. The demand for *gur* also falls off when the price of sugar is brought down by competition. There is also *pari passu* a transformation of the tastes of the consumers. They abandon *gur* for crystal sugar. Home-woven cloths are now replaced by manufactured cloths for being too coarse. All local industries are attacked,

and many have been destroyed. Villages that for centuries followed customary practices are brought into contact with the world's market all on a sudden. For steamship and railways which have established the connection have been built in so short an interval as hardly to allow breathing time to the village which slumbered so long under the dominion of custom. Thus the sudden introduction of competition into an economic unit, which had from time immemorial followed custom, has wrought a mighty change.

New economic ideas have now begun to influence the minds of the villagers. In some of the villages the weavers and the blacksmiths have no doubt been compelled to leave their occupations on account of foreign competition, but more men are leaving their hereditary occupations of their own accord. All Brahmins are not priests now. Many, indeed, live according to the old ideals, and view the temptations and vices of the West in "silent, deep disdain." But a few of them who have felt the impulse of a new life have gone to the cities. Those who are intelligent become lawyers or government servants, and those who fail in the competition become petty clerks in railway or mercantile offices. The middle classes also leave their village and get scattered all over the country to earn a living. A writer¹ thus laments the decline of villages in Bengal. "In days long gone by our villages vied with each other as to which had the best Samskrit Pandits and the best *Tols*, which had the largest number of Durga Pujas and where the largest number of people of all castes were fed. The days are gone by when each village was proud of the products of its looms, of the hoes made its blacksmiths, its *Jatras*, and its *Baroari poojaks*. But where are those things now? Echo answers where? At day time you will find large and expensive buildings either wholly unoccupied or in the occupation of a few old women. Is there a pestilence in the village? Ah no! for you will see the houses and huts of the peasantry full to overcrowding. It is the houses of the middle-class Bhadrалоkes that are wholly or partly unoccupied and that gives to the whole village the look of a deserted village." Not only the middle class but the field labourers also have found their ancestral occupations not sufficiently paying and have felt the need of moving to other places. The Government public works, the factories, the tea, indigo, and coffee plantations, the mining operations, as well as the facilities for foreign emigration all tend to shake the old immobility of labour. As the *Imperial Gazetteer* writes "A comparison of census returns of 1891 and 1901 shows that a considerable landless class is developing which involves economic danger, because the increase has been most marked in districts where the rural population is already congested or in provinces in which there is a special liability to periodic famines. The ordinary agricultural labourers are employed on the land only during the busy seasons of the year and in slack times a few are attracted to large trade-centres for temporary work."² The attraction to towns and other trade centres increases as trade industries develop and this movement is accelerated in famine years. "Agricultural labourers migrate from Bengal and the Central Provinces to Assam, from the United Provinces to Bengal, from Madras and Chittagong to Burma, and outside India to Ceylon, Mauritius, South Africa, British Guiana, and other colonies in search of agricultural and other employment." In Madras, where emigration has been comparatively easy, there is almost a chronic scarcity of labour. In some districts the agricultural operations have been much impeded and at times endangered by the constant and sudden desertion of agricultural labourers, who, after entering into contract to cultivate the land on certain conditions, emigrate to foreign parts without the slightest notice to their employers.³

There are also other great far-reaching effects of this migration of labour. There has been engendered an aversion from the parent plough and the workshop. The demand for labour, again, has withdrawn the most valuable and potential elements from society—the flower of the agricultural population and rural artisans—so that not only agriculture but the handicrafts also suffer. The production of cereals has diminished a great deal, while the foreign exports have a continuous tendency to increase. The village market is no longer isolated, the demand for food in any part of India tends also to affect it. The population has increased and the standard of living has also become higher. The coolie emigrants or the middle class who return to the villages bring with them good savings and live on better fare than they were content with before they emigrated. The increased demand for food is, however, unaccompanied by an increased out-turn of agricultural produce. The price of food-stuffs has consequently risen by 32 per cent. The exodus to towns is still going on at an alarming rate, the towns still continue to offer easy employment to the middle classes and labourers, and ready markets for the products of the village artisans. They offer high material prospects to the ambitious, and in general provide all the mechanical facilities and pleasures of life to satisfy those whose standard of life has suddenly been raised. The landlords pass their lives amid the luxuries of the towns, and lose touch with their tenants. The sturdy cultivators become domestic servants, and the middle-class independent Bhadrалоkes become clerks in mercantile offices and Government establishments. Thus the villages are all deserted and left as wastes and become prey to malaria. Paternal estates, tanks and orchards which have been handed down from generation to generation are left to decay. The cattle gradually deteriorate in quality. Milk and dairy produce become gradually scarce, and pisciculture and horticulture become unknown. The movement of the population from the village to the city is in fact not only working a complete revolution in the habits and ideals of our people, but its economic consequences are far more serious than are ordinarily supposed. It has made our middle class helplessly subservient to employment and service, and has also killed the independence of our peasant proprietors. It has jeopardised our food supply, and is fraught with the gravest peril not only to our handicrafts but also to our national industry, agriculture.

The Foundation of Indian Economics Professor

Radhakamal Mukerji.

VILLAGE CO-OPERATION

A great deal of missionary work lies before us for the purpose of organising instruction in Co-operation and its benefits. It may be said that the Co-operative Movement, marvellous as its expansion has been in India, could have been led to even greater lengths if the existing village structure had been utilised for the purpose. The net result has been that, in India, Co-operation has progressed only in one direction, namely, Co-operative Credit. Agricultural Co-operation and purchase and sale on the Co-operative basis are still undeveloped. Where the village community has still some vitality, the village artisan, who often holds some plot of land free, as remuneration for services, is a producer to a community which is an association of consumers. Whether the village communities in their old vigour can be revived or not, the economic benefits can be resuscitated. The Village-Store Movement of the West, especially as developed in England, is of the utmost instructiveness to us. In England the Distributive Society is of greater significance than any other form of Co-operation. The little village shop develops into a store, which expands later on into several departments, and in course of time the increase in distributive trade leads to the establishment of departments for production. The sale of vegetables leads to their cultivation. The boot trade leads often to a boot factory. (Vide

¹ *The Bengalee*, August 3, 1901.

² *Loc cit.*, Vol III p. 2.

³ G. S. Iyer, *Some Economic Aspects of British Rule in India*, p. 207.

Report of the Proceedings of the Congress of International Co-operative Alliance, 1910) "The wholesale societies in Great Britain have established factories and workshops of their own for making shoes, clothing, hardware, biscuits, jams and pickles. They have tried tea-planting in Ceylon, farming in Great Britain and Ireland." These societies, started with the idea of distribution, have transcended their original limits and have begun to provide their members with housing accommodation. Many Co-operative Unions put aside a proportion of their profits as a fund for education, and elect special committees, and thus do a great deal in training the masses in Co-operative modes of thought. The advantages of the system have already been indicated. They consist, firstly, in production becoming easier by the elimination of risk, which arises from the fact that the consumer and the producer are members of the same community. Large economies are effected, and the daily requisites are supplied at a cheap rate without the intervention of middlemen. Secondly, the habit of paying cash down is encouraged, and no higher school of Democracy can be conceived than a properly worked Co-operative Union of the kind indicated.

One of the main items in the programme for the renewal of village communities would be the establishment of village stores, the villagers contributing a small subscription and giving the amount to a committee of men elected by the inhabitants of the village. Stores for the sale of provisions and clothing at market prices, with cash payments, and based on the distribution of the profits amongst the villagers themselves in proportion to their purchases, would be an excellent departure. As the sales increase, the village industrial workers might be comprehended in this scheme, and gradually a distributive society will attract other departments of activity, such as the running of schools for agricultural or technical instruction, libraries and so forth. In the distant past, as observed by the Commission, decentralisation has been the spirit of the Indian social system, and the decentralisation indicated above would be an ideal line of progress. What has been done in Japan within 20 years, and by Sir Horace Plunket in Ireland in his own life-time, might surely be attempted in India and with equal chance of success. Such a system will also save India from some of the evil effects of the newer industrialism of the West, with its insistence on an endless division of labour and its forgetfulness of the general well-being. Specialisation in the West has overstepped its limits, and the problems of capital and labour have become wellnigh insoluble. The dehumanising of labour, on account of the inordinate centralisation of industry and its control by a few, ought to be avoided here, and except in certain inevitable cases, like mining, railway, and a few other industries, India ought not to divorce work on land from industrial work. In any future reorganisation of Indian industry, the Co-operative system must be the foundation by which each labourer will have a share both in the control and in the profits of the industries. Thus only will the opportunities be extended for general industrial progress, and the revival of the cottage industry which is being annihilated, can be sought for in no other manner. It will not only be difficult, but even were it easy it would not be expedient, to reproduce in India all the features and problems of western industrial life. The difference between city and village, between labourer and capitalist, between specialist and layman, between ethics and commercial morality, are differences which are the results of a too rigid adherence to western industrial ideals and habits of thought, and our traditions may be utilised for the purpose of fostering the growth of industry on thoroughly different lines. The small industry, for which India is eminently fitted by the simplicity of its social structure, has no place for any great economic friction and no place for class conflicts. In order that the village organisation may gradually evolve on the lines above indicated, Village Panchayats should not be placed under District or sub-District Boards, but be subject only to certain powers of veto and supervision given to Government; the Panchayats should

be free to develop independently, and on their own responsibility.

Co-operation and Panchayats, with other Necessary Reforms C. P. Ramaswami Aiyar, Fellow of the Madras University.

APPENDIX III

MADRAS PANCHAYATS ACT I OF 1916

[The "Madras Parliament" is merely a Debating Society, working under Parliamentary Rules.]

Preamble—An Act for authorising the institution of Village Panchayats, and District Panchayats, in the Presidency of Madras and for amending laws in relation thereto and relating to Village Courts.

It being desirable to revive the ancient institution of Panchayats, with a view to diminish the expense of litigation and to render the principal and more intelligent inhabitants useful and self-reliant by employing them in the work of local government and of administering justice to their neighbours.

It is hereby enacted as follows.

Preliminary—Title—1. This Act may be called the Madras Panchayats Act I of 1916.

Commencement

2. It shall come into force at once.

3. It extends to the Presidency of Madras, provided that the Local Government may by notification exempt any district or portions of district, any area or portions of area, from the operation of this Act for a period of 5 years from the commencement of this Act, provided also that it shall be further competent to the Local Government to extend the period for a further period of 5 years if authorised therefor by a resolution in the Council for making laws and regulations.

3 (a). In this Act and the Rules thereunder unless there is something repugnant in the subject or context

(1) "Panchayat" means a Panchayat constituted under this Act, and includes a District Panchayat or a Village Panchayat.

Panjab Panchayat Act VI of 1912

(2) "Bench" means the members of a Panchayat nominated for the trial of a suit under this Act.

(3) "District Munsif" and "Subordinate Judge" shall mean a District Munsif and Subordinate Judge within the meaning of the Madras Civil Courts Act III of 1873.

(4) "Revenue Divisional Officer" means a Revenue Divisional Officer within the meaning of the standing orders of the Board of Revenue.

(5) "Registrar" includes an Assistant Registrar and means the Registrar of Co-operative Societies.

(6) "Immovable property" does not include growing crops or grass.

(7) "Prescribed" means prescribed by rules made under this Act.

Panjab Panchayat Act VI of 1912

(8) "Village" includes a village so declared under this Act.

(9) "District Board" shall mean a District Board constituted under the provisions of Act V of 1884.

(10) "Public Road" means a road within the meaning of Act V of 1884. And "Street" includes public pathways.

(11) "Village Munsif" means a Village Munsif within the meaning of Madras Act I of 1889.

CHAPTER I

CONSTITUTION AND JURISDICTION

4 (a) The Local Government may from time to time by notification declare any village or villages or portion or portions thereof to be a village for the purposes of this Act.

s. 5 of Act V, 1884, Madras L. B. Act

(b) The Local Government shall by notification establish a Panchayat or Panchayats for each village or group of villages declared to be a village under the Act and fix the maximum number of members for each Panchayat provided however that there shall be a minimum of five members on each Panchayat

s. 3 of the Panjab Panchayat Act VI of 1912

5. The members of a Panchayat shall be appointed in accordance with the rules under this Act and shall hold office for a period of 3 years provided however that for the present not less than two-thirds of the members shall be appointed by election by the inhabitants. Inhabitants shall mean adult resident owners or occupiers of house or land in the village, and includes a member of a joint Hindu family, trustee, or guardian of infant householders or landowners

s. 4 of the Panjab Panchayat Act VI of 1912

The Village Munsif of each village shall *ex officio* be a member of the Panchayat

6 (a) The Local Government shall also by notification establish a District Panchayat or Panchayats for each District within the jurisdiction of a District Munsif under the Madras Civil Courts Act III of 1873 and fix the maximum number of members for each District Panchayat

s. 6 of the Madras Local Boards Act, 1884.

(b) Members of the District Panchayat shall be appointed in accordance with the rules under the Act and shall hold office for 3 years.

s. 4 (a) of the P. P. Act.

7. Subject to such rules as may be made from time to time, no person shall be made a member of a District Panchayat who has not been a resident of the district for one year or proprietor of land or local agent therein for such proprietor

8 (a) Every Village Panchayat shall appoint every year from among their own number such committees consisting of such number of persons as may be prescribed by the rules for the purpose of carrying out the administrative powers and duties vested in the Panchayat by this Act provided that no member shall be entitled to sit on more than two committees.

(b) The proceedings of every such committee shall be recorded in writing and submitted to the whole Panchayat at least once every year on a day to be specified by the rules hereunder.

9 Subject to such rules as may be framed no person shall be appointed a member of a Village Panchayat unless he be resident in such village for 3 years or be a proprietor or holder of land therein or his local agent, provided that such proprietor or local agent shall not be appointed unless he be a resident within one mile from some part of such village.

s. 7 of the Bengal Chaukidari Act of 1870.*

10 Every Panchayat shall elect once a year their own chairman from among their own number any person not being the Village Munsif or Karnam, who shall be *ex officio* chairman of each committee and each committee shall elect every year a vice-chairman from among their own number any person not being a Village Munsif or Karnam of the village

s. 123 of the Madras L. B. Act of 1884.

11 The District Judge or Subordinate Judge having jurisdiction in their respective areas may by order in writing suspend or remove any member of a Panchayat, subject to such appeal if any as may be prescribed by the rules

s. 126 of the Madras L. B. Act of 1884.

12 The Local Government in each village or group of villages in which there is a Panchayat established shall provide an office for the transaction of its business.

s. 129 of the Madras L. B. Act of 1884.

13 If any person appointed to be a member of a Panchayat shall refuse to undertake the office or wilfully omit to perform the duties thereof and shall not within 30 days from the date of his appointment or from such omission show grounds to the satisfaction of the Subordinate Judge for such refusal or omission he shall be liable to a penalty which may extend to Rs 25 provided that every person who shall have paid any penalty under the provisions of this section shall thereupon cease to be a member and shall not be liable to be reappointed a member of a Panchayat for the space of 3 years from the date of payment of such penalty

s. 8 of the Bengal Chaukidari Act of 1870

14. No member of a Panchayat after the expiry of his term of office shall be again appointed a member of a Panchayat without his consent till after the lapse of 3 years.

s. 9a B. C. A. of 1870.

15. Every Panchayat shall, subject to such rules as may from time to time be prescribed, have jurisdiction to exercise all or any of the functions and powers administrative or judicial hereby conferred upon it

CHAPTER II

ADMINISTRATIVE POWERS

16 To enable the Panchayat to carry out the purposes of this Act, all public roads, streets, drains, tanks, wells, minor irrigation sources, ferries, burning grounds and burial grounds, bathing ghats, village pasture grounds, playgrounds, minor reserves in forests, and other public places in the village shall be under the control and management of the Village Panchayat.

ss 49 50 M L B A, 1884

17 Every Panchayat shall in the village under its authority subject to such rules as may from time to time be prescribed and so far as the funds at its disposal permit have the control of and provide for the following matters:

ss 95 and 141 M L B A, 1884

(a) Lighting of public roads and streets,

(b) constructing, repairing, maintaining and cleansing the public roads, streets, bridges and other means of communication, tanks, wells, drains, minor irrigation channels, bathing ghats, burning grounds and burial grounds, and other public places in the village,

(c) constructing and repairing tanks and wells and such other works as will supply the inhabitants of the village with a sufficient supply of water for domestic use;

(d) the establishment and maintenance and repair of hospitals, dispensaries, choultries, markets, cattle pounds, slaughterhouses, latrines, water works and the payment of all charges connected with the objects for which such buildings have been constructed,

(e) the diffusion of primary education including elementary manual instruction, and with this view the construction and repair of school houses and workshops establishment and maintenance of schools either

wholly or partly by grants-in-aid, organisation, management and development of local industries,

(f) the maintenance and repairing of the minor irrigation channels and irrigation sources in the village,

(g) the maintenance, preservation and control of the minor rural forest reserves within the boundaries of the village concerned,

(h) the management and control of fairs and ferries;

(i) the establishment of village relief works in times of famine and scarcity and the distribution of famine relief funds and control of such village famine works,

(j) the distribution of agricultural loans and taccavi advances,

(k) the control and supervision of the village police and petty village servants,

(l) the preservation, maintenance and control of village sites, threshing floors and all other communal properties and the organisation and conduct of village charities and village trusts usually managed by village communities,

(m) all other measures of local public utility calculated to promote the safety and material advancement health comfort and convenience of the people generally;

(n) recommending for the guidance of the Revenue authorities claims for remission or suspension of Land Revenue,

(o) regulating the distribution of water within the village limits for purposes of irrigation

18. (a) Every Village Panchayat shall so far as may be, subject to the control of the District Board, have and exercise all the powers conferred on the Taluk Board and its president by sections 99, 100, 101, and 117 and also the powers under sections 129, 134, 143 (a) and 143 (b) of the Madras Compulsory Labour Act, Act V of 1884

- s. 99, closing and cleaning of wells.
- s. 100, directing owners to fill tanks, etc.
- s. 101, cleaning unwholesome buildings.
- s. 117, private latrines.
- s. 134, appointment of servants
- s. 143 (a), filthy buildings.
- s. 143 (b), wells in bad order

(b) The Chairman of the Village Panchayat shall have all the powers conferred on the head of a village under Madras Act I of 1858

19 The Panchayat may from time to time, subject to such general rules that may be framed by the Local Government in consultation with the District Board for carrying out of all or any of the purposes recited in the aforesaid sections also frame its own bye-laws not inconsistent with the provisions of this Act or rules made thereunder by the Local Government which after approval by the District Board shall be published in the District Gazette and in such other manner as it may deem expedient and thereupon such bye-laws shall have the force of law.

20 The Local Government in consultation with the several District Boards shall have power to frame rules and bye-laws of general applicability throughout the respective districts in the matter referred to in s. 17.

21. Mode of transacting business

(a) The Panchayats or the committees thereof shall meet for the transaction of business at such time and place as may be prescribed by the rules,

(b) the Chairman or the Vice-chairman shall preside at each meeting and in his absence the members of the Panchayat shall elect one of their number present to preside thereat,

s. 130 (i) M L B Act 1884

(c) all questions coming before a meeting shall be decided by a majority and in the case of equality of

votes the Chairman or presiding member shall have a second or casting vote,

s. 130 (v) M L B A, 1884.

(d) no business shall be transacted unless at least one-third of the Panchayatdars be present not being less than 3 in number

s. 130 (m) M L B A, 1884

22 (a) Minutes of resolutions passed at each meeting shall be recorded in a book kept for the purpose and shall be signed by the Chairman or the member of the Panchayat who presides and shall be open to inspection by the inhabitants of the area of the Panchayat,

s. 131 M. L. B. A., 1884

(b) copies of the resolutions shall be sent by the Chairman in 3 days after the passing thereof to the President of the District Board.

s. 132 (i) and (n) M L B A, 1884.

23. (a) The resolutions of the Panchayat shall be carried out by the Chairman in whom the entire executive power is vested and who shall be directly responsible for the due fulfilment of the purposes of this Act

(b) Any Chairman may with the previous consent of the Panchayat and on his own responsibility authorise any member of the Panchayat by order in writing to exercise for not more than four months any of the powers conferred on the Chairman by this Act and may cancel or modify such authority

24 (1) The Chairman may by order in writing require the Karnam of the village comprised within the Panchayat limits to furnish within a reasonable time any statement account or return in respect of such village for any of the purposes of this Act

s. 133 M L B A, 1884

(2) Any Karnam who, without reasonable cause disobeys such order shall, be liable on conviction by a magistrate to a fine of not more than Rs. 20

25 (1) If on complaint made or by other means the District Board has reason to consider that any Panchayat has passed any resolution order or proceeding in excess of its authority the President of the District Board may by notice in writing call upon the Panchayat to show cause to the satisfaction of the District Board within such time as shall be specified in the notice why such resolution, order or proceeding shall not be set aside

s. 135 (i) and (ii) M L B. A., 1884.

(2) If the Panchayat fails to show such cause within the time specified to the satisfaction of the District Board the District Board may by a resolution passed to that effect at a meeting and supported by not less than two-thirds of the members for the time being of such Board set aside the resolution, order or proceeding of such Panchayat and may pass such other orders as it may deem fit

26. (1) The District Board may from time to time employ such officers as may be required for the purpose of superintending and inspecting the working of Panchayats within the District or may authorise any officer of Government in that behalf.

s. 136 M L B A, 1884

(2) Any officer so employed or authorised may at any time, inspect any property, accounts, books and other documents under the control of the Panchayat and may record such remarks as he may deem necessary for the information of the Panchayat and shall submit a copy of such remarks for the consideration of the District Board.

27 (1) In cases of emergency the Revenue Officer in charge of the division of the District wherein any Panchayat is situated or any person duly authorised in that behalf by the Governor in Council may provide for the execution of any work or the doing of any act which

the Panchayat is empowered to execute or do and the immediate execution or the doing of which is, in his opinion necessary for the service or safety of the public and may direct that the expense of executing or doing the act shall be paid by the Panchayat

s 137 M. L. B. A., 1884

(2) If the expense be not so paid the Revenue Officer may make an order in writing directing the person having custody of the fund at the disposal of the Panchayat to pay the same in priority to any other charges against such fund except charges for the service of authorised loans or for the establishment. Such person shall, so far as the funds to the credit of the Panchayat admit be bound to comply with such order.

(3) A report of any action taken under this section shall at once be forwarded by such Revenue Officer or other person to the District Board and to the Panchayat

28. (1) If at any time it appears to the District Board that a Panchayat has made default in performing any duty imposed upon it by this Act the President may by an order in writing fix a period for the performance of such duty

s. 138 M. L. B. A., 1884.

(2) If the duty is not performed within the period so fixed, the District Board may appoint some person to perform it and may direct that the expense of performing it shall be paid within such time as he may fix to such person by the Panchayat.

(3) If the expense be not so paid the District Board may make an order in writing directing the person having custody of the fund at the disposal of the Panchayat to pay the same in priority to any other charges against such fund except charges for the service of authorised loans or for the establishment. Such person shall so far as the funds to the credit of the Panchayat admit be bound to comply with such order.

CHAPTER III JUDICIAL CIVIL

29 All suits pending in the courts of the Village Munsif at the time of this Act coming into force shall be deemed to have been instituted under this Act and all decrees passed by Village Munsifs before such date may be executed under the provisions hereinafter contained relating to execution of decrees passed under this Act.

s 5 of Madras Village Courts Act I of 1889.

30. The Village Panchayat or any Bench thereof shall be deemed to be a Village Court within the meaning of the Madras Village Courts Act I of 1889.

31 All suits instituted before the Village Panchayat shall be tried by a Bench of 3 members therefor nominated as provided herein.

32 A list of persons forming the Village Panchayat shall be prepared by the Chairman of the Panchayat and shall be hung up in the office of the Panchayat and in such other places of public resort as the Panchayat may direct.

s. 9 (ii) of Madras Village Courts Act I of 1889.

33. (1) In any suit which may be instituted before the Panchayat of any village the plaintiff in his plaint or the defendant in his answer may nominate as a member of that Bench any person named in the list mentioned in s 32, provided that such person is not his servant dependant relative or tenant or otherwise personally interested in the result of the suit.

s 9 (iii) of Madras Village Courts Act I of 1889.

(2) When either party has nominated such a person the other party shall be required to nominate one also

s 9 (iv) of Madras Village Courts Act I of 1889.

After two clear days from the date of service of the requisition under this clause if it has not been complied with the Chairman shall select by casting lots from the list a person to serve on the Bench on behalf of the person so making default

34 The Chairman shall summon the two persons thus chosen to sit together with himself and if either party objects to his taking part in the Bench some other person mentioned in the list and agreed to by both parties or chosen by casting lots from among the persons in the list shall take the place of the Chairman

s. 9 (v) of Madras Village Courts Act I of 1889

35 (1) The Chairman or the member chosen in his behalf shall be the President of such Bench and shall regulate the procedure and issue all summonses notices and the like in his own name but the decree shall run in the name of all the three members of the Bench. If the members of the Bench cannot agree the opinion of the majority shall prevail.

s 9 (vi) of Madras Village Courts Act I of 1889.

(2) No person summoned under this section to serve on a Bench shall be bound to sit for more than 5 days in any month, provided that every such person shall be bound to attend the trial of any case which has been commenced before him until its completion.

s. 9 (vii) of Madras Village Courts Act I of 1889.

(3) Whoever being duly summoned under this section to serve on a Bench without reasonable excuse declines or omits to do so shall on proof of the default before the District Munsif of the locality be liable to a fine not exceeding Rs 20

s. 9 (viii) of Madras Village Courts Act I of 1889.

36 (a) The Chairman of a Panchayat shall keep a register of suits preferred to the Panchayat and shall write the proceedings of the Court and it shall be the duty of the village Karnam if so required to assist in keeping such register and in writing the proceedings of the Court

s. 10 of Madras Village Courts Act I of 1889

(b) It shall be the duty of the village servants usually employed in carrying messages to serve all summons, notices, orders issued under this Act and to act under the orders of the Chairman in seizing and selling movables attached under this Act

s 11 of Madras Village Courts Act I of 1889.

(c) It shall be competent to the District Board, subject to the consent of the Governor in Council, to appoint any person in lieu of or in addition to the village Karnam or village servants mentioned in ss. 36 a and b.

s. 12 of Madras Village Courts Act I of 1889.

37. The following are the suits which shall be cognisable by Panchayat Courts, *viz*

(1) claims for money due on contract or for personal property or for the value of such property when the debt or demand does not exceed in amount or value the sum of Rs. 100 whether on balance of account or otherwise: provided that no action shall be brought in any such Court:

s. 13 of Madras Village Courts Act I of 1889.

(1) on a balance of a partnership account unless the balance shall have been struck by the parties or their agents;

(2) for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;

(3) by or against Government or public officers in their official capacity,

(4) by and against minors or persons of unsound mind.

38. With the written consent of both parties executed before the Court a Panchayat may hear and

may be necessary and shall also subject to rules to be framed by the High Court incur all expenditure in that connection as part of the expenditure of his Court

51. Any person refusing to attend on a requisition by the District Munsif without proper cause shall be liable to a fine which may extend to Rs. 50.

MISCELLANEOUS

52. (a) All Civil Courts shall on the application of either party transfer all suits or claims arising out of disputes relating to religious or social or caste matters to District Panchayats and the District Panchayats shall try and determine such suits in the ordinary way.

(b) All Civil Courts shall have power on their own motion or on the application of either party to refer for trial and determination of suits or claims regarding lands or crops the validity of which claims may depend on the determination of disputed boundaries and also suits arising out of disputes respecting irrigation of land between private persons to District or Village Panchayats and the Village or District Panchayats shall have power to try and determine such suits in the same way as ordinary suits instituted therein or transferred thereto.

Madras Village Land D Regulation XII, 1916.

CHAPTER IV

JUDICIAL: CRIMINAL

53. The Panchayat or a Bench thereof consisting of not less than three members shall in cases of trivial nature such as abusive language and inconsiderable assaults or affrays and petty thefts where the value of the property does not exceed Rs. 20,

a. 10 (xi) Regulation XI of 1916 (Police).
a. 6 (c) Regulation IV of 1921.

have the power and authority on a verbal examination either to dismiss the parties or if the offence charged shall be found to have been committed by the persons accused of it and shall appear deserving of punishment to confine the offending parties in the village choultry for a time not exceeding 12 hours or impose a fine not exceeding Rs. 10.

54. The Heads of villages and Karnams shall be bound to assist the Panchayats in the performance of the duties imposed on the Panchayat by the previous section.

55. It shall be the duty of the Chairman of a Panchayat to arrange a Bench of the Panchayat for the disposal of complaints under s. 53 and the same procedure as in civil suits for the constitution of the court shall be followed.

CHAPTER V

FINANCE

56. In each village, there shall be constituted a fund called the Village Fund, and unless otherwise appropriated under this Act there shall be placed at the credit thereof.

a. 56 of Madras Local Boards Act, 1884.

(1) The whole of the proceeds of house taxes now levied or hereafter to be levied in the village under Act 5 of 1884 and half of the proceeds of the taxes and fees now or hereafter to be levied by the District Board under this Act in that area.

(2) All fines and penalties levied under the provisions of this Act within the area of the village.

(3) Cattle pound receipts.

(4) All contributions received from the District Boards and Municipal Councils and all moneys which may be received by the Panchayat in trust for all or any of the purposes of this Act.

(5) All Court fees levied in suits filed before the Panchayat.

(6) Realizations from village pasture fees, village forests, fishery income, and ferries and fairs as by the rules to be framed by the Local Government the Panchayat may be empowered to collect.

(7) The incomes from charitable or other trust funds or village communal funds which may have been set apart for communal purposes of the village of which the Panchayat has the control and management

(8) All funds which may be collected in the area for education.

57. The village fund may be lodged in such Co-operative Society or other bank as the Chairman under the rules framed by the Governor in Council may be authorised to lodge in.

a. 56 (ii) of Madras Local Boards Act, 1884.

58. All expenses incurred by the Panchayat shall be paid out of such fund and all orders and cheques on that fund shall be signed by the chairman or in his absence by any person authorised by him in writing in that behalf and the bank in which such funds are lodged shall so far as the funds to the credit of the Panchayat admit pay all such orders and cheques so signed

a. 56 (ii) Madras Local Boards Act, 1884.

59. The Local Government shall provide the Village Panchayats with the necessary funds for the purpose of carrying out the duties imposed on the Panchayats under this Act and shall also render all reasonable assistance to the Panchayats to perform the duties by issuing suitable instructions to their officers in the various departments concerned and by delegating so far as may be such powers as they or their officers possess under Madras Act I of 1888 for compulsory labour and under Boards Standing Order No. 86 and under the Laws and Rules relating to forest ferries fairs and markets.

60. Every Panchayat shall furnish to the District Board at such time and manner as may be prescribed by the rules an estimate of their probable receipts during the next financial year and of the expenditure for the next ensuing year and of the time thereof and the District Board may at its meeting modify it or pass any orders it thinks fit.

CHAPTER VI

MISCELLANEOUS

61. It shall be the duty of the Registrar and Assistant Registrar of Co-operative Societies as also of the Collector, and Revenue Divisional Officers in the course of their inspection to inspect the Village Panchayats and report on their working to the Local Government.

62. On the receipt of such report it shall be competent for the Local Government to exercise the powers contained in the proviso to s. 123 of the Madras Act of 1884.

63. The Governor in Council may from time to time with the approval of District Boards frame rules consistent with this Act

a. 144 Madras Local Boards Act V of 1884.

i. as to the qualification of electors and of candidates, the appointment as members of a Panchayat by election and the method and time of appointment of members of a Panchayat by election and in regard to the following matters;

(a) the division of the village or a part thereof into wards;

(b) the number of representatives for each ward;

(c) the provision if any if made for the special representation of any classes of the community;

(d) the registration of elections;

(e) the nomination of candidates at the time of election and the mode of recording votes;

(f) any other matters regarding the system of representation and of election.

ii. As to the qualifications of members of a Panchayat to be appointed chairman by election and the method and time of appointment of such chairman.

iii. As to matters connected with and mentioned in ss. 4 to 9, 11, 15, 17, 19, 27, 46, 47, 50, 56-cl. vi, 57, 59 and 60.

iv. As to the formation of committees and powers of committees.

v. As to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of Panchayats and as to authority by which and the conditions subject to which such plans and estimates may be sanctioned.

vi. As to the accounts to be kept and as to the manner in which such accounts shall be audited and published.

vii. As to the preparation of estimates of receipts and expenditure and the authority by whom and the condition subject to which such estimates may be sanctioned.

viii. As to the returns statements and reports to be submitted and the authorities if any through whom they ought to be submitted.

ix. As to the mode in which Government Officers are to advise and assist Panchayats in carrying out the purposes of this Act.

x. As to pay or any remuneration to the Chairman of a Panchayat and also as to travelling allowances to members and Chairman of District Panchayats.

xi. Generally for the guidance of Panchayats, their agents and officers of Government in all matters connected with the carrying out of this Act.

64. i. All schools and other institutions of an educational character all hospitals, dispensaries and other institutions maintained by Panchayats and all accounts, books, registers, returns, reports, statements, and other documents appertaining thereto shall at all times be open to the inspection of such officers of Government as the Governor in Council may from time to time appoint in that behalf.

s. 152 Madras Local Boards Act V of 1884.

ii. The Governor in Council may from time to time appoint such officers as may be required for the purpose of inspecting and superintending the operations of Panchayats or any particular Panchayat and also such secretaries, clerks and other servants as may be necessary for the exercise of the power vested in him by this Act and may assign to them such salaries if any as he shall think reasonable and the expense incurred by reason of such appointment shall be defrayed by the District Board.

65. The District Board may from time to time with the sanction of the Governor in Council make bye-laws and cancel or alter the same:

s. 152 A Madras Local Boards Act V of 1884.

i. for the general or special regulation or control of markets, slaughterhouses, cart-stands, burial and burning grounds and offensive trades and all matters connected with conservancy;

ii. for regulating the use of public roads and traffic thereon and for securing cleanliness, safety and order in respect of the same;

iii. for carrying out all the purposes of this Act, and may affix fines and penalties not exceeding Rs. 20 for the infringement of such bye-laws.

66. (1) No action shall be brought against any Panchayat or against any member or servant of such Panchayat or against any person acting under the directions of such Panchayat or of a member or servant

of such Panchayat on account of any error or reporting to be done in pursuance or execution or intended execution of this Act or in respect of any default in the execution of this Act unless a demand of one month next after notice in writing delivered or left either at the office of the member or at the place of abode of such member or servant stating the cause of action the nature of the claim and the amount of compensation claimed and the name and address of abode of the intended plaintiff; and unless it shall be proved to have been so delivered or left to the defendant

s. 156 Madras Local Boards Act V of 1884.

(2) If the Panchayat or member or servant to whom notice is given as provided by sub-section (1) before action is commenced tender amends to the plaintiff sufficient in the opinion of the Court such plaintiff shall not recover more than the amount tendered.

(3) No action such as is described in sub-section (1) shall lie unless the action for the recovery of movable property or for a declaration of title thereto is commenced within six months after the accrual of the cause of action.

(4) No action shall be brought against the Chairman of a Panchayat on account of any error or default in pursuance or execution or intended execution of this Act if such Chairman acted in good faith; but any such action shall be maintainable by a Court before which the Panchayat.

APPENDIX IV

A SCHEME of reforms passed by the National Congress on December 29th, 1916, and by The All-India Muslim League on December 31st, 1916.

RESOLUTION

(a) That having regard to the fact that the great communities of India are the inheritors of great civilisations and have shown great capacity for self-government and administration, and to the progress and public spirit made by them during the last 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 that the Congress is of opinion that the time has come when His Majesty the King-Emperor should be persuaded to issue a Proclamation announcing that it is the avowed policy of British policy to confer Self-Government on India in 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 passed by the All-India Congress Committee and the All-India Muslim League (detailed below).

(c) That in the reconstruction of India shall be lifted from the position of a dependent to that of an equal partner in the Empire of the British Governing Dominions.

REFORM SCHEME

I. PROVINCIAL LEGISLATIVE COUNCILS

1. Provincial Legislative Councils shall be constituted, four-fifths elected and of one-fifth nominated.

2. Their strength shall be not less than 25 in the major Provinces, and from 50 to 75 in the smaller Provinces.

3. The members of Councils shall 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 Muhammadans should be represented through special electorates on the Provincial Legislative Councils in the following proportions

PANJAB—One-half of the elected Indian Members.		
UNITED PROVINCES—30 p. c.	"	"
BENGAL—40 p. c.	"	"
BIHAR—25 p. c.	"	"
CENTRAL PROVINCES—15 p. c.	"	"
MADRAS—15 p. c.	"	"
BOMBAY—One-third	"	"

Provided that no Muhammadan 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 the electorates for Muhammadans 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 Muhammadans elected by separate Muhammadan 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 Muhammadan electorates

Vide proviso 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 herein below 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 specifically 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 the

2. Indians should be placed on a footing equal in respect of status and rights of citizenship with the subjects of His Majesty the King through

VII. MILITARY AND OTHER MATTERS

1. The military and naval services should be 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 promotion in India.

2. Indians should be allowed to enlist as

3. Executive Officers in India shall have the powers entrusted to them, and the judicial powers in a Province shall be placed under the high court of the Province.

APPENDIX V

THE following list is taken from the resolutions presented by the All-India Congress Committee to the Secretary of State for India on November 1917.

20. *Unsatisfied demands.*—India's independence is not only sentimental. There are weighty reasons which make it imperative. The present conditions reform has not much chance. The repeated proposals and protestations of the National Congress which after so many years have not materialised on account of the attitude of the Government of India and the various Local Governments:

- (1) Abolition of the India Council (1856)
- (2) Simultaneous examinations (1856)
- (3) Equitable apportionment of military expenditure between India and England (1856)
- (4) Extension of trial by jury (1856)
- (5) Finality to be given to the trial by jury (1856)
- (6) Enabling accused persons, instead of being taken to demand that instead of being taken to the magistrate, they be committed to the Court of Sessions (1856)
- (7) Separation of judicial from administrative functions (1856)
- (8) Volunteering among Indians (1856)
- (9) Establishment of military colleges for the training of Indians as privates (1856)
- (10) Amendment of the Arms Act (1857)
- (11) An active policy of technical and industrial development (1857)
- (12) Reform of the Land Revenue of the Government (1859)
- (13) *Re* Currency policy (1892)
- (14) Constitution of an independent Indian Police Service in India (1893)
- (15) Abolition of Exchange Compromise (1893)
- (16) Abolition of Begar (forced labour) and (forced contributions of surplus land)
- (17) Reduction of "Home Charges" (1893)
- (18) Repeal of the Cotton Excise (1893)
- (19) Recruitment of the higher ranks of the bar (1894)
- (20) Condition of Indians in the Colonies (1894)
- (21) Repeal of the Government of India Act of 1858 and notification of 1891 relating to the Indian states (1894)

- (22) Measures for the relief of agricultural indebtedness (1895).
- (23) Improvement in the conditions of third class railway travelling (1895).
- (24) Financial independence to Provinces (1896).
- (25) Reorganisation of the Educational Services so as to do justice to Indians (1896).
- (26) Repeal of the Bengal, Madras and Bombay Regulations of 1818, 1819 and 1827, respectively (1897).
- (27) *Re* the Sedition Act of 1898 (1897).
- (28) *Re* the Criminal Procedure Code Amendment Act of 1898 (1897).
- (29) *Re* the Calcutta Municipal Act of 1899 (1898).
- (30) *Re* the Punjab Land Alienation Act of 1900 (1899).
- (31) Enquiry into the economic condition of the people of India (1900).
- (32) Larger employment of Indians in the minor civil services (1900).
- (33) Restriction of the employment of Indians in the superior offices of the Public Works Department (1900).
- (34) Admission of Indians to the Police competitive examination in England and their larger employment in the higher ranks of the police (1901).
- (35) *Re* the increase of £786,000 per annum in the capitation charges borne by India on account of the British forces in this country (1902).
- (36) *Re* the recommendations of the Indian Universities Commission (1902).
- (37) *Re* the Indian Universities Act of 1904 (1903).
- (38) *Re* the Official Secrets Act of 1904 (1903).
- (39) Cost of the India Office and the salary of the Secretary of State (1904).
- (40) Revival of periodical parliamentary enquiries into Indian affairs (1905).
- (41) *Advance in Local Self-Government* (1905).
- (42) *Re* the Newspapers (Incitement to Offences) Act of 1908 (1908).
- (43) *Re* the Criminal Law Amendment Act of 1908 (1908).
- (44) Free and compulsory primary education (1908).
- (45) Reform of Legislative Councils Regulations (1909).
- (46) Enquiry into the system of administration of the North-West Frontier Province (1909).
- (47) To throw open the office of Law Member to advocates, vakils and attorneys (1910).
- (48) *Re* the Seditious Meetings Act (1910).
- (49) *Re* the Indian Press Act (1910).
- (50) Enquiry into the growth of public expenditure (1910).
- (51) Amnesty to political prisoners (1910).
- (52) Mr. Gokhale's Elementary Education Bill (1911).
- (53) Governor in Council for the United Provinces (1911).
- (54) Constitution of and Executive Council in the Punjab (1911).
- (55) Reform of the India Council (1913).
- (56) *Re* Indian students in England (1915).

Is further proof wanted of the reasonableness of the complaint that reform is very slow-footed in India, and that a more or less radical reconstitution of Government both on the Executive and the Legislative side is essential for speeding up the administration ?

It must be remembered that the most important of these resolutions have been brought up year after year for 31 years.