

EAST INDIA (ADVISORY AND LEGISLATIVE
COUNCILS, &c.).

VOL. I.

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PROPOSALS OF THE GOVERNMENT OF
INDIA

AND

DESPATCH OF THE SECRETARY OF STATE.

(In continuation of Cd. 3710 of 1907.)

Presented to both Houses of Parliament by Command of His Majesty.



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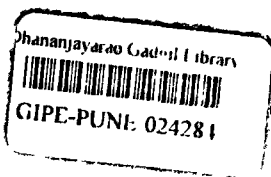
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No. 21 of 1908.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,
His Majesty's Secretary of State for India.

Simla, the 1st October 1908.

MY LORD,

WE have the honour to address you on the subject of the constitutional reforms which were initiated more than two years ago by His Excellency the Viceroy in a minute reviewing the political situation in India. Lord Minto then pointed out how the growth of education, encouraged by British rule, had led to the rise of important classes claiming equality of citizenship, and aspiring to take a larger part in shaping the policy of the Government, and he appointed a Committee of his Council to consider the group of questions arising out of these novel conditions. From the discussions thus commenced there was developed, by stages which we need not detail, the tentative project of reform outlined in the Home Department letter to local Governments, no. 2310-17, dated the 24th August 1907. After receiving your approval in Council, that letter was laid before Parliament and was published in England and India. The local Governments to whom it was addressed were instructed to consult important bodies and individuals representative of various classes of the community before submitting their own conclusions to the Government of India. These instructions have been carried out with great care and thoroughness.

2. *Reception of the scheme.*—The provisional scheme thus submitted to the judgment of the Indian public comprised the creation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and more ample facilities for discussing the Imperial and Provincial Budgets. Every feature of our proposals has aroused keen interest, and has met with ample and outspoken criticism from the most intelligent members of Indian society, and the voluminous correspondence which we now enclose may be regarded as an adequate and exhaustive expression of the views of those who are qualified to pronounce an independent opinion on the weighty and intricate matters now under consideration. In a country where the separation of classes, castes, races, and communities, is so marked as in India, and little common national sentiment has as yet been evolved, the natural tendency is, as the Bombay Government have pointed out, for the advocates of each particular class or interest to consider how their own advantage can best be furthered, and to overlook the wider aspects of the subject. This tendency comes out strongly in the non-official opinions forwarded by the local Governments. From the landholders, whether Hindu or Muhammadan, the scheme has met with a generally favourable reception. With very few exceptions, they either approve of the proposals regarding Advisory Councils or make suggestions which leave their principle untouched. They welcome the

separate representation of the landowning interest on the Legislative Councils, and many of them lay stress on the condition that the member elected to represent their class must himself belong to it. The Muhammadans point out that the reforms of 1892 paid no regard to the diversity of the interests involved, and that territorial representation, in so far as it was then introduced, has placed a monopoly of voting power in the hands of the professional class. Most of them express their satisfaction with the scheme of Advisory Councils, and they are unanimous in their commendation of the proposal to assign special seats to Muhammadans on the Legislative Councils, though some of them urge that the measure of representation offered to them falls short of that which their numbers and influence entitle them to demand. On the other hand the leaders of the professional class regard the Advisory Councils as superfluous and illusory; they protest against class electorates for the Legislative Councils; and they demand the formation of territorial constituencies on a scale which would render their own influence predominant. Comparatively few opinions have been received from the commercial and industrial classes. But all of them, whether European or Indian, agree in complaining that their interests have received insufficient consideration and that they ought to have more members on the Imperial Legislative Council.

3. The divergent opinions briefly summarised here bear striking testimony to the wisdom of Lord Lansdowne's Government in describing Indian society as "essentially a congeries of widely separated classes, races and communities, with divergences of interests and hereditary sentiment which for ages have precluded common action or local unanimity," and in insisting that the representation of such a community could only be secured by assigning to each important class a member specially acquainted with its views. The conditions which existed then are shown by the present correspondence to continue still. Indeed, the advance in general education, that has taken place since 1892, has added to the complexity of the problem by bringing to the front classes which were then backward, and by making them more keenly conscious of their individual interests and more disposed to claim separate representation by means of special electorates. In framing the greatly enlarged scheme of reform, which is explained below, we have given careful consideration to the views of all classes, and we desire to acknowledge the value of the opinions which have been submitted by the educated members of all communities who, though their number is relatively small, deservedly occupy a special position by reason of their intellectual attainments and the attention they have given to public questions. With these preliminary observations we pass to the consideration, in fuller detail, of the actual proposals upon which we now submit our final recommendations to His Majesty's Government.

AN IMPERIAL ADVISORY COUNCIL.

4. *Opinions on its composition.*—The considerations by which we were influenced in proposing the creation of an Imperial Advisory Council are fully stated in paragraph 4 of our letter of 24th August 1907. The Council then suggested was to consist of about sixty members, of whom twenty were to be Ruling Chiefs and the rest territorial magnates. The opinions of local Governments on the advantages of the scheme are divided. The views of the Madras Government are wholly adverse; the Government of Bombay cordially agree with the principle involved, but demur to the combination of Chiefs and territorial magnates, and suggest an Advisory Council of Ruling Chiefs for consultation on questions affecting them alone; the Lieutenant-Governors of Bengal and the United Provinces approve. The Lieutenant-Governor of the Punjab is opposed to a mixed Council, but thinks that a smaller Council of Princes to discuss matters of imperial and general importance might be of advantage, and suggests that to this Council there might be admitted a few men of wide reputation throughout India. The Chief Commissioner of the Central Provinces takes substantially the same view. The Lieutenant-Governors of Burma and of Eastern Bengal and Assam approve generally of the scheme. Most of the non-officials receive with enthusiasm

the general principle of associating the people more directly with the Government, but there is no unanimity in regard to the means by which this end may be attained, and the leading features of the Government proposal are generally condemned on various grounds. The main objections are that Ruling Chiefs will not sit with subjects of the British Government, who are necessarily of inferior status; that they have no knowledge of the conditions of British India, and that they would for that reason be useless either for the purpose of advising the Government, or of diffusing information to the people. As regards territorial magnates, it is alleged that they are out of touch with the people, and that their interests are necessarily adverse to those of the great body of agriculturists.

5. *Criticisms on the functions of the Council.*—Apart from the qualifications of its personnel the proposed Council is criticised on the grounds that it would have no legal recognition and no formal powers; that the Government would be under no obligation to consult it or to be guided by its advice; that its proceedings would be secret, and that Government would have discretion to publish or not to publish them as it thought fit; and that the views of a nominated Council would command no respect if they were in conflict with those of the elected members of the Legislative Council, while if the two bodies concurred in opposing the Government the difficulties of the situation would be increased. The views of a number of Ruling Chiefs have been ascertained by letter and by personal consultation, and several political officers have also been consulted. The majority of Ruling Chiefs are opposed to the formation of a Council on which Ruling Chiefs and territorial magnates would sit together. Nearly all the political officers are of the same opinion.

6. *Recommendations of the Government of India.*—We have carefully considered and discussed these criticisms. In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which our proposal has met with in British India, we consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interests may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present conditions we are of opinion that an attempt to create a mixed Council in any form would result in failure. We think, however, that there should be an Imperial Council composed only of Ruling Chiefs. The scope of such a Council would necessarily be narrower than that of a mixed Council, but there are many questions of an Imperial character on which the advice of Ruling Chiefs would be of great value, and we are of opinion that the time has come when they should be invited to assist the Governor General in the guardianship of common and Imperial interests.

7. *Proposal for a Council of British Indian Notables.*—The question then arises whether, in addition to a Council of Chiefs, there should be an Advisory Council composed exclusively of Notables of British India. As to this our view is that if an experiment is to be made in the direction of Advisory Councils, it should be made, in the first instance, by the institution of Provincial Advisory Councils on the lines indicated below, and that the question of an Imperial Council of Notables for British India only should not be entertained until the success of that experiment has been vindicated. It will always be open to the Viceroy to ask for the advice of members of Provincial Councils if he so desires.

8. *The Council of Chiefs.*—Concerning the manner in which a Council of Chiefs should be called into existence we observe that legislation is not necessary and would not be appropriate; we consider that the Council should be created in the exercise of the right of the Viceroy to choose his own advisers in respect of matters which are under his control as the head of the Government. This disposes of the various suggestions put forward in the papers as to local recognition, statutory powers, election of the whole or part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion, and so forth. It puts the scheme on its proper footing and leaves it to develop by the natural process of growth to which all successful political institutions are due.

9. *Number and term of office.*—Passing now to the questions of the number of the Council, the mode of appointment and the term of office, we recommend that it should be limited to such a number as is appropriate in view of the claims and traditions which have to be considered. We observe that the Imperial Privy Council proposed by Lord Lytton included only 12 Chiefs, and that His Lordship said that he could not recommend a larger number “without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office, or to Chiefs not wholly fitted for the dignity of Councillors.” Eventually only eight Chiefs were given the title of Councillor of the Empress. As the Council should, in our opinion, be appointed by the Viceroy, it follows that neither hereditary tenure nor election would be admissible. The members would hold office during the Viceroy’s pleasure, and it would be at his discretion to consult any of them, individually or collectively, as he might think fit from time to time.

10. *Subjects for discussion*—There is abundant evidence in the opinions that have come before us of the existence of a strong feeling that the Council ought to be given some power of initiative, and that their discussions should not be strictly limited to matters formally referred to them. This view appears to us natural and reasonable, and we recommend that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Viceroy to grant such a request. We do not, however, think it desirable in announcing the creation of the Council to enumerate by way of catalogue the subjects to be referred to it. Such an enumeration would, on the one hand, tend to limit consultation, while on the other it might lead to the Council being overburdened at starting with a list of subjects, some of which did not call for immediate consideration. We have little doubt that questions will arise from time to time the disposal of which will be materially facilitated by the deliberations of such a Council as we contemplate. We do not think it advisable to define the scope of consultation more precisely, and for the present, at any rate, we would leave the whole matter to the unfettered discretion of the Viceroy.

11. *Meetings and procedure.*—For much the same reasons it does not appear to us to be necessary, until further experience has been gained of the actual working of the Council, to determine whether it should meet periodically, and, if so, at what intervals. That will obviously depend partly upon the amount of business to be brought before the Council, and partly on the question whether the nature of the business is such as to call for personal and collective discussion, or whether it can more conveniently be dealt with by means of correspondence. It is true that the opinions on the subject, both those of the Chiefs and those sent up by local Governments, are in general agreement that the Council should meet once a year at least. It has, however, been pointed out by several critics that the expense of assembling the Council would be considerable, and could not fairly be charged either on the taxpayers of British India or on those of the Native States. We observe, moreover, that some of the more important Chiefs dislike the idea of collective consultation, that they hint at difficulties of precedence among themselves, and that they evidently consider free discussion to be only possible among equals. These Chiefs express a preference for consultation by letter, or for the appointment of certain Chiefs to offer advice when they think it necessary. They do not wish to be invited to attend meetings, both for the personal reasons already suggested, and because of the expense and inconvenience and the interruption of their regular administrative work. It appears to us that there is much force in these objections. We believe, however, that they might be got over by holding a meeting in the first instance for the purpose of inaugurating the Council, and of giving opportunity for an informal interchange of views, and then conducting the business of the Council by means of correspondence, unless some occasion should render it desirable to call together the entire body. In our opinion the proceedings of the Council when invited to assemble for collective consultation should ordinarily be confidential; but it would rest with the Viceroy after consultation with the Council to cause a statement of the subjects discussed and the decisions arrived at to be published.

PROVINCIAL ADVISORY COUNCILS.

12. *The Government of India's original proposal.*—In our letter of the 24th August 1907, we suggested that the various Provincial Governments should, when the local conditions admit, be furnished with a selected body of advisers, whom they would consult upon all measures of importance affecting the populations committed to their charge. These Provincial Councils were to be of smaller size than the Imperial Council then contemplated, but their membership was to be large enough to embrace all interests of sufficient importance to claim representation on such a body. The greater and smaller landholders, industry, commerce, capital, and the professional classes were to be included in the Council; and it was observed that the association of non-official Europeans, standing for these important interests, with the natural leaders of Indian society in common consultation on matters of public importance would tend to promote a better understanding, and to clear away on both sides injurious prejudices and misconceptions. Each local Government was to be at liberty to consult its Advisory Council, either individually or collectively, in regard to any provincial question.

13. *Views of local Governments.*—The replies of local Governments are not unanimous, but on the whole they are in favour of the proposal. The Government of Bombay approve of the general idea, but consider that the practical success of the Council must depend on the personal weight and influence of its members, each of whom should, as far as possible, represent some important class or interest. Their number should not exceed 20; all should be nominated for three years; and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five members should be appointed for Sind. The Lieutenant-Governor of Bengal proposes a Council of about 30 members representing large and small landholders, Feudatory Chiefs, European and Indian Commerce, tea and indigo, the professions, the University, the district boards and the municipalities. The Lieutenant-Governor of the United Provinces suggests that the Council should consist of 35 nominated members, including representatives of the province on the Imperial Council, and four elected members of the Provincial Legislative Council, the balance being made up by representatives of land, industry, commerce, the planting community, the professional classes, and educational and religious interests. The Council should be free to choose its own President and Secretary, and should conduct its deliberations in the absence of any Government official. The Lieutenant-Governor of Burma approves of the scheme as a general measure of policy, but considers that the province is not yet ripe for such a measure. The Lieutenant-Governor of Eastern Bengal and Assam thinks it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings. He suggests a Council composed of the members of the Legislative Council and representatives of other interests, including members elected by the District Advisory Councils which he thinks should be formed. The Lieutenant-Governor of the Punjab dwells on the difficulty of finding suitable men for an Advisory Council and a Legislative Council and observes that if, for the sake of uniformity, it is necessary to have an Advisory Council in the Punjab, its number should be the smallest compatible with adequate representation of the main creeds, classes and interests. He considers that five or at the most seven Councillors would be sufficient. The Chief Commissioner of the Central Provinces proposes a Council of 25, comprising 8 members elected by district boards and large municipalities, 6 members nominated to represent the commercial classes and minorities, and 11 official members. The Madras Government criticise the published scheme on the grounds stated at length in their letter of 13th March, and, instead of creating a Provincial Advisory Council, propose to consult the non-official members of their Legislative Council informally when they require advice. In regard to the question whether the proceedings of the Council should be strictly private and confidential, or whether some provision should be made for public conferences, we find few definite expressions of the opinion of local Governments. The Governments of Eastern Bengal and the United Provinces appear to contemplate giving a certain amount of publicity to the proceedings of the comparatively large

Councils which they propose, and the Government of Bombay, though they propose a relatively small Council, do not suggest that its proceedings should necessarily be confidential. On the other hand, the Lieutenant-Governor of Bengal advises that the proceedings should be "informal, private, and confidential," while for the Punjab a small confidential Council is proposed.

14. *Views of other persons.*—The opinions before us from other persons are beyond doubt in favour of the creation of some form of Provincial Advisory Council, in order to bring the people more closely into touch with local Governments. There is, however, considerable diversity of opinion as to the size and constitution of the proposed Council. Suggestions vary from a small Council of not less than 10 representing land, commerce, the professions, and retired officials; to larger bodies of 50, 60 or 80 members partly elected and partly nominated. Generally speaking, the tendency of the professional middle class is to propose a rather large statutory Council, wholly or partly elected so as to represent a variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers which would include an unlimited initiative, power to ask questions and to call for information and papers, and an absolute or suspensory vote on Government proposals. The landholders are mainly concerned with securing adequate or preponderant representation for themselves, but many of them make much the same proposals as the professional class. The Maharaja of Benares puts forward the suggestion, which has been adopted by the United Provinces Government, that the Council should have its own President and Secretary; Sir Faiyaz Ali Khan proposes an elected Council; the Raja of Malabar pleads for legal recognition, periodical meetings, public discussion, and election of members. The British Indian Association advocate district representation, power of initiating questions, and publication of opinions. The Muhammadan opinions are almost unanimous in desiring a Council, but differ as to its composition. Some ask for large Councils on which each district would have a representative; others propose smaller bodies with 25 or 30 members. Several writers suggest that religious interests should be specially represented. Among the Muhammadans of the Punjab the best opinion accepts a small Council of six or seven members as appropriate.

15. *Final recommendations of Government of India.*—The demand for Advisory Councils of large size, and for opportunities of public debate, appears to us to have its origin mainly in the feeling, which has been generally expressed, that there ought to be greater facilities for the discussion of public measures than now exist. We recognise the force of this claim, but we think that it should be met rather by extending the powers of the existing Legislative Councils than by setting up large rival Councils which must to some extent conflict with them. In the recommendations which we shall presently submit to Your Lordship in regard to the Legislative Councils we have suggested the removal of the restrictions which now prevent debate on matters which are not before the Council in the form of legislation, and we believe that this change should satisfy those who ask for large Advisory Councils for the reason given above. But the question remains whether it would not be of advantage for the Head of a local Government to have a small body of Councillors to whom he could turn for advice before his policy was definitely shaped, or whom he could use as a channel of communication with the public in matters which could not conveniently be brought before the Legislative Council. Beyond doubt the bulk of opinion is in favour of the formation of some consultative body, and we recommend that Advisory Councils of the character indicated above should be constituted in those Provinces in which the Head of the Government is of opinion that they would be of service. Conditions vary, and we would not compel any local Government to make what, after all, can only be an experiment, unless local conditions were held to warrant it. But we believe that such Councils, if wisely directed, might become of marked value in some provinces. They would provide a means of obtaining advice both on proposals for legislation and on administrative questions, and of conveying information as to the intentions and motives of Government, and further they would be a visible sign of the desire of the Government to take the best minds in the province into their confidence. It is, however, in our opinion, essential that such Councils should be limited in size and that the decision as to their numbers should rest with the Government of India. The reason for this is plain; the effect of any departure from the standard model

would not be confined to a single province, but would inevitably affect the administration of other provinces and of India as a whole. The appointment of members would naturally rest with the local Government, and in our judgment the criterion of membership should be distinction of some kind, whether arising from intellectual capacity, personal influence, or representative position. It follows from the fact that the Councils are to be advisory bodies only, that no legislation is required for their creation. We do not propose to attempt any formal enumeration of the subjects with which such Councils should deal. We think it sufficient to say that the Council should consider matters referred to it by the head of the Government, but that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the head of the Government to decline to refer a particular question to the Council. We are of opinion that a record should in all cases be kept of the subjects discussed and of the conclusions arrived at, and that it should rest with the head of the Government to determine in consultation with the Council whether and in what form a statement of the views of the Council should be published.

THE IMPERIAL LEGISLATIVE COUNCIL.

16. The history of the various stages by which the Imperial Legislative Council has developed into its present form is given in Sir Courtenay Ilbert's *Government of India* and need not be repeated here. Under the law and rules at present in force the Council stands thus:—

Ex-officio.

| | |
|--|---|
| The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council | 8 |
|--|---|

Additional.

| | |
|--|----|
| A.—Nominated members; not more than 6 to be officials; the non-officials to be nominated with reference to legislative business or to represent interests | 11 |
| B.—Elected members— | 5 |
| (a) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces | 4 |
| (b) by the Calcutta Chamber of Commerce | 1 |
| Total | 24 |
| or, including His Excellency the Viceroy | 25 |

17. In our letter of 24th August 1907 we suggested that effect might be given to the principle of the representation of classes and interests by means of a Council constituted in the following manner:—

Ex-officio.

| | |
|---|---|
| The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of Executive Council | 8 |
|---|---|

Additional.

| | |
|--|----|
| A.—Nominated members; not more than 20 to be officials; of the non-officials, one to be a Ruling Chief; four to represent minorities or special interests, not less than two being Muhammadans; and two, when necessary, to be experts nominated for special purposes | 27 |
| B.—Elected members— | 18 |
| (a) by the Chambers of Commerce of Calcutta and Bombay | 2 |
| (b) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma | 7 |
| (c) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces | 7 |
| (d) by Muhammadans | 2 |
| Total | 53 |
| or, including His Excellency the Viceroy | 54 |

18. *Principle of representation.*—We have carefully considered the proposals of local Governments on the subject and the large body of non-official opinions submitted. In our judgment these papers bear out to the fullest extent the conclusion that representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils. A great array of authorities may be cited in support of this opinion. Twenty years ago, in the course of the discussions leading up to the report of Sir George Chesney's Committee, Mr. (now Lord) MacDonnell, then Home Secretary to Lord Dufferin's Government, said in a note which was forwarded to the India Office: "The process of modifying the existing constitution of the Councils should proceed on a clear recognition and firm grasp of the fact that India is a congeries of races, nationalities, and creeds, widely differing *inter se* in a variety of ways." On the same occasion Sir George Chesney expressed similar views, and Sir Charles Aitchison observed that "the division of the people into creeds, castes, and sects with varying and conflicting interests" rendered representation in the European sense an obvious impossibility. A passage in Lord Dufferin's Minute annexed to the Government of India's Despatch of the 6th November 1888 describes the population of India as "composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting social usages, and even antagonistic material interests." This opinion is not confined to Englishmen, but is shared by competent Indian observers at the present day. In a recent address to a modern political association on the duty of patriotic Indians, His Highness the Aga Khan has given emphatic expression to similar sentiments. "In India," he says, "no such union as is essential to the creation of a strong, independent, homogeneous state is possible without centuries of consolidation. Even if we assume that the forces tending to unification are quickened by the machinery of modern civilisation, generations must pass before India is a nation. In very truth we can detect no signs of the advent of that unity which is the first essential to the creation of a modern State."

19. These views receive striking independent confirmation from the debates in Parliament on the Indian Councils Bill which became law in 1892. In the Upper House Lord Ripon referred to the extreme difficulty of "selecting men who represented the various classes of the community, and the various sections of opinion, as well as the various localities of India". Lord Kimberley said—"the notion of a Parliamentary representation of so vast a country—almost as large as Europe—containing so large a number of different races is one of the wildest imaginations that ever entered the minds of men." He went on to emphasise the necessity of ascertaining the feelings of "a most important body.....the Muhammadans of India. If you were to be guided entirely by the Hindu popular opinion you would find yourself in great difficulty." Lord Northbrook considered that provision should be made "for the representation of different classes of people—people of different races and different religions." In a later stage of the discussion Lord Kimberley agreed with Lord Northbrook, and observed—"It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised; but there must be found some mode in India of seeing that minorities such as the important body of Muhammadans, who are frequently in a minority in parts of that country, are fully represented." In the House of Commons the weightiest utterance was that of Mr. Gladstone, who referred to the difficulty of introducing the elective principle "in an Asiatic country like India with its ancient civilisation, with institutions so peculiar, with such diversities of races, religions and pursuits." He also drew attention to "the danger of having persons who represent particular cliques or classes or interests, and who may claim the honour of representing the people of India," thus anticipating the observation, now made by the Bombay Government, that "the educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence." Mr. Samuel Smith spoke of "the endless shades of caste, race, and religion in India"; Sir William Plowden and Sir Richard Temple followed in the same strain; and the latter

observed that "in fixing the ratio of members, the interests to be represented, and the classes which constitute the bulk of the people, ought to be the determining factors rather than the population."

20. To the principle thus affirmed by both Houses of Parliament Lord Lansdowne's Government endeavoured to give as wide a scope, as was then possible, in the regulations framed by them for the constitution of the Provincial Legislative Councils. In the letters addressed by them to local Governments on the 15th August 1892, they enumerated the interests which seemed to be of sufficient importance to require representation, and indicated the manner in which the seats to be filled by recommendation should be allotted so as to secure the object in view. The question of the direct representation of those interests on the Imperial Legislative Council did not at that time arise, as it was believed that the non-official members of the Provincial Legislative Councils, as reconstituted under the regulations then about to be made, would form a sufficiently wide electorate for the Supreme Council. This electorate, however, while it has worked advantageously in the case of one class, can hardly be said to have afforded proportionate representation to the other interests concerned. Of the non-official members elected to the Imperial Council since 1893, 45 per cent. have belonged to the professional middle class; the landholders have obtained 27 per cent. of the seats, and the Muhammadans only 12 per cent.; while the Indian mercantile community, a large and increasingly important body, have had no representative at all. The advance of English education, and the demand of influential classes and interests for representation on a more ample scale, now render it necessary to examine the whole subject in the light of the experience of the last fifteen years, and to treat it on more liberal and comprehensive lines than we have hitherto been able to follow. With the enlargement of the Imperial Council it ceases to be possible to rely exclusively upon a single source of recruitment. New constituencies must be formed, and in framing them we have to consider what sections of the population can properly claim representation for British India as a whole. With due regard for the limitations of a purely numerical test, we would refer to the following statistics of communities, interests, and adult male persons who can read and write, as indicating in a general way the main factors which enter into the problem. The figures are taken from the Census of 1901 and relate to British India only.

Communities.

| | | | | Number. | Per cent. |
|-------------|-----|-----|-----|-------------|-----------|
| Hindus | ... | ... | ... | 158,601,000 | 68 |
| Muhammadans | ... | ... | ... | 53,804,000 | 23 |
| Buddhists | ... | ... | ... | 9,411,000 | 4 |
| Christians | ... | ... | ... | 1,904,000 | ·81 |
| Sikhs | ... | ... | ... | 1,574,000 | ·67 |
| Jains | ... | ... | ... | 479,000 | ·20 |

Interests.

| | | | | | |
|-----------------------|-----|-----|-----|-------------|------|
| Agriculture | ... | ... | ... | 155,678,000 | 67·1 |
| Commerce and Industry | ... | ... | ... | 38,302,000 | 16·5 |
| Professions | ... | ... | ... | 3,871,000 | 1·6 |

Adult Males.

| | | | | | |
|------------------------|-----|-----|-----|-----------|----|
| Literate in English | ... | ... | ... | 625,000 | 1 |
| Literate in Vernacular | ... | ... | ... | 8,616,000 | 14 |

21. Starting from these data, and bearing in mind the principles laid down by Parliament in 1892 for the guidance of Lord Lansdowne's Government, we propose that the Imperial Legislative Council should be constituted as follows:—

| | |
|---|----|
| A. <i>Ex-officio</i> members | 8 |
| B. Officials representing provinces | 8 |
| C. Nominated members; not more than 15 to be officials; the non-officials to be representatives of minorities or special interests, or experts | 18 |
| *D. Elected members— | 28 |
| †(a) By the Provincial Legislative Councils and by the Advisory Council of the Central Provinces | 12 |
| (b) By the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces | 7 |
| (c) By Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and (alternately) Madras and Bombay | 5 |
| (d) By Chambers of Commerce of Calcutta and Bombay | 2 |
| ‡(e) By representatives of Indian commerce | 2 |
| Total | 62 |

or, including His Excellency the Viceroy 63

The Council, when assembled in full strength, would be composed (excluding the Viceroy) of 31 officials and the same number of non-officials, so that His Excellency would only be called upon to vote in the event of the Council being equally divided. Our reasons for the constitution which we propose are stated in detail in the following paragraphs.

22. *Enlargement of the Council.*—In our letter of 24th August 1907 we suggested that the size of the Council should be more than doubled. Among local Governments, Bengal, the United Provinces, and Burma approve of the proposal and make suggestions tending to raise the number still further. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official members, and throws out the suggestion that their number might be reduced by giving each official vote a double value. Most of the opinions forwarded favour enlargement, and a number of persons either propose a number in excess of 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. We are impressed with the unanimity of the feeling in favour of a large Council, and we consider that the rise in the standard of general intelligence, and the universal desire for a greater share in the management of public business, render an increase inevitable and desirable. In view of the various classes and interests which claim representation, we find it impossible to propose a smaller number than 62 or, including His Excellency the Viceroy, 63.

23. *Power to create an official majority.*—The principle of an official majority was accepted by His Majesty's Government in the correspondence which took place last year, and was embodied, with their authority, in our letter of 24th August 1907. We can discover nothing in the present correspondence that would justify us in proposing its surrender. It is obvious that under existing constitutional conditions the Government cannot resign; it must be able to settle the budget and procure supplies for the service of the country; and it cannot divest itself of the power to give effect by legislation to the decisions of His Majesty's Government. Those non-officials who approach the subject from its

* Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor-General, in consultation with local Governments, until a method of election can be devised.

practical side clearly realise the anomaly of the Executive Government being placed in a permanent minority. In the scheme submitted to us by the Hon'ble Mr. Gokhale, who may be taken to represent the better informed section of Indian publicists, he carefully guards himself against any such idea. On the Councils outlined by him the Government is "assured of a standing majority behind it" and the head of the Government is further vested with a general veto. He asks only for "a minority—but a respectable minority" of non-official members. In all provinces the opinions which carry most weight, owing to the position of the writers or their experience as members of a Legislative Council, proceed on similar lines; though the strength of the official majorities proposed by them differs slightly, and some suggest that official votes should have a double value, or that the official proposals should prevail and that no cognizance should be taken of the votes. We gladly recognise the moderation and good sense by which these views are inspired. At the same time, in order to avoid the inconvenience and waste of power involved in taking a number of officers away from their ordinary work merely for the purpose of voting on the Government side, we would reduce the official majority to the narrowest limits. Our scheme provides (excluding His Excellency the Viceroy) for 31 official members,—8 *ex-officio*, 8 representing provinces, and 15 appointed from among those officials at the headquarters of Government whose services can be made available without undue interruption of their ordinary duties. In the event of the Council being equally divided so that 31 officials were on one side and 31 non-officials on the other, the Viceroy's vote would turn the scale.

24. *Ordinary constitution of the Council.*—We have stated in the last paragraph our reasons for deeming it essential to retain the power of procuring, in the last resort, the support of a majority of officials in our Legislative Councils. Subject to this essential condition, we are prepared, in the Councils as constituted for ordinary purposes, to make a far larger concession than has as yet been suggested and to dispense with an official majority. We have every hope that the confidence we are willing to place in the intelligence and public spirit of the non-official members will be justified, and that increased responsibility will bring with it the requisite forbearance. We believe that on all ordinary occasions the Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry on the work of legislation with a Council containing less than the full quota of official members, and we are willing to give this system a fair trial. Our specification of the Council has been framed accordingly. The provision that of the nominated members not more than 15 shall be officials will enable us to dispense with an official majority for ordinary purposes, and we anticipate that it will hardly ever be necessary to appoint so large a number of officials as would secure an absolute official majority. In short, we propose to work normally with a minority, but to reserve power in the last resort to transform it into a majority.

25. *Omission of the Ruling Chief.*—The inclusion of a Ruling Chief in the Imperial Legislative Council proposed last year is objected to by a large number of persons on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a Chief can know very little about the subjects with which British Indian legislation is concerned. We have considered these arguments, and we recommend that a Ruling Chief should not form an obligatory element of the Council. When there happen to be special reasons for appointing one, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a minority such as the Muhammadan or the Sikh community.

26. *Representation of the professional middle class.*—Our proposal to assign seven seats to the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma is accepted by all local Governments except the Punjab, which observes that as the number of non-official members on its Provincial

Council will probably remain small, "it would be difficult, though not of course impossible, to concede to them the right of electing a member for the Imperial Council." This portion of the published scheme has, however, been attacked on the ground that it gives to the professional middle class only three more seats (corresponding to the three additional provinces to be represented) than they now possess. Several suggestions are made for increasing the number by assigning two or more members to each of the Provincial Councils. We have considered these proposals, but we find it impossible to give each of the seven Provincial Councils as many as two members without raising the total strength of the Imperial Council to an extent that would be inconvenient. We recommend, therefore, that the four provinces which will have comparatively large Provincial Councils, namely Madras, Bombay, Bengal and the United Provinces, should be allowed to elect two members, the three provinces with smaller Councils, namely the Punjab, Eastern Bengal and Assam, and Burma getting only one member each. This would raise the number of members elected by Provincial Legislative Councils from seven to eleven, which seems a fair allotment so far as the provinces with Councils are concerned. The case of the Central Provinces has also to be considered. There is at present no Legislative Council in those Provinces, and there are difficulties in forming any kind of suitable electorate. For the present, therefore, we think that some use may legitimately be made of the Advisory Council, and we consider that the representative might be nominated by the Chief Commissioner in consultation with that Council. This is perhaps not a very great advance, but it represents a somewhat nearer approach to election than nomination pure and simple, which appears to be the only practicable alternative.

27. *Representation of landholders.*—The proposal made in our letter of 24th August 1907 that the nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces should be represented by seven members, is generally approved by the local Governments, and has been well received by the landholders themselves, and we consider that it gives sufficient representation to the landed interest. The question, however, of the manner in which the members are to be selected is a difficult one, and there is little uniformity in the answers. The Governments of Madras and Bengal propose to form electorates based upon income from land. The United Provinces has a scheme for election proper in Agra, and another for election by associations in Oudh. The Government of Bombay make no suggestion as to the manner in which the representative of the Bombay landowners on the Imperial Council should be selected. The Chief Commissioner of the Central Provinces thinks that the formation of an electorate is impossible, and puts forward a scheme for election by Durbaris combined with nomination. The Lieutenant-Governor of Eastern Bengal and Assam proposes election by an association, and the Lieutenant-Governor of the Punjab is in favour of nomination. Among these conflicting opinions it is impossible for us, with the materials available, to make any definite proposal which would admit of general application, nor is it probable that any uniform system would be feasible throughout India.

28. We may, however, discuss, as briefly as possible, the various suggestions that have been made. Of the proposals put forward in our published letter election by the landholding members of the Provincial Councils is rightly objected to on the ground that the electors, numbering from two to four only, would be likely to differ over the selection of the candidates. Election by a constituency comprising all landholders who pay a certain amount of land revenue, or derive a certain income from land, is approved in principle by most people, though there is some difference of opinion as to the exact sums which should confer the franchise. But doubts are expressed by some Governments and several landholders as to the possibility of working such an electorate over an area so large as an entire province, and the question is one that can only be settled by actual experiment. If the landholders themselves take a real interest in the matter, and are anxious to demonstrate their fitness to exercise the privilege of voting, provinces will compete with each other in devising methods

of election and the best system will in the long run prevail. Meanwhile we may point out that the success of the Calcutta University in organizing the election of Fellows by a large number of graduates scattered all over India furnishes some ground for believing that the difficulties anticipated will not be found insuperable.

29. Where regular electorates cannot be formed, the simplest and most convenient method of selecting members would be to recognise election by associations. This practice has precedent in its favour. It was mentioned with approval in the Parliamentary debates on the Act of 1892, and in one form or another it appears in all of the existing regulations. There are, however, certain possibilities connected with it which may become more serious if the expansion of the Councils and the enlargement of their powers should stimulate the electioneering spirit in India. If election by associations is admitted as the standard means of giving representation to classes, it seems probable that rival associations may claim recognition, and that it may be difficult to decide between them. There is also the danger that an association may be captured by a small ring of politicians; that its original character may be transformed by changing the conditions of membership or by manipulating admissions; or again that the whole organization may exist, as the Hon'ble Malik Umar Haiyat Khan has suggested, "more on paper than in practice." Lastly, where parties are formed within an association, with the result that the validity of an election is disputed and each party charges the other with fraud, it is obvious that the Government would find some difficulty in determining which of two rival candidates should be held to have been elected. For these reasons we consider that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until the interests which they purport to represent demand the formation of a regular electorate, and succeed in satisfying the Government that this step in advance is practicable. Where there are no representative associations, and electorates cannot be formed, the only possible alternative is to have recourse to nomination until the community have developed sufficiently to be fit for a more independent system. In applying each of these methods regard would be had to local conditions. For instance in the United Provinces the claim of the British Indian Association, which represents the Oudh Talukdars, to elect a member deserves special consideration; but the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. We are in agreement with most of the landholders who have discussed the subject in considering it essential that in all cases the candidates for election should themselves be members of the electorate.

In framing these proposals we have not lost sight of the fact that the interests of landlords and tenants are by no means identical; that our electorates will consist mainly, if not exclusively, of the former class, and that no means can at present be devised of giving the great body of tenants direct representation on the Legislative Councils. Their interests, however, are in no danger of being overlooked. In the debate in the House of Lords on the 6th March 1890 both Lord Ripon and Lord Kimberley pointed out that when the Bengal Tenancy Act was under discussion in Lord Dufferin's Council "the only representative of the ryots was the Government." Among the official members of the Legislative Councils there will always be some experts in Indian land questions, who will be qualified to represent the views of the cultivators.

30. *Representation of Muhammadans.*—All local Governments approve of the proposals for the special representation of Muhammadans which were made in our letter of 24th August 1907. These proposals are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognise the expediency of giving special representation to the Muhammadan community, and the Bombay Presidency Association, while they object strongly to the creation of a special Muhammadan electorate, make provision in their scheme of a Council for the

election of two members by the Muhammadan community. Notwithstanding their formal protest against the principle of religious representation, the association doubtless realise that the Indian Muhammadans are much more than a religious body. They form, in fact, an absolutely separate community, distinct by marriage, food, and custom, and claiming in many cases to belong to a different race from the Hindus.

The first question is how many seats should be allotted to the Muhammadan community. After carefully considering the demands of the Muhammadans themselves and the views expressed by the Hindus, we think that the claims of the former will be adequately met if four elective seats are assigned to them, and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four provinces which have the largest Muhammadan population, namely, Bengal, Eastern Bengal and Assam, the Punjab, and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Muhammadan population is smaller, and for this it will be necessary to have recourse to nomination until satisfactory electorates can be formed.

The question of a Muhammadan electorate presents much the same difficulties as the formation of a landholding electorate. In most provinces the Muhammadans are in favour of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The Governments of Madras and the United Provinces propose electorates, based partly upon property and partly upon literary qualifications, which appear to us to be well devised, but the former Government have since expressed a preference for nomination. The Muhammadans of Bombay are said to be widely scattered over the Presidency, and at present unorganised for common purposes, so that a special electorate cannot be created. In course of time it may be possible to arrange for election by a central association, but for the present their proportionate representation can be secured only by careful nomination. The Government of Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognised titles; both of these are doubtful features. The Government of Eastern Bengal and Assam suggests that the Muhammadan representative should be elected by the Provincial Muhammadan Association. The Lieutenant-Governor of the Punjab considers it impossible to form a Muhammadan electorate, and proposes that the Muhammadan representative should be nominated by the Lieutenant-Governor. We would deal with the question in the same way as we have proposed to deal with the representation of landholders. Our view is that in provinces where election by a regular Muhammadan electorate is feasible, that method should be adopted; that Muhammadan associations should be made use of where electorates cannot be formed; and that nomination by Government should be resorted to where neither of the first two methods is practicable. It will be for the local Government to determine, in consultation with the leaders of the Muhammadan community, which plan should be adopted.

31. *Representation of commerce.*—In the scheme put forward by us in August 1907 two seats on the Council were assigned to the Chambers of Commerce of Calcutta and Bombay. No provision was made for the representation of Indian commerce otherwise than by nomination. The opinions show that there is a general feeling in favour of increasing the number of commercial representatives. It is difficult, however, to find room for more than four such members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business to attend meetings of the Legislative Council. Taking four seats as the maximum that can be permanently allotted, we propose—

- (1) that two seats should be given to the Chambers of Commerce of Calcutta and Bombay as representing in the largest sense European commerce throughout the whole of India;
- (2) that two seats should be reserved for Indian commerce, the members to be nominated by the Governor General, in consultation with local Governments, until a method of election by commercial associations is developed.

It may be said that the first proposal excludes from representation

Value of sea-borne trade in 1907-08.

| | Rs. |
|------------------------------|----------------|
| Bengal | 1,64,84,29,000 |
| Bombay | 1,67,53,10,000 |
| Sind | 42,65,26,000 |
| Madras | 43,70,37,000 |
| Burma | 63,55,69,000 |
| Eastern Bengal and Assam ... | 7,22,49,000 |

the European commercial interests of Burma, Madras, Upper India, Sind and the Punjab. On the other hand, the figures noted in the margin show how enormously the commercial interests of Bengal and

Bombay preponderate over those of the other provinces. It may be added that the Chambers of Commerce of Calcutta and Bombay will naturally receive references from the other Chambers on subjects affecting European commercial interests, and will arrange to have them brought to the notice of the Council by their own members; that representatives of the other Chambers can be brought in by nomination as experts or in the place of officials; and that all of these bodies will recommend members for the Provincial Councils who will bring forward their views in the debates on the Budget. None of the local Governments suggest any practicable arrangement for the representation of Indian commerce by means of election, but we are disposed to think that if two permanent seats are assigned to that interest, associations will in course of time be formed which will be sufficiently stable and representative to admit of their being utilised as electoral agencies.

32. *Seats reserved for nomination.*—We have explained above our reasons for recommending that the full Council should comprise not more than 15 nominated officials, exclusive of the additional officials required for the purpose of representing the provinces. We find it impossible, without increasing the size of the Council, to assign more than three seats to nominated non-officials. This number, however, appears to us sufficient to enable the Governor-General to give occasional representation to the interests of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, and sometimes to appoint one or two experts in connexion with legislation pending before the Council. It may reasonably be expected that some, at least, of these minorities will obtain seats by the ordinary process of election, while the others need only be represented at intervals. It must also be remembered that although 15 nominated officials are provided for under head C, so as to guarantee in the last resort an absolute official majority, it will scarcely ever be necessary to appoint more than about six, and it may sometimes be possible to nominate non-officials to some of the seats reserved for officials. When we give power we create responsibility, and a solid opposition of all non-official members will not be so lightly undertaken in the larger Council of the future as in the smaller Council of the past, where such opposition made no possible difference to the result.

PROVINCIAL LEGISLATIVE COUNCILS.

33. In our letter of the 24th August 1907, no specific scheme of a Provincial Council was put forward, but the general principle was laid down that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained. These principles have been borne in mind by local Governments in the proposals which they have made, except that the Bombay Government desire to have no majority even in a Council of the maximum strength.

34. *General remarks.*—In framing proposals for the constitution of the Provincial Legislative Councils we have proceeded on the lines followed in the case of the Imperial Legislative Council. We have endeavoured to reduce the official majority to the narrowest limits by making the number of officials and non-officials (excluding the head of the Government) equal, so that, in the event of the full Council being equally divided, the vote of the Governor or Lieutenant-Governor would turn the scale. We have also laid down that of the nominated members not more than a certain number shall be officials; the non-officials being representatives of minorities or special interests, or experts. This will enable the head of the Government to dispense with an official majority in the Council as ordinarily constituted, while at the same time retaining in his hands the power to appoint the entire number of officials requisite to secure a majority of one in the

full Council. We trust, however, that the closer association of officials with non-officials in public business, which will result from our proposals, will render it unnecessary to have recourse to this expedient. It may reasonably be anticipated that in the newly constituted Councils only as many officials need be appointed as will be sufficient, in conjunction with three or four non-officials, to enable the Government to carry their legislative measures. We have made no attempt to frame regular constituencies for the election of landholders, Muhammadans, and representatives of Indian commerce. The materials before us are insufficient for the purpose, and the conditions in different provinces vary too much for any uniform plan to be feasible. Some Governments may be able to form electorates based upon payment of land revenue or income-tax or upon the income derived from land; others may permit associations to recommend members; and others again may have recourse to nomination. It must be understood, therefore, that in describing certain classes of members as "elected" we use that term subject to the reservation that in some cases election in the ordinary sense may be found impossible or inexpedient. In any case the question to what extent election proper can be introduced will have to be considered further when the regulations are being drawn up, after the Act of 1892 has been amended. With these general observations, which apply to all of the Provincial Legislative Councils proposed by us except the Council for Burma, we proceed to state our proposals for Councils of the maximum strength for each province.

MADRAS.

35. Under the rules at present in force the Madras Legislative Council stands thus :—

| | | | | | |
|---|-----|-----|-----|-----|----|
| <i>Ex-officio.</i> | | | | | |
| Members of the Executive Council | ... | ... | ... | ... | 2 |
| Advocate General | ... | ... | ... | ... | 1 |
| <i>Additional.</i> | | | | | |
| A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 <i>peshkash</i> annually | | | | | 13 |
| B.—Elected members— | | | | | 7 |
| (a) by Corporation of Madras | ... | ... | ... | 1 | |
| (b) by Municipalities and District Boards | ... | ... | ... | 4 | |
| (c) by the University | ... | ... | ... | 1 | |
| (d) by the Chamber of Commerce, or other commercial bodies | | | | 1 | |
| Total | | | | | 23 |
| or, including the Governor | | | | | 24 |

The statistics from 1893 to 1906 show the professional middle class holding 66.6 of the selected seats; the landholders 5.5; European commercial members 24.1; and the representatives of Indian Commerce 1.9. No Muhammadan has succeeded in obtaining a seat by election; and throughout the period the members elected by the district boards and municipalities have belonged, with one exception, to the professional middle class. The communities and

interests for which provision ought to be made in any comprehensive scheme of representation are the following :—

| <i>Communities.</i> | | | | Number. | Per cent. |
|------------------------|-----|-----|-----|------------|-----------|
| Hindus | ... | ... | ... | 34,048,000 | 89 |
| Muhammadans | ... | ... | ... | 2,457,000 | 6 |
| Christians | ... | ... | ... | 1,024,000 | 2·7 |
| <i>Interests.</i> | | | | | |
| Agriculture | ... | ... | ... | 26,356,000 | 69 |
| Commerce and Industry | ... | ... | ... | 6,998,000 | 18 |
| Professions | ... | ... | ... | 620,000 | 1·6 |
| <i>Adult Males.</i> | | | | | |
| Literate in English | ... | ... | ... | 117,000 | 1·2 |
| Literate in Vernacular | ... | ... | ... | 1,587,000 | 16·5 |

36. In their letter of 13th March 1908, after discussing certain alternative schemes, the Madras Government proposed a Council of only 33 members, which was too small for the needs of the province, and was open to the further objections that it gave insufficient representation to the professional middle class; that it assigned no separate seats to the landholders, and only one seat to the Muhammadans; that it made no provision for Indian commerce; and that it reserved two seats for election by two General Assemblies similar to the representative assemblies of Mysore and Travancore, on a plan which the local Government have since abandoned. In their letter of the 22nd August the Government of Madras have now put forward the following plan of a Council :—

| <i>Ex-officio.</i> | | | | | |
|---|-----|-----|-------|----|--|
| Members of the Executive Council | ... | ... | ... | 2 | |
| Advocate General | ... | ... | ... | 1 | |
| <i>Additional.</i> | | | | | |
| A. Nominated members, not more than 18 to be officials: the non-officials to be representatives of special interests or minorities or experts | ... | ... | ... | 21 | |
| B. Elected members... | ... | ... | ... | 17 | |
| (a) By Corporation of Madras | ... | ... | ... | 1 | |
| (b) By municipalities and District Boards | ... | ... | ... | 8 | |
| (c) By the University | ... | ... | ... | 1 | |
| (d) By landholders | ... | ... | ... | 4 | |
| (e) By Muhammadans | ... | ... | ... | 2 | |
| (f) By the Chamber of Commerce | ... | ... | ... | 1 | |
| | | | Total | 41 | |
| or, including the Governor | ... | ... | ... | 42 | |

37. We recognise that this Council is framed on more liberal lines than that originally contemplated, but it is still defective in that it makes no provision for the representation of Indian Commerce and the planting community by election. It also provides for a somewhat larger official majority than is really necessary. The Madras Government explain that they find it difficult to procure an official vote of more than 19 Members including the Advocate General. They have, however, not realised that the full official majority will only be required on rare occasions, so that the inconvenience and dislocation of public

business which they anticipate will not be experienced in practice. We are decidedly of opinion that the Councils of the four larger provinces should be formed on uniform lines, and after careful consideration of the local requirements we think that the total should be fixed at 46. We therefore recommend that the Madras Government should be required to enlarge their Council to a total of 46, excluding the Governor, as shown below:—

| | | | |
|---|-----|-------|----|
| <i>Ex-officio.</i> | | | |
| Members of the Executive Council | ... | ... | 2 |
| Advocate General | ... | ... | 1 |
| <i>Additional.</i> | | | |
| A.—Nominated members; not more than 20 to be officials: the non-officials to be representatives of special interests or minorities or experts | ... | ... | 24 |
| B.—Elected members— | ... | ... | 19 |
| (a) By Corporation of Madras | ... | ... | 1 |
| (b) By municipalities and District Boards | ... | ... | 8 |
| (c) By the University | ... | ... | 1 |
| (d) By landholders | ... | ... | 4 |
| (e) By the planting community | ... | ... | 1 |
| (f) By Muhammadans | ... | ... | 2 |
| (g) By the Chamber of Commerce | ... | ... | 1 |
| (h) By the Indian commercial community | ... | ... | 1 |
| | | Total | 46 |
| or, including the Governor | ... | ... | 47 |

This scheme gives twice as many elected members as were originally proposed by the Madras Government; it raises the representation of the professional middle class from 6 to 10; it gives 5 elective seats to the landholders and planters and 2 to the Muhammadans; and it provides a separate member for the Indian commercial community.

BOMBAY.

38. Under the Act of 1892 and the regulations now in force the Bombay Legislative Council is constituted as follows:—

| | | | |
|--|-----|-------|----|
| <i>Ex-officio.</i> | | | |
| Members of the Executive Council | ... | ... | 2 |
| Advocate General | ... | ... | 1 |
| <i>Additional.</i> | | | |
| A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes of the community | ... | ... | 12 |
| B.—Elected members— | ... | ... | 8 |
| (a) by Corporation of Bombay | ... | ... | 1 |
| (b) by Municipalities* | ... | ... | 1 |
| (c) by District Boards* | ... | ... | 2 |
| (d) by Bombay University | ... | ... | 1 |
| (e) by Sardars of the Deccan and Zamindars of Sind | ... | ... | 2 |
| (f) by Bombay Chamber of Commerce, or other commercial bodies | ... | ... | 1 |
| | | Total | 23 |
| or, including the Governor | ... | ... | 24 |

* Voting by electoral representatives on a population scale.

Including the Governor, this provides for an official majority of 13 officials against 11 non-officials. But, as is shown in paragraph 14 of the Bombay Government's letter, the present Council consists of 10 officials (including the Governor).

and 14 non-officials. For all ordinary purposes this is safe enough, as the Government can probably reckon with certainty on some non-official support. Two non-official votes would be sufficient to equalise the numbers on either side, and the Governor's casting vote would then be decisive. Writing in 1906, Lord Lamington mentioned as defects in the composition of the present Council (a) the over-representation of Bombay city; (b) the over-representation of the professional class; (c) the under-representation of land and agriculture; (d) the preponderance of Brahmans, whose interests were not identical with those of the mass of the Marathas and other castes. The local Government expressed a similar opinion in 1899 when reporting on the working of the regulations made under the Act of 1892. The statistics from 1893 to 1906 shew that the professional middle class obtained 50·7 per cent. of the elective seats; the landholders 22·6; the Muhammadans 11·3; and Indian Commerce 2·8. The chief component elements of the population are as follows:—

| <i>Communities.</i> | | | | Number. | Per cent. |
|------------------------|-----|-----|-----|------------|-----------|
| Hindus | ... | ... | ... | 14,197,000 | 77 |
| Muhammadans | ... | ... | ... | 3,726,000 | 20 |
| Christians | ... | ... | ... | 205,000 | 1 |
| Jains | ... | ... | ... | 227,000 | 1 |
| <i>Interests.</i> | | | | | |
| Agriculture | ... | ... | ... | 11,026,000 | 59 |
| Commerce and Industry | ... | ... | ... | 3,715,000 | 20 |
| Professions | .. | ... | ... | 323,000 | 1·7 |
| <i>Adult Males.</i> | | | | | |
| Literate in English | ... | ... | ... | 91,000 | 1·8 |
| Literate in Vernacular | ... | ... | ... | 747,000 | 14·9 |

39. The Government of Bombay put forward two alternative schemes, a smaller one and a larger one. The smaller, which has the support of a majority of the local Executive Council, is as follows:—

| <i>Ex-officio.</i> | | | | | |
|---|-----|-----|-------|----|--|
| Members of the Executive Council | ... | ... | ... | 2 | |
| Advocate General | ... | ... | ... | 1 | |
| <i>Additional.</i> | | | | | |
| A.—Nominated members; not more than 9 to be officials; the non-officials to be representatives of special interests or minorities, or experts | ... | ... | ... | 24 | |
| B.—Elected members— | ... | ... | ... | 17 | |
| (a) by Corporation of Bombay | ... | ... | ... | 1 | |
| (b) by Municipalities | ... | ... | ... | 4 | |
| (c) by District Boards | ... | ... | ... | 4 | |
| (d) by the University | ... | ... | ... | 1 | |
| (e) by landholders | ... | ... | ... | 3 | |
| (f) by Bombay Chamber of Commerce | ... | ... | ... | 1 | |
| (g) by Karachi Chamber of Commerce | ... | ... | ... | 1 | |
| (h) by Mill-owners' Associations of Bombay and Ahmedabad alternately | ... | ... | ... | 1 | |
| (i) by Indian commercial community | ... | ... | ... | 1 | |
| | | | Total | 44 | |
| or, including the Governor | ... | ... | ... | 45 | |

The advantages of this scheme are :—

- (1) That it gives adequate representation to European commerce, restores to the Karachi Chamber the seat taken away from it in 1896 (not, as the Bombay Government incorrectly say, in 1892), and admits the claim of the mill industry to distinct recognition.
- (2) That it gives Indian commerce one member, to be elected by an association of native merchants.
- (3) That it assigns eight seats to the professional middle class through the district boards and municipalities, in addition to the members for the University and Corporation, so that this class will get ten out of seventeen elective seats, and may get more by nomination.
- (4) That it gives three seats to the landholders.

On the other hand it has two conspicuous defects :—

- (a) It provides (including the Governor) for only 13 official members, 4 ex-officio and 9 nominated and thus leaves the Government in a substantial minority.
- (b) It assigns no separate seats to the Muhammadans.

40. For these reasons we recommend that the Bombay scheme be modified as follows :—

| <i>Ex-officio.</i> | | | | |
|---|-----|-----|-------|----|
| Members of Executive Council | ... | ... | ... | 2 |
| Advocate General | ... | ... | ... | 1 |
| <i>Additional.</i> | | | | |
| A.—Nominated members; not more than 20 to be officials: the non-officials to be representatives of special interests or minorities or experts | ... | ... | ... | 23 |
| B.—Elected members— | ... | ... | ... | 20 |
| (a) by Corporation of Bombay | ... | ... | ... | 1 |
| (b) by Municipalities | ... | ... | ... | 4 |
| (c) by District Boards | ... | ... | ... | 4 |
| (d) by the University | ... | ... | ... | 1 |
| (e) by landholders | ... | ... | ... | 3 |
| (f) by Muhammadans | ... | ... | ... | 3 |
| (g) by Bombay Chamber of Commerce | ... | ... | ... | 1 |
| (h) by Karachi Chamber of Commerce | ... | ... | ... | 1 |
| (i) by Millowners' Associations of Bombay and Ahmedabad alternately | ... | ... | ... | 1 |
| (j) by Indian commercial community | ... | ... | ... | 1 |
| | | | Total | 46 |
| or, including the Governor | ... | ... | ... | 47 |

It will be observed that the provision made by us for the appointment of nominated members under head A of our scheme leaves it open to the Bombay Government to dispense with an official majority if they consider that they can carry on the business of the Council without one. As regards Muhammadans, the opinions sent up by the Bombay Government seem to indicate that nothing but separate representation will satisfy the community, and that they resent the idea of nomination. We accordingly recommend that the Muhammadans should be given three seats, as proposed above, one for Sind and two for the Presidency; and that the Bombay Government should be asked to consider whether an electorate can be formed, or if that is not possible, whether associations can be utilised for the purpose of proposing members for nomination by the Governor. We would further observe that our proposals are more liberal than those made by the Bombay Government, since they raise the number of elected members from 17 to 20. We do not think it necessary to discuss the second Bombay scheme, which has the support of only one member of the local Government.

BENGAL.

41. The Bengal Legislative Council now stands thus:—

| | | | | | |
|---|-----|-----|-----|-----|----|
| A.—Nominated members; not more than 10 to be officials, the non-officials to represent different classes of the community | ... | ... | ... | ... | 13 |
| B.—Elected members— | ... | ... | ... | ... | 7 |
| (a) by Corporation of Calcutta | ... | ... | ... | ... | 1 |
| (b) by Municipalities (by rotation) | ... | ... | ... | ... | 1 |
| (c) by District Boards (by rotation) | ... | ... | ... | ... | 2 |
| (d) by the University... | ... | ... | ... | ... | 1 |
| (e) by Landholders' Associations... | ... | ... | ... | ... | 1 |
| (f) by Chamber of Commerce or other commercial bodies | ... | ... | ... | ... | 1 |

Total

or, including the Lieutenant-Governor

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The statistics from 1893 to 1906 show that 52·8 per cent. of the elected members have been drawn from the professional middle class, 13·2 from the landholders; 5·7 from the Muhammadans; 20·8 from the European commercial community; and 3·8 from the representatives of Indian commerce. The chief elements of the population are:—

| <i>Communities.</i> | | | | Number. | Per cent. |
|------------------------|-----|-----|-----|------------|-----------|
| Hindus | ... | ... | ... | 39,266,000 | 77 |
| Muhammadans | ... | ... | ... | 9,027,000 | 18 |
| Christians | ... | ... | ... | 246,000 | 0·5 |
| <i>Interests.</i> | | | | | |
| Agriculture | ... | ... | ... | 34,264,000 | 67 |
| Commerce and Industry | ... | ... | ... | 7,048,000 | 13·8 |
| Professions | ... | ... | ... | 856,000 | 1·6 |
| <i>Adult males.</i> | | | | | |
| Literate in English | ... | ... | ... | 176,000 | 1·4 |
| Literate in Vernacular | ... | ... | ... | 1,906,000 | 14·9 |

42. The Lieutenant-Governor proposes a Council constituted as follows:—

| | | | | | |
|--|-----|-----|-----|-------|----|
| A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts | ... | ... | ... | ... | 22 |
| B.—Elected members— | ... | ... | ... | ... | 14 |
| (a) by Corporation of Calcutta | ... | ... | ... | ... | 1 |
| (b) by Municipalities and District Boards | ... | ... | ... | ... | 7 |
| (c) by the University | ... | ... | ... | ... | 1 |
| (d) by landholders | ... | ... | ... | ... | 2 |
| (e) by the Chamber of Commerce | ... | ... | ... | ... | 1 |
| (f) by the Calcutta Trades Association | ... | ... | ... | ... | 1 |
| (g) by the Indian commercial community | ... | ... | ... | ... | 1 |
| | | | | Total | 36 |
| or, including the Lieutenant-Governor | | | | ... | 37 |

The scheme is almost identical with that propounded by the British Indian Association in their letter of 10th December 1907. Its weak points appear to us to be:—

- (1) That the Council suggested is too small.
- (2) That it gives insufficient representation to the educated classes.
- (3) That it gives too few seats to the landholders.
- (4) That it refuses separate representation to the Muhammadans.
- (5) That it assigns too few seats to European Commerce, and does not provide for the representation of the planting community.

43. Our Hon'ble colleague Sir Edward Baker was in general agreement with these criticisms on the local Government's scheme. After considering the views of the Lieutenant-Governor, we propose the following constitution:—

| | | | | | | |
|--|-----|-----|-----|-----|-----|----|
| A.—Nominated members not more than 23 to be officials: the non-officials to be representatives of special interests or minorities or experts | ... | ... | ... | ... | ... | 26 |
| B.—Elected members | ... | ... | ... | ... | ... | 20 |
| (a) by Corporation of Calcutta | ... | ... | ... | ... | ... | 1 |
| (b) by Municipalities | ... | ... | ... | ... | ... | 4 |
| (c) by District Boards | ... | ... | ... | ... | ... | 4 |
| (d) by the University | ... | ... | ... | ... | ... | 1 |
| (e) by landholders | ... | ... | ... | ... | ... | 4 |
| (f) by the planting community | ... | ... | ... | ... | ... | 1 |
| (g) by Muhammadans | ... | ... | ... | ... | ... | 2 |
| (h) by the Chamber of Commerce | ... | ... | ... | ... | ... | 1 |
| (i) by the Calcutta Trades Association | ... | ... | ... | ... | ... | 1 |
| (j) by the Indian commercial community | ... | ... | ... | ... | ... | 1 |
| | | | | | | — |
| Total | ... | ... | ... | ... | ... | 46 |
| or, including the Lieutenant-Governor | ... | ... | ... | ... | ... | 47 |

We believe this Council to be large enough to meet the requirements of the province, the population of which exceeds that of the United Provinces by only three millions. The Council suggested by us gives ten seats to the professional middle class, five to the landholders, including one for the planting community, who at the present time have vital interests at stake and cannot properly be omitted, two to the Muhammadans, and three to trade and commerce.

UNITED PROVINCES.

44. The Legislative Council of the United Provinces is at present constituted as follows:—

| | | | | | | |
|--|-----|-----|-----|-----|-----|----|
| A.—Nominated members; not more than 7 to be officials; non-officials to represent different classes of the community | ... | ... | ... | ... | ... | 9 |
| B.—Elected members— | ... | ... | ... | ... | ... | 6 |
| (a) by groups of Municipalities | ... | ... | ... | ... | ... | 2 |
| (b) by groups of District Boards | ... | ... | ... | ... | ... | 2 |
| (c) by University of Allahabad | ... | ... | ... | ... | ... | 1 |
| (d) by Upper India Chamber of Commerce or other commercial bodies | ... | ... | ... | ... | ... | 1 |
| | | | | | | — |
| Total | ... | ... | ... | ... | ... | 15 |
| or, including the Lieutenant-Governor | ... | ... | ... | ... | ... | 16 |

In commenting on the working of the existing regulations, Sir James LaTouche observed two years ago—

- (1) That municipalities had practically always elected pleaders.
- (2) That District Boards do not as a rule elect great landowners. In illustration of this he pointed out that Munshis Nehal Chand and Madho Lall "belong to the English educated class and, though they hold land, are only incidentally landowners."
- (3) That no Muhammadan had ever been elected by a representative group. (Since this statement was made one has been appointed.)
- (4) That the professional middle class had generally secured five out of the six elective seats.
- (5) That Indian Commerce was unrepresented. Sir John Hewett confirms this in paragraphs 12 and 29 of his letter.
- (6) That more official seats were needed in order to find places for the heads of the Education, Medical, Sanitary, and Agricultural Departments, and for the junior of the two Chief Engineers.

The statistics from 1893 show the professional middle class holding 50 per cent. of the elective seats, landholders 20·6; Muhammadans none; Indian merchants none, and European Commerce 20·6. The principal elements of the population are—

| <i>Communities.</i> | | | | Number. | Per cent. |
|------------------------|-----|-----|-----|------------|-----------|
| Hindus | ... | ... | ... | 40,757,000 | 85 |
| Muhammadans | ... | ... | ... | 6,731,000 | 14 |
| <i>Interests.</i> | | | | | |
| Agriculture | ... | ... | ... | 31,181,000 | 65 |
| Commerce and Industry | ... | ... | ... | 7,500,000 | 16 |
| Professions | ... | ... | ... | 622,000 | 1·3 |
| <i>Adult Males.</i> | | | | | |
| Literate in English | ... | ... | ... | 65,000 | ·5 |
| Literate in Vernacular | ... | ... | ... | 1,033,000 | 7·9 |

45 The reconstruction of the Council has been thoroughly worked out and explained in paragraphs 19 to 30 of the local Government's letter of the 16th March 1908. The Council proposed is thus constituted:—

| | | |
|--|-----|----|
| A.—Nominated members; not more than 22 to be officials; the non-officials to represent special interests or minorities | ... | 28 |
| B.—Elected members— | ... | 16 |
| (a) by large municipalities in rotation | ... | 2 |
| (b) by District Boards and smaller Municipalities | ... | 8 |
| (c) by Allahabad University | ... | 1 |
| (d) by landholders | ... | 2 |
| (e) by Muhammadans | ... | 2 |
| (f) by Upper India Chamber of Commerce | .. | 1 |
| Total | ... | 44 |
| or, including the Lieutenant-Governor | ... | 45 |

46. After carefully considering all the questions raised by the local Government's letter and the opinions forwarded with it, we recommend a Council composed as follows:—

| | | |
|--|-----|----|
| A.—Nominated members; not more than 23 to be officials; the non-officials to be representatives of special interests or minorities, or experts | ... | 27 |
| B.—Elected members— | ... | 19 |
| (a) by large Municipalities in rotation | ... | 2 |
| (b) by District Boards and smaller Municipalities | ... | 8 |
| (c) by Allahabad University | ... | 1 |
| (d) by landholders | ... | 2 |
| (e) by Muhammadans | ... | 4 |
| (f) by Upper India Chamber of Commerce | ... | 1 |
| (g) by the Indian commercial community | ... | 1 |
| Total | ... | 46 |
| or, including the Lieutenant-Governor | ... | 47 |

Our scheme does not differ materially from that proposed by the Lieutenant-Governor. The number, both of officials and non-officials, has been raised by one in order to bring the size up to that of the standard model. Provision has been made for the representation of the Muhammadans by four elected members, instead of by two elected and two nominated members, and a separate seat has been provided for the Indian commercial community, which will be filled up by election whenever a suitable constituency can be found.

EASTERN BENGAL AND ASSAM.

47. The Legislative Council of Eastern Bengal and Assam was established in October 1905. It consists of—

| | | | | |
|--|-----|-----|-------|----|
| A.—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community | ... | ... | ... | 9 |
| B.—Elected members— | ... | ... | ... | 6 |
| (a) by Municipalities and District Boards | ... | ... | ... | 3 |
| (b) by Associations of landholders | ... | ... | ... | 1 |
| (c) by Associations of merchants | ... | ... | ... | 1 |
| (d) by Commissioners of Port of Chittagong | ... | ... | ... | 1 |
| | | | Total | 15 |
| or, including the Lieutenant-Governor | ... | ... | ... | 16 |

The chief component elements of the population are—

| <i>Communities.</i> | | | | Number. | Per cent. |
|------------------------|-----|-----|-----|------------|-----------|
| Hindus | ... | ... | ... | 11,350,000 | 37 |
| Muhammadans | ... | ... | ... | 17,813,000 | 58 |
| Buddhists | ... | ... | ... | 172,000 | 5 |
| <i>Interests.</i> | | | | | |
| Agriculture | ... | ... | ... | 23,957,000 | 78 |
| Commerce and Industry | ... | ... | ... | 3,377,000 | 11 |
| Professions | ... | ... | ... | 527,000 | 1.7 |
| <i>Adult Males.</i> | | | | | |
| Literate in English | ... | ... | ... | 62,000 | 9 |
| Literate in vernacular | ... | ... | ... | 965,000 | 12.5 |

48. The local Government now proposes a Council constituted as follows:—

| | | | | |
|--|-----|-----|-------|----|
| A.—Nominated members; not more than 12 to be officials; the non-officials to be representatives of special interests or minorities | ... | ... | ... | 15 |
| B.—Elected members— | ... | ... | ... | 10 |
| (a) by Municipalities | ... | ... | ... | 2 |
| (b) by District and Local Boards | ... | ... | ... | 3 |
| (c) by Bengal Landholders' Association | ... | ... | ... | 1 |
| (d) by Provincial Muhammadan Association | ... | ... | ... | 1 |
| (e) by tea interest | ... | ... | ... | 1 |
| (f) by jute interest | ... | ... | ... | 1 |
| (g) by Commissioners of Port of Chittagong | ... | ... | ... | 1 |
| | | | Total | 25 |
| or, including the Lieutenant-Governor | ... | ... | ... | 26 |

49. This scheme appears to us to be defective in the following respects:—

- (1) A Council of 25 is too small for a province with a population of 31 millions, a large proportion of which consists of Bengalis of an advanced type.
- (2) The representation given to the professional middle class (5 seats) is insufficient.
- (3) The Muhammadans and the landholders are inadequately represented.

For these reasons we propose the following Council :—

| | | | | | |
|--|--|--|--|--|----|
| A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities or experts | | | | | 21 |
| B.—Elected members | | | | | 15 |
| * (a) by Municipalities and District and Local Boards ... | | | | | 8 |
| (b) by landholders | | | | | 2 |
| (c) by Muhammadans | | | | | 2 |
| (d) by tea interest | | | | | 1 |
| (e) by jute interest | | | | | 1 |
| (f) by Commissioners of Port of Chittagong ... | | | | | 1 |

—

36

or, including the Lieutenant-Governor 37

We find it impossible to enlarge the Legislative Council of Eastern Bengal and Assam up to the standard proposed for the older provinces, because it is difficult to provide more than 18 official members without unduly disturbing administrative business. But the proposals made by us appear to meet the essential requirements of the province. They give sufficient representation to the professional middle class, the landholders, and the Muhammadans, and they assign separate members to the tea and jute industries, and to the Commissioners of the growing port of Chittagong. The Assamese inhabitants of the Brahmaputra Valley will for the first time obtain separate representation, and the reservation of three seats for nomination will place it in the power of the Lieutenant-Governor to meet the claims of the tenantry of the province to have an opportunity of expressing their views on the questions of the day. Although the Muhammadans form a majority of the population of the province, they are at present comparatively unorganized, and they can only be adequately represented by means of a special electorate.

PUNJAB.

50. The Punjab Legislative Council was established by the proclamation of 9th April 1897. It consists of —

A.—Nominated members—

| | |
|----------------------|---|
| Officials | 4 |
| Non-officials | 5 |
| Total | 9 |

or, including the Lieutenant-Governor 10

All the members are nominated. The non-officials are one Christian, two Muhammadans, one Sikh, and one Hindu. In framing a scheme of representation the following factors have to be considered :—

Communities.

| | Number. | Per cent. |
|--------------------|------------|-----------|
| Hindus | 7,874,000 | 38 |
| Muhammadans | 10,825,000 | 53 |
| Sikhs | 1,517,000 | 7 |

Interests.

| | | |
|------------------------------|------------|-----|
| Agriculture | 10,998,000 | 54 |
| Commerce and Industry | 4,814,000 | 23 |
| Professions | 450,000 | 2.2 |

Adult Males.

| | | |
|-------------------------------|---------|-----|
| Literate in English | 54,000 | .9 |
| Literate in vernacular | 564,000 | 9.9 |

Voting together by divisions, *vis.*, Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra Valley 1, Surma Valley 1

51. In paragraphs 40 to 46 of his letter of 6th July 1908 the Lieutenant-Governor proposes a Council of the following composition :—

| | | | | | |
|---|-----|-----|-----|-------|----|
| A.—Nominated members ; not more than 10 to be officials ; the non-officials to represent Muhammadans, Hindus, Sikhs and other interests | | | | | 17 |
| B.—Elected members— | | | | | 4 |
| (a) by the commercial community | ... | ... | ... | 1 | |
| (b) by the Punjab University | ... | ... | ... | 1 | |
| (c) by the larger cities | ... | ... | ... | 2 | |
| | | | | Total | 21 |
| or, including the Lieutenant-Governor | | | | ... | 22 |

52. In the Council proposed by the local Government, we find several features of which we are unable to approve. We think that no good reason has been assigned for giving to a Ruling Chief a place by right on the Council. We have excluded the Ruling Chief from the Imperial Council, relegating him to ordinary nomination in case it might be desired at any time to appoint one. No other Provincial Government contemplates the appointment of a Ruling Chief, and we are reluctant to admit this as a permanent feature of the Punjab Council. There is room for nominating a Chief if desired, under the heads Muhammadans, Hindus, Sikhs, and other interests. Nor do we see any reason for the mention of a Native Christian among the commercial classes, as that electorate may be expected invariably to return a European. As regards the members for the larger cities, the Lieutenant-Governor proposes that the eleven cities mentioned by him should each nominate one representative, and that the two members of the Council should be selected by him from among these eleven nominees. In our opinion this method would be regarded as no better than nomination pure and simple. Each city, having only one chance in five of electing its nominee, would take no interest in the election, and the professional middle class would receive the proposal with great dissatisfaction.

53. We have had the advantage of discussing this objection with the Lieutenant-Governor, and with His Honour's concurrence we propose a Council constituted as follows :—

| | | | | | |
|--|-----|-----|-----|-------|----|
| A.—Nominated members ; not more than 12 to be officials, the non-officials to represent Muhammadans (2), Hindus (1), Sikhs (1) and other interests | | | | | 19 |
| B.—Elected members | | | | | 5 |
| (a) by the commercial community | ... | ... | ... | 1 | |
| (b) by the Punjab University | ... | ... | ... | 1 | |
| (c) by the larger cities | ... | ... | ... | 3 | |
| | | | | Total | 24 |
| or, including the Lieutenant-Governor | | | | ... | 25 |

The scheme thus modified promises to give adequate representation to the Hindus of the commercial and professional classes, and to the Muhammadan, Hindu and Sikh landowners, while it reserves three nominations for other interests not specifically provided for. The city electorate will consist of three groups representing respectively the Cis-Sutlej territory, the Central Punjab with the Sikh districts, and the Western Punjab in which the population is largely Muhammadan. We believe these proposals to be as advanced as the present circumstances of the Punjab demand, and we recommend their acceptance.

BURMA.

54. The Burma Legislative Council was formed by proclamation in 1897, at the same time as that of the Punjab. As at present constituted it consists of—

| | | | | | |
|---------------------------------------|-----|-----|-----|-------|----|
| Nominated members— | | | | | |
| Officials | ... | ... | ... | ... | 5 |
| Non-officials | ... | ... | ... | ... | 4 |
| | | | | Total | 9 |
| or, including the Lieutenant-Governor | | | | ... | 10 |

Two of the non-officials are Burmese. In practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the municipal Committee of Rangoon.

55. The Lieutenant-Governor proposes a Council constituted as follows:

| | | | | | |
|---|-----|-----|---------------------------------------|-----|----|
| A.—Nominated officials | ... | ... | ... | ... | 8 |
| B.—Nominated non-officials— | ... | ... | ... | ... | 6 |
| (a) appointed after consultation with the Rangoon Trades Association, Rangoon Port Commissioners and Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein and Akyab | ... | ... | ... | ... | 3 |
| (b) to represent Indian and Chinese trading and mercantile interests | ... | ... | ... | ... | 1 |
| (c) to represent Burmese population | ... | ... | ... | ... | 4 |
| C.—Elected by the Burma Chamber of Commerce | ... | ... | ... | ... | 1 |
| | | | Total | ... | 15 |
| | | | or, including the Lieutenant-Governor | ... | 16 |

56. The conditions of Burma are altogether peculiar; election is foreign to the ideas of the Burmese population, and neither they nor the Indian and Chinese immigrant commercial communities can at present be represented by any other means than nomination. In fact the only body in Burma that is capable of exercising the privilege of election is the Burma Chamber of Commerce.

For these reasons we propose a Council constituted as follows:—

| | | | | | |
|--|-----|-----|---------------------------------------|-----|----|
| A.—Nominated officials | ... | ... | ... | ... | 8 |
| B.—Nominated non-officials— | ... | ... | ... | ... | 7 |
| (a) to represent Burmese population | ... | ... | 4 | ... | |
| (b) to represent Indian and Chinese commercial communities | ... | ... | ... | 2 | |
| (c) to represent other interests | ... | ... | ... | 1 | |
| C.—Elected by Burma Chamber of Commerce | ... | ... | ... | ... | 1 |
| | | | Total | ... | 16 |
| | | | or, including the Lieutenant-Governor | ... | 17 |

RESOLUTIONS, QUESTIONS, AND DISCUSSION OF THE BUDGET.

57. *Power to move Resolutions.*—By the Act of 1861, under which the present Legislative bodies were constituted, discussion was confined to legislative proposals actually before the Councils in the form of Bills. In 1892 this limitation was relaxed to the extent of allowing debate on the annual financial statement although no legislation was involved, and in this debate it is permissible for members to draw attention to any matter they please, whether it arises directly out of the budget proposals or not. But a general debate of this character can never be satisfactory. Members do not know beforehand the subjects which are to be brought forward by their colleagues; the discussion is necessarily of a desultory character; and the absence of notice not uncommonly prevents the official members from giving full information in answer to questions that are raised. We are of opinion that the time has come when there should be further facilities for debate. We think that members should have opportunities for placing their views on public questions before the Government, and we are impressed with the benefits which both the Government and the educated public would derive from the well-ordered discussion of administrative subjects in the Legislative Councils, either on a reference from the head of the Government, or at the instance of a private member. Such discussions would give the Government an opportunity of making their view of a question known, and of explaining the reasons which had led them to adopt a particular line of action. We therefore propose that power should be given by statute for members to move resolutions on matters of general public importance, subject to the checks to which we shall presently refer. So far as the educated public are concerned; there can be little doubt that the right to move resolutions on such

questions, and to argue these in a regular debate, will be welcomed as a very great concession ; that it will be resorted to freely ; and that it will tend to bring about more intimate relations between the official and non-official members. We think that the resolutions should be in the form of recommendations to the Government, because this form expresses the constitutional position more precisely, and emphasises the fact that the decision must in any case rest with the Government and not with the Council. In the event of a resolution not being accepted by the Government an opportunity would be taken of explaining their reasons.

58. This subject was not included among those which Your Lordship authorised us to put before local Governments, and our letter of 24th August 1907 contained no reference to it. But it is a reform to which we attach great importance. In support of it we would point out that a similar proposal was put forward in 1888 by Sir George Chesney's Committee in reference to Provincial Councils. They recommended that, in addition to legislation, it should be one of the functions of the local councils to originate advice and suggestions on any subject connected with internal administration, and that their views should be embodied in the form of a memorandum addressed to the head of the Government. They advised, however, that it should not be permissible to propose resolutions relating to subjects removed from the cognizance of the Provincial Legislative Councils by section 43 of the Councils Act of 1861, which forbids them, except with the previous sanction of the Governor General, "to make regulations or to take into consideration any law or regulation" relating to the public debt, customs, and Imperial taxes ; coin, bills, and notes ; post office and telegraph ; altering the Penal Code ; religion ; army and navy ; patents or copyright ; foreign relations. That proposal was not adopted at the time, and it may have been premature in the conditions which then existed, but at least it had the high authority of the members of that Committee.

59. The discussion of administrative questions can however only be permitted subject to certain rules and restrictions which must be clearly laid down. We do not feel ourselves in a position at the present stage to make an exhaustive enumeration of these, and we anticipate that, as has been the case in the House of Commons, actual experience will lead to the framing of standing orders designed to meet the exigencies of debate. It seem to us, however, that the following conditions must be imposed from the first—

- (1) Resolutions must relate to matters of public and general importance, and not to isolated incidents of administration or personal questions.
- (2) No resolution should have by itself any force or effect. It must rest with the Government to take action or not to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its resolutions a higher degree of authority than attaches to a resolution of the House of Commons.
- (3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted.
- (4) The President must have power to disallow any resolution without giving any other reason than that in his opinion it cannot be discussed consistently with the public interests. This will enable him to reject resolutions which are contrary to public policy, or which relate to matters which could not be discussed without anticipating, or seeming to anticipate, the decision of the Secretary of State.
- (5) In order to avoid the too frequent exercise of this general power of disallowing resolutions certain classes of subjects ought to be expressly excluded. In the case of the Provincial Councils the proposals of Sir George Chesney's Committee referred to above seem to be suitable. In the Imperial Council the admissible range of discussion is necessarily larger, and it is less easy to define its

limits precisely. For the present we think it sufficient to say that some subjects must be specially excluded, and that the question, which those should be, can be best settled later on when the rules of business are drawn up:

- (6) It will also be necessary to place some limitation upon the time allotted to the discussion of resolutions.

60. *Power to ask questions.*—The right of asking questions in the Legislative Councils, subject to certain conditions and restrictions, was conceded by the Indian Councils Act of 1892. We recommend that it should be extended to the enlarged Councils which we propose for the Punjab and Burma. We do not suggest any alteration in the rules governing the subject.

61. *The discussion of the budget.*—Under this head it was proposed in our published letter of 24th August 1907 that the budget should be explained by heads or groups of heads by the members in charge of departments, and should be discussed in the same way by the other members, and that this discussion should be followed by a general debate conducted on the same lines as at present. No method was suggested of enabling the non-official members to exercise any influence on the actual settlement of the items. The opinions received do not throw much light on the question, how the Government can give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The Governments of Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal conferences with the non-official members of the Legislative Council, when the first edition of the provincial budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. The Bombay Government claim a greater degree of financial independence, and they and other Governments argue that, so long as the provincial budget requires the previous sanction of the Government of India the discussions in the full Council can deal only with settled facts, since no alterations can be introduced by the local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in the published letter. No Government suggests any plan for enabling the full Council to debate and vote upon specific assignments of funds. The non-official critics either demand the power of moving amendments to any items of the budget, or express general approval of the Government of India's proposals.

62. We are clearly of opinion that it is advisable that the Councils should be afforded increased facilities for expressing their views upon the budget, and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered, and to adopt and give effect to such suggestions as may be found practicable. The ultimate control must, however, rest with the Government, and no useful purpose would be served by affecting to ignore this essential fact. It is the Government, and not the Council, that decides any question arising on the budget, and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items. But, without departing from this principle, we think that the Council may properly be empowered to record its opinion by vote on the greater part of the budget proposals. The Indian public have long desired an opportunity of this kind, and we think that the time has come when it may properly be given in the manner and to the extent which we shall presently explain. In our letter to local Governments we did not put forward any plan by which Members of Legislative Councils could vote on the budget, but we are anxious to meet the public demand, and we trust that our proposals in the matter, both in regard to the Imperial and to the Provincial Councils, may obtain Your Lordship's approval.

63. *The Imperial Budget.*—These being the general objects which we have in view, we believe that they may be attained in the case of the

Imperial budget by laying down that the financial statement shall be presented during the last five days in February ; and that the final discussion of the budget shall take place not more than four weeks later. There are very strong reasons for being particular about dates ; and we need not enter here into the arrangements which will be necessary in order to admit of the budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which are now appended to the financial statement will have to be dropped. The Finance Member's speech will necessarily be more general in its tone, and will not describe the figures of expenditure with the same precision. This disadvantage will, in our opinion, be amply counterbalanced by the fact that the earlier presentation of the budget will enable the Government to obtain the views of the Council on their financial proposals at a stage when it will still be possible to act upon their advice. On the presentation of the financial statement, it will be convenient for the Council to resolve itself into Committee for the discussion of the budget by blocks. It should be a committee of the whole Council, with a Member of the Government in the chair ; and the first meeting should take place not later than one week after the day on which the budget is presented. The Committee should sit from day to day until its work is complete ; and there should be a rule requiring it to finish its business on or before the 10th of March ; since it is essential that the final corrections should all be known in good time to get the budget, with its supplementary tables and notes, into the shape in which it is to be finally presented.

64. For the purpose of discussion in Committee the major heads or groups of heads would be taken up in order, the discussion being opened with an explanatory speech by the Member of the Executive Council who controls the departments concerned, or, if so arranged, by another member on his behalf. Each member would then be at liberty to move a resolution, in the form of a recommendation to the Government, relating to the figures in any head or group, two days' notice being given in each case. The Council would divide upon any resolutions which were pressed ; and the result would be duly recorded. But the Government would not be bound to take action upon any resolution, either in whole or in part. Power should be vested in the chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time limit for individual speeches. Here, as in paragraph 62 above, we desire to lay stress on the condition that the resolutions should be in the form of recommendations to the Government, as indicating that the power of passing the Budget is vested, not in the Council, but in the executive Government. This is not a mere verbal refinement ; it denotes a constitutional fact ; and it has the further advantage of avoiding any objection that may be taken to the scheme on the basis of the English rule that all proposals for the increase of expenditure must be initiated by the Crown. If it is necessary for us to support our proposals by a reference to Parliamentary practice, the requisite analogy is to be found in the right of the House of Commons to submit an address to the Crown recommending certain expenditure.

65. When the Council sitting in Committee has completed its labours, it will be for the Government to decide what alterations, if any, should be made in the budget as a result of the discussion. These would be carried out in the estimates at once. At the adjourned meeting of the Council, the Finance Member would submit the budget in its final form, along with a formal report of the proceedings in Committee. This opportunity would be taken to explain briefly why Government had been unable to accept any resolutions that were carried in Committee. After the Finance Member's speech, a general discussion would follow ; but at this stage no further resolutions would be admissible. The Finance Member would make a general reply and the Viceroy would sum up the debate ; whereupon the budget would come into effect.

66. *The Provincial Budgets.*—In preparing its provincial budget, a local Government has no anxieties about ways and means in the wider sense of that term. Its surplus or deficit is absorbed in the general balances of India. It is

not affected by remissions of taxation, for the effects of which the Imperial exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue, without drawing unduly upon the provincial balance. In our opinion it is in this task that the Provincial Council may suitably assist the local Government. Nor ought such assistance to be unwelcome. For a local Government at budget time is flooded with proposals for new expenditure, and purely departmental efficiency may sometimes push aside more genuine needs. It is not, of course, suggested that the intervention of the Provincial Council will ensure an infallible judgment between conflicting claims. But it will put the proposals on their defence; it will enlist some outside knowledge of local interests; and it will give the non-official members a substantial share in the preparation of the budget.

67. What we propose for adoption is a procedure in four stages. The first stage is the rough draft of the Provincial estimates. In this the local Government would include all projects for new expenditure in excess of Rs. 5,000 which are put forward by the different departments, provided that they are covered by administrative sanction, and that there is no *prima facie* objection to them. All such projects would be listed in a schedule, which would consist of two parts. In part I the local Government would place those items for which it considers that provision must be made in order to carry on a scheme already in hand, or in pursuance of orders from the Government of India or the Secretary of State, or to meet an urgent administrative need. All other items, not earmarked as above, would be put in part II of the schedule. The draft budget, with this schedule of new expenditure, would then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the province can afford. It would rest therefore with the Government of India, after correcting the estimate of revenue and the opening balance (which it always has to do at present), to determine, in consultation with the local Government, the aggregate expenditure for which the provincial budget should provide; but the detailed correction of the expenditure estimates which is now undertaken in the Finance Department would be dispensed with. The alterations in the revenue figures, and the figure of total expenditure, as fixed by the Government of India, would then be communicated to the local Government. The Government of India would also reserve the power—we consider this essential—to alter or add to part I of the schedule.

68. The second stage would bring the Provincial Council upon the scene. We are inclined to think that the work would be better done by a select committee than by the more unwieldy body of the whole Council. We accordingly recommend the appointment of a standing Finance Committee of the Council, numbering not more than 12: in the smaller councils 8, or even 6, might suffice. There would be an equal number of officials and non-officials. The latter might be elected by the non-official members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the local Government, and would be selected mainly for their capacity to represent the bigger spending departments. The Financial Secretary (or, in Madras and Bombay, the Member of Council who has charge of the Financial Department) would be chairman, with a casting vote. Most local Governments have proposed a procedure substantially on these lines; and the recent action of the Governments of Madras and Bengal in appointing Committees of their Councils to consider the budget informally has been received with general approval.

69. On receipt of the Government of India's orders on its draft budget, the local Government would at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the Committee would be private and informal. Discussion would be free, and the decisions would go by the vote of the majority. Where items were disputed, the officer representing the department concerned would be heard in their support, their urgency would be compared with that of items supported by other departments, and the Committee would

then vote upon them on their merits. On occasion, the Committee might decide to insert in the budget a project which had not appeared in the original estimate; and to this there appears to be no objection, if the scheme were one for which administrative sanction existed, or which the local Government were prepared to support. On the conclusion of its work, the Committee would report the corrections in part II which it considered necessary, in order to bring the total budget expenditure within the figure sanctioned by the Government of India. After considering the Committee's proposals the local Government would revise its expenditure estimates, make any alteration in the revenue estimates which the progress of actuals might suggest, and report the figures which it decided to accept under both heads to the Government of India for incorporation in the Imperial budget.

70. The third stage would begin with the presentation of the estimates as a whole to the Provincial Council. On receiving the second edition of the estimates, as explained in the last paragraph, the Government of India would make no further changes on the expenditure side, unless, in the exercise of a power which they must always reserve, they found it necessary to direct a general reduction of expenditure in consequence of any exceptional strain on either the Imperial or the Provincial resources. But they would bring the revenue figures up to date, give effect to any taxation proposals affecting the budget, and insert any special grants for the province which the Secretary of State might have sanctioned out of the Imperial surplus. They would then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, would be communicated to the local Government on the day when the Imperial budget is opened. The local Government would at once print up its budget, and call a meeting of its Provincial Council, when the budget would be formally presented by the official in charge, with a speech describing its general purport.

71. The best method of conducting the consideration of the budget would be for the Council to sit as a Committee. This would allow of greater freedom of debate, and it would permit the head of the province to leave the chair and to put one of the official members in charge. In committee, each head or group of heads would be taken up separately. The figures would be explained by the official member who represents the administrative department concerned. Any member would then be at liberty to move a resolution, in the form of a recommendation to the local Government, regarding any entry in the head or group under discussion, and the resolution would be debated and put to the vote. The opportunity would be taken by the official members to move any addition to the estimate of expenditure in consequence of an Imperial grant, or any reduction in consequence of a specific direction from the Government of India to curtail expenditure. All resolutions carried by a majority of votes would be reported to the local Government; but it would be entirely at their discretion to accept any such resolution in whole or in part, or to reject it. In order to allow sufficient time to have the Provincial figures incorporated in the Imperial budget before the latter is prepared in its final form, it would be necessary to close the discussion in Council by a certain date. Rules would have to be framed for this purpose.

72. The fourth stage would commence as soon as the Council sitting in Committee had finished with the budget. The local Government would then consider what alternations, if any, were to be made as the result of the discussion. Without the Government of India's sanction, it would not be competent to change the revenue figures or to increase the total figure of expenditure as formerly settled by that Government. But it might, if it so desired, with reference to the Committee's recommendations, vary the distribution of the expenditure in detail. The figures as finally altered would be telegraphed to the Government of India, and the final edition of the Provincial budget would then be compiled and printed. This would be presented by the member in charge at an adjourned meeting of the Council along with a report of the Committee's proceedings. He would describe any changes that had been made in the figures, and explain why any resolutions of the Committee had not been accepted by the local Government.

A debate would follow; but no resolution or voting would be permitted.

73. *Subjects for discussion.*—In regulating the new system of discussion, whether in the Imperial or Provincial Councils, one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Since we propose, taking our stand on the practice of the House of Commons, to lay down that no recommendation will be binding upon the Government, the limits within which resolutions may be proposed can be very materially enlarged without running any risk of causing embarrassment or misunderstanding. It is clearly imperative, however, on grounds of public policy, that certain items both of revenue and of expenditure should be excluded from debate; and we annex to this despatch a schedule showing what heads of the Imperial and provincial budgets we consider should be thus reserved. We desire to draw attention to the large number of items which we have left open to discussion, and the comparatively small number which we propose to exclude. The grounds for exclusion are various. Some items both of revenue and expenditure are fixed by law, and the proper method of proposing any alteration of them is the introduction of a bill. Most of the political heads are governed by treaties or engagements with which the Councils have no concern; the debt heads depend upon contracts which cannot be altered; and military and ecclesiastical charges raise far-reaching questions of policy which it would be inexpedient to discuss, and impossible to put to the vote. Finally, it is obvious that the Imperial Council can only discuss with advantage the revenue and expenditure which is under the administration of the Government of India, while a Provincial Council must equally be restricted to items subject to the control of the local Government. In addition to these specific reservations, which we have endeavoured to make as few as possible, it will be necessary to impose some further restrictions upon resolutions with the object of preserving the business character of the debate and of restricting it as far as possible, to the financial aspects of the budget. The discussion of the budget by heads is intended to deal with the settlement of the figures, and generalities having no direct bearing on this point should be ruled out as irrelevant at that stage, and relegated to the general debate. We apprehend that there will be no difficulty in framing a rule which will give to the Chairman of the Council when sitting as a Committee a general power to enforce this necessary distinction.

74. *Effect of Budget proposals.*—Our proposals under this head indicate a treatment of the budgets which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. They will have a marked tendency to promote decentralisation, but they will in no way relax the control which is exercised by the Secretary of State in Council over the expenditure of the revenues of India. They will confer on local Governments a larger measure of financial independence and will enable them in the exercise of these increased powers to avail themselves of the assistance of the Legislative Council to an extent which has hitherto been impossible. And, both in the Imperial and the Provincial Councils, they will place the representatives of all classes of the population in a position to take a more effective part in shaping the policy of the Government, and to exert a real influence upon the actual work of administration.

GENERAL CONCLUSIONS.

75. In framing the proposals, which we now submit to your decision, we have given ample consideration to the great variety of opinion elicited by our letter of 24th August 1907. We readily acknowledge the value of many of the criticisms that have reached us, and we believe that no material point has escaped our observation. We have accepted in substance several important suggestions, and we have introduced into our scheme measures of a far more advanced character than have hitherto been proposed. We will now sum up the results of our deliberations. In accordance with the most authoritative opinion we have abandoned the idea of an Imperial Advisory Council as originally planned, and

have substituted for it a Council of Chiefs to be appointed by the Viceroy, and utilised by him in the guardianship of common and Imperial interests as the demands of the time may require. We have planned Provincial Advisory Councils on lines which will enable local Governments to avail themselves of the advice and co-operation of the leading representatives of the best non-official opinion, and we trust that the proposal will commend itself to popular feeling, and will satisfy the demand for extended opportunities of consultation on matters of local interest. The enlargement of the Legislative Councils, and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching and most substantial features of the scheme which we now put forward. Taking first the Imperial Legislative Council, we propose to raise the total strength of the Council, excluding His Excellency the Viceroy, from 24 to 62, and to increase the number of non-official members from 10 to 31, and of elected members from 5 to 28. On all ordinary occasions we are ready to dispense with an official majority, and to rely upon the public spirit of the non-official members to enable us to carry on the necessary work of legislation. We have dealt with the Provincial Legislative Councils in an equally liberal manner. The total strength of the Council, and the numbers of non-official and elected members have in every instance, except that of Burma, been more than doubled. In all these cases, while giving fuller play to the elective principle, we have also greatly enlarged its range, and have endeavoured to afford proportionate representation to all classes that have reached a sufficiently high level of education, the landholders, the Muhammadans, the professional middle class, and the commercial community both Indian and European. To all of them, again, we propose to concede the novel right of moving resolutions, and dividing the Council on administrative questions of public and general interest, and of taking part in settling the actual figures of the budget, both by informal discussion and by bringing forward specific recommendations which will be put to the vote. Regarding the scheme as a whole, we consider ourselves justified in claiming for it that it will really and effectively associate the people of India with the Government in the work not only of occasional legislation but of actual every-day administration. It is an attempt to give India a constitution framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the more conservative elements of Indian society. We are not without hope that it will be accepted by all classes in the spirit in which it has been planned, and that it will unite in the common service of India all those, whether officials or private individuals, who have her highest interests at heart.

76. In conclusion we have one more observation to make. We recognise that the effect of our proposals will be to throw a greater burden on the heads of local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger provinces by the creation of Executive Councils, as Sir Charles Aitchison suggested in connexion with the proposals of 1888, and assisting the Governors of Madras and Bombay by enlarging the Councils which now exist in those presidencies. But it would be premature to discuss these contingencies until experience has been gained of the working of the new legislative bodies. The creation of Councils with executive functions in provinces in which they do not exist would be a large departure from the present system of administration, and is a change that could only be recommended after the fullest consideration, and after consultation with the heads of the provinces concerned.

77. We have appended schedules to this despatch to illustrate our proposals. The first of them gives in parallel columns the numbers and constitution of the existing Legislative Councils and of those now proposed. The second shows the heads of the Financial Statement in respect of which we propose that resolutions may be moved, and also those heads which we think should not form the subject of resolutions, though they would be open to discussion in the general debate with

which the budget procedure would terminate. The third states the substance of the amendments of the Act of 1892 which are necessitated by our proposals.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

MINTO.

KITCHENER.

H. E. RICHARDS.

C. H. SCOTT.

H. ADAMSON.

J. O. MILLER.

W. L. HARVEY.

J. S. MESTON.

EXISTING.

EASTERN BENGAL AND ASSAM.

| | |
|---|-----------|
| —Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community | 9 |
| ▲Elected members | 6 |
| (a) by Municipalities and District Boards | 3 |
| (b) by Associations of landholders ... | 1 |
| (c) by Associations of merchants ... | 1 |
| (d) by Commissioners of Port of Chittagong | 1 |
| Total ... | 15 |
| or, including the Lieutenant-Governor ... | 16 |

PUNJAB.

| | |
|---|-----------|
| —Nominated members:— | |
| Officials | 4 |
| Non-officials | 5 |
| Total ... | 9 |
| or, including the Lieutenant-Governor ... | 10 |

BURMA.

| | |
|---|-----------|
| —Nominated members:— | |
| Officials | 5 |
| Non-officials | 4 |
| Total ... | 9 |
| or, including the Lieutenant-Governor ... | 10 |

PROPOSED.

EASTERN BENGAL AND ASSAM.

| | |
|--|-----------|
| A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts ... | 21 |
| B.—Elected members— | 15 |
| *(a) by Municipalities and District and Local Boards | 8 |
| (b) by landholders | 2 |
| (c) by Muhammadans | 2 |
| (d) by tea interest | 1 |
| (e) by jute interest... .. | 1 |
| (f) by Commissioners of Port of Chittagong | 1 |
| Total ... | 36 |
| or, including the Lieutenant-Governor ... | 37 |

* Voting together by divisions, viz., Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra valley 1, Surma valley 1.

PUNJAB.

| | |
|---|-----------|
| A.—Nominated members; not more than 12 to be officials, the non-officials to represent Muhammadans, Hindus, Sikhs and other interests ... | 19 |
| B.—Elected members— | 5 |
| (a) by the commercial community ... | 1 |
| (b) by the Punjab University ... | 1 |
| (c) by the larger cities ... | 3 |
| Total ... | 24 |
| or, including the Lieutenant-Governor ... | 25 |

BURMA.

| | |
|---|-----------|
| A.—Nominated officials | 8 |
| B.—Nominated non-officials | 7 |
| (a) to represent Burmese population ... | 4 |
| (b) to represent Indian and Chinese commercial communities | 2 |
| (c) to represent other interests ... | 1 |
| C.—Elected by Burma Chamber of Commerce ... | 1 |
| Total ... | 16 |
| or, including the Lieutenant-Governor ... | 17 |

| EXISTING. | | |
|--|-----|----|
| BOMBAY. | | |
| <i>Ex-officio.</i> | | |
| Members of the Executive Council | ... | 2 |
| Advocate-General | ... | 1 |
| <i>Additional.</i> | | |
| A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes of the community | ... | 12 |
| B.—Elected members— | ... | 8 |
| (a) by Corporation of Bombay | ... | 1 |
| (b) by Municipalities* | ... | 1 |
| (c) by District Boards* | ... | 2 |
| (d) by Bombay University | ... | 1 |
| (e) by Sardars of the Deccan and Zamindars of Sind | ... | 2 |
| (f) by Bombay Chamber of Commerce, or other commercial bodies | ... | 1 |
| Total | ... | 23 |
| or, including the Governor | ... | 24 |

* Voting by electoral representatives on a population scale.

| BENGAL. | | |
|---|-----|----|
| A.—Nominated members; not more than 10 to be officials; the non-officials to represent different classes of the community | ... | 13 |
| B.—Elected members | ... | 7 |
| (a) by Corporation of Calcutta | ... | 1 |
| (b) by Municipalities (by rotation) | ... | 1 |
| (c) by District Boards (by rotation) | ... | 2 |
| (d) by the University | ... | 1 |
| (e) by Landholders' Associations | ... | 1 |
| (f) by Chamber of Commerce or other commercial bodies | ... | 1 |
| Total | ... | 20 |
| or, including the Lieutenant-Governor | ... | 21 |

| UNITED PROVINCES. | | |
|--|-----|----|
| A.—Nominated members; not more than 7 to be officials; non-officials to represent different classes of the community | ... | 9 |
| B.—Elected members— | ... | 6 |
| (a) by groups of Municipalities | ... | 2 |
| (b) by groups of District Boards | ... | 2 |
| (c) by University of Allahabad | ... | 1 |
| (d) by Upper India Chamber of Commerce or other commercial bodies... | ... | 1 |
| Total | ... | 15 |
| or, including the Lieutenant-Governor | ... | 16 |

| PROPOSED. | | |
|--|-----|-----|
| BOMBAY. | | |
| <i>Ex-officio.</i> | | |
| Members of Executive Council | ... | ... |
| Advocate-General | ... | ... |
| <i>Additional.</i> | | |
| A.—Nominated members; not more than 20 to be officials; the non-officials to be representatives of special interests or minorities, or experts | ... | ... |
| B.—Elected members— | ... | ... |
| (a) by Corporation of Bombay | ... | 1 |
| (b) by Municipalities | ... | 4 |
| (c) by District Boards | ... | 4 |
| (d) by the University | ... | 1 |
| (e) by landholders | ... | 3 |
| (f) by Muhammadans | ... | 3 |
| (g) by Bombay Chamber of Commerce | ... | 1 |
| (h) by Karachi Chamber of Commerce | ... | 1 |
| (i) by Millowners' Associations of Bombay and Ahmedabad alternately | ... | 1 |
| (j) by Indian commercial community | ... | 1 |
| Total | ... | ... |
| or, including the Governor | ... | ... |

| BENGAL. | | |
|--|-----|-----|
| A.—Nominated members; not more than 23 to be officials; the non-officials to be representatives of special interests or minorities, or experts | ... | ... |
| B.—Elected members— | ... | ... |
| (a) by Corporation of Calcutta | ... | 1 |
| (b) by Municipalities | ... | 4 |
| (c) by District Boards | ... | 4 |
| (d) by the University | ... | 1 |
| (e) by landholders | ... | 4 |
| (f) by the planting community | ... | 1 |
| (g) by Muhammadans | ... | 2 |
| (h) by the Chamber of Commerce | ... | 1 |
| (i) by the Calcutta Trades Association | ... | 1 |
| (j) by the Indian commercial community | ... | 1 |
| Total | ... | ... |
| or, including the Lieutenant-Governor | ... | ... |

| UNITED PROVINCES. | | |
|--|-----|-----|
| A.—Nominated members; not more than 23 to be officials, the non-officials to be representatives of special interests or minorities, or experts | ... | ... |
| B.—Elected members— | ... | ... |
| (a) by large Municipalities | ... | 2 |
| (b) by District Boards and smaller Municipalities | ... | 8 |
| (c) by Allahabad University | ... | 1 |
| (d) by landholders | ... | 2 |
| (e) by Muhammadans | ... | 4 |
| (f) by Upper India Chamber of Commerce | ... | 1 |
| (g) by the Indian commercial community | ... | 1 |
| Total | ... | ... |
| or, including the Lieutenant-Governor | ... | ... |

EXISTING.

EASTERN BENGAL AND ASSAM.

| | |
|--|----|
| A.—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community ... | 9 |
| B.—Elected members ... | 6 |
| (a) by Municipalities and District Boards ... | 3 |
| (b) by Associations of landholders ... | 1 |
| (c) by Associations of merchants ... | 1 |
| (d) by Commissioners of Port of Chittagong ... | 1 |
| Total ... | 15 |
| or, including the Lieutenant-Governor ... | 16 |

PUNJAB.

| | |
|---|----|
| A.—Nominated members:— | |
| Officials ... | 4 |
| Non-officials ... | 5 |
| Total ... | 9 |
| or, including the Lieutenant-Governor ... | 10 |

BURMA.

| | |
|---|----|
| A.—Nominated members:— | |
| Officials ... | 5 |
| Non-officials ... | 4 |
| Total ... | 9 |
| or, including the Lieutenant-Governor ... | 10 |

PROPOSED.

EASTERN BENGAL AND ASSAM.

| | |
|--|----|
| A.—Nominated members; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts ... | 21 |
| B.—Elected members— ... | 15 |
| *(a) by Municipalities and District and Local Boards ... | 8 |
| (b) by landholders ... | 2 |
| (c) by Muhammadans ... | 2 |
| (d) by tea interest ... | 1 |
| (e) by jute interest... .. | 1 |
| (f) by Commissioners of Port of Chittagong ... | 1 |
| Total ... | 36 |
| or, including the Lieutenant-Governor ... | 37 |

* Voting together by divisions, viz., Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra valley 1, Surma valley 1.

PUNJAB.

| | |
|---|----|
| A.—Nominated members; not more than 12 to be officials, the non-officials to represent Muhammadans, Hindus, Sikhs and other interests ... | 19 |
| B.—Elected members— ... | 5 |
| (a) by the commercial community ... | 1 |
| (b) by the Punjab University ... | 1 |
| (c) by the larger cities ... | 3 |
| Total ... | 24 |
| or, including the Lieutenant-Governor ... | 25 |

BURMA.

| | |
|--|----|
| A.—Nominated officials ... | 8 |
| B.—Nominated non-officials ... | 7 |
| (a) to represent Burmese population ... | 4 |
| (b) to represent Indian and Chinese commercial communities ... | 2 |
| (c) to represent other interests ... | 1 |
| C.—Elected by Burma Chamber of Commerce ... | 1 |
| Total ... | 16 |
| or, including the Lieutenant-Governor ... | 17 |

SCHEDULE II.

A.—The Imperial Budget.

| REVENUE. | | EXPENDITURE. | |
|---|-------------------------------------|---|--|
| Heads for debate. | Heads excluded from debate. | Heads for debate. | Heads excluded from debate. |
| I. Land Revenue. | IV. Stamps. | 1. Refunds and Drawbacks. | 2. Assignments and Com- pensations. |
| II. Opium. | VII. Customs. | 3. Land Revenue. | 13. Interest on Debt. |
| III. Salt. | VIII. Assessed Taxes. | 4. Opium. | 23. Ecclesiastical. |
| V. Excise. | XI. Tributes from Native States. | 5. Salt. | 25. Political. |
| VI. Provincial Rates. | XVI-A. Courts of Law.* | 6. Stamps. | 27. Territorial and Political Pensions. |
| IX. Forest. | XXXII. Army. | 7. Excise. | 38. State Railways‡. |
| X. Registration. | XXXIII. Marine. | 8. Provincial Rates. | 42. Major Works: Interest on Debt. |
| XII. Interest. | XXXIV. Military Works. | 9. Customs. | 46. Army. |
| XIII. Post Office. | All purely Provincial revenue. | 10. Assessed Taxes. | 46-A. Marine. |
| XIV. Telegraph. | | 11. Forest. | 47. Military Works. |
| XV. Mint. | | 12. Registration. | 47-A. Special Defences. |
| XVI-B. Jails | | 14. Interest on other Obligations. | All Statutory charges. |
| XVII. Police. | | 15. Post Office. | All purely Provincial ex- penditure. |
| XIX. Education. | | 16. Telegraph. | |
| XX. Medical. | | 17. Mint. | |
| XXI. Scientific and other Minor Departments. | | 18. General Administration.† | |
| XXII. Receipts in aid of Super- annuation. | | 19-A. Courts of Law.† | |
| XXIII. Stationery and Printing. | | 19-B. Jails. | |
| XXIV. Exchange. | | 20. Police. | |
| XXV. Miscellaneous. | | 22. Education. | |
| XXVI. State Railways. | | 24. Medical. | |
| XXVII. Guaranteed Companies. | | 26. Scientific and other Minor Departments. | |
| XXVIII. Subsidized Companies. | | 28. Civil furlough and Absentee Allowances. | |
| XXIX. Irrigation Major Works. | | 29. Surperannuation Allowances and Pen- sions. | |
| XXX. Minor Works and Navi- gation. | | 30. Stationery and Printing. | |
| XXXI. Civil Works. | | 32. Miscellaneous. | |
| | | 33. Famine Relief. | |
| | | 34. Construction of Protective Railways. | |
| | | 35. Construction of Protective Irrigation Works. | |
| | | 36. Reduction or Avoidance of Debt. | |
| | | 39. Guaranteed Companies. | |
| | | 40. Subsidized Companies. | |
| | | 41. Miscellaneous Railway Expenditure. | |
| | | 42. Irrigation Major Works—Working Expenses. | |
| | | 43. Minor Works and Navigation. | |
| | | 45. Civil Works. | |
| | | 48. State Railways Capital Expenditure not charged to revenue. | |
| | | 49. Irrigation Works: do. do. | |

* Mainly Court-fees and fines.

† These heads include certain statutory charges, which will be excluded from debate.

‡ This head deals purely with interest, sinking funds and annuities.

B.—The Provincial Budgets.

| REVENUE. | | EXPENDITURE. | |
|--|------------------------------------|---|--|
| Heads for debate. | Heads excluded from debate. | Heads for debate. | Heads excluded from debate. |
| I. Land Revenue. | IV. Stamps. | 1. Refunds and Drawbacks. | 2. Assignments and Com- pensions. |
| V. Excise. | VI. Provincial Rates. | 3. Land Revenue. | 13. Interest on debt. |
| IX. Forest. | VIII. Assessed Taxes. | 6. Stamps. | 25. Political. |
| X. Registration. | XVI-A. Courts of Law.* | 7. Excise. | 42. Major works: Interest on debt. |
| XII. Interest. | XXVI. State Railways. | 8. Provincial Rates. | All Statutory Charges. |
| XVI-B. Jails | All purely Imperial reve- nue.† | 10. Assessed Taxes. | All purely Imperial expen- diture.§ |
| XVII. Police. | | 11. Forest. | |
| XVIII. Ports and Pilotage. | | 12. Registration. | |
| XIX. Education | | 18. General Administration.‡ | |
| XX. Medical. | | 19-A. Courts of Law.‡ | |
| XXI. Scientific and other Mi- nor Departments. | | 19-B. Jails. | |
| XXII. Receipts in aid of Super- annuation, etc. | | 20. Police. | |
| XXIII. Stationery and Printing. | | 21. Ports and Pilotage. | |
| XXV. Miscellaneous. | | 22. Education. | |
| XXIX. Irrigation Major Works. | | 24. Medical. | |
| XXX. Minor Works and Navi- gation. | | 26. Scientific and other Minor Departments | |
| XXXI. Civil Works. | | 29. Superannuation Allowances and Pen- sions. | |
| | | 30. Stationery and Printing. | |
| | | 32. Miscellaneous. | |
| | | 33. Famine Relief. | |
| | | 36. Reduction or Avoidance of Debt. | |
| | | 40. Subsidized Companies. | |
| | | 41. Miscellaneous Railway expenditure. | |
| | | 42. Irrigation Major Works—Working Expenses. | |
| | | 43. Minor Works and Navigation. | |
| | | 44. Construction of Railways charged to Provincial revenues. | |
| | | 45. Civil Works. | |

* Mainly Court-fees and fines.

† Purely Imperial heads of account are omitted from this list—e.g., II, III, XI, XIII, XIV, etc.

‡ These heads include certain statutory charges, which will be excluded from debate.

§ Purely Imperial heads of account are omitted from this list—e.g., 4, 5, 9, 15, etc.

SCHEDULE III.

Amendments required in the Indian Councils Act, 1892.

1. In section 1, sub-section (1), the substitution for the words "ten" and "sixteen" of the words "forty" and "fifty-four," and for the words "eight" and "twenty" of the words "twenty" and "forty-three."

2. In the same section the substitution of the following for sub-section (2) :

"(2) It shall be lawful for the Governor General in Council, by proclamation, from time to time to increase the number of the Councillors whom the Lieutenant-Governors of the Provinces named below may nominate for their assistance in making laws and regulations :

Provided always that not more than the numbers specified below shall be nominated in the case of each Province :

| | | |
|---|-----|--------------|
| (i) for the Bengal Division of the Presidency of Fort William | ... | forty-six. |
| (ii) for the United Provinces of Agra and Oudh | ... | forty-six. |
| (iii) for Eastern Bengal and Assam | ... | thirty-six. |
| (iv) for the Punjab | ... | twenty-four. |
| (v) for Burma | ... | sixteen." |

3. In section 2, paragraphs one and two, the insertion after the words "the discussion," in each place in which they occur, of the words "of any matter of general public interest and".

4. In the same section the substitution for paragraph three of the following paragraph :

"Any such rules as aforesaid may provide also for the appointment of any member of any such Council to preside at any such discussion in the place of the Governor General, Governor or Lieutenant-Governor, as the case may be."

No. 2.

DESPATCH from the Secretary of State for India to the Governor General in Council, No. 193 (Public), dated the 27th November 1908.

1. I have to acknowledge the important Despatch of the 1st October 1908, in which I find submitted for approval and decision a group of constitutional reforms, framed by Your Excellency in Council in pursuance of a policy initiated more than two years ago. Your proposals, in their present shape, are the outcome of a tentative project placed in August last year in the hands of Local Governments in India, with instructions to consult important bodies and individuals representative of various classes of the community, before putting their own conclusions before the Government of India. Those instructions, as you are very evidently justified in assuring me, were carried out with great care and thoroughness. After examining, moreover, the enormous mass of material gathered together in a prolonged operation, I gladly recognise the admirable industry, patience, thought, and candour, with which that material has been sifted by your Government, and worked out into practical proposals, liberal in their spirit and comprehensive in their scope. I have taken all the pains demanded by their importance to secure special consideration of them in Council. It is a sincere satisfaction to me to find myself able to accept the substantial part of Your Excellency's scheme, with such modifications as would naturally occur to different minds, in handling problems of remarkable difficulty in themselves, and reasonably open to wide variety of solution.

2. The original proposal of an Imperial Advisory Council was based on the interesting and attractive idea of associating Ruling Chiefs and Territorial Magnates of British India, in guardianship of common and Imperial interests, and as a means of promoting more intimate relations among component parts of the Indian Empire. The general opinion of those whose assent and co-operation would be indispensable has proved adverse, and Your Excellency in Council now considers that the project should for the present not be proceeded with.

3. You still favour an Imperial Council composed only of Ruling Chiefs. Lord Lytton made an experiment in this direction, but it remained without successful result. Lord Curzon afterwards proposed to create a Council composed exclusively of Princes contributing Imperial Service troops, and deliberating on that subject exclusively. Opinion pronounced this also likely to be unfruitful and ineffectual in practice. Your Excellency's project is narrower than the first of these two expedients, and wider than the second. I confess that, while entirely appreciating and sympathising with your object, I judge the practical difficulties in the way of such a Council assembling under satisfactory conditions, to be considerable,—expense, precedence, housing, for instance, even if there were no others. Yet if not definitely constituted with a view to assembly, it could possess little or no reality. It would obviously be a mistake to push the project, unless it commands the clear assent and approval of those whose presence in the Council would be essential to its success, and the opinions expressed in the replies with which you have furnished me, lead me to doubt whether that condition can be secured. But in case your Excellency still favours this proposal, which is in itself attractive, I do not wish to express dissent at this stage, and if after consultation with the leading Chiefs you are able to devise a scheme that is at once acceptable to them and workable in practice, I am not inclined to place any obstacle in the way of a full and fair trial. And in any event the doubt I have expressed must not be taken as discouraging consultation with individual Chiefs, according to existing practice; for nobody with any part to play in Indian government, can doubt the manifold advantages of still further developing not only amicable, but confidential relations of this kind, with the loyal rulers in Indian States, possessed as they are of such peculiar authority and experience.

4. Next, I agree with Your Excellency in the judgment that the question of a Council of Notables for British India only should not be entertained. I am inclined furthermore, for my own part, to doubt whether the creation of Provincial Advisory Councils is likely to prove an experiment of any marked actual value. The origin of the demand for bodies of that character, whatever the strength of such a demand amounts to, is undoubtedly the desire for greater facilities in discussion of public measures. Your Excellency indicates what strikes me as pointing in a more hopeful direction, in the proposition that this claim for increased facilities of discussion should be met "rather by extending the powers of the existing Legislative Councils than by "setting up large rival Councils which must to some extent conflict with them." Large or small, such rivalry would be almost certain to spring up, and, from the first, the new species of Council would be suspected as designed to be a check upon the old. As in the case of Ruling Chiefs, or of Notables in British India, so here too informal consultation with the leading men of a locality would have most, or all, of the advantages of an Advisory Council, without the many obvious disadvantages of duplicating political machinery.

5. From these proposals I pass to what is, and what you declare to be, the pith and substance of the despatch under reply. "The enlargement of the Legislative Councils," you say, "and the extension of their functions to the discussion of "administrative questions, are the widest, most deep-reaching, and most substantial "features of the scheme which we now put forward." This perfectly correct description evokes and justifies the close scrutiny to which these features have been subjected in my Council, and I am glad to believe that the result reveals few elements of material difference.

6. Your Government have now felt bound to deal first with the Imperial Legislative Council, and from that to work downwards to the Councils in provinces. I gather, however, from your despatch of the 21st March 1907, that you would at that time have preferred, as Lord Lansdowne had done in 1892, to build up the higher fabric on the foundation of the provincial Councils. In your circular letter of the 24th August 1907 you observed that "the most logical and convenient mode of "dealing with the question would have been first to discuss and settle the com- "position, the electorates, and the powers of the provincial Legislative Councils, and "then to build up, on the basis of these materials, a revised constitution for the "Imperial Council." In the absence of proposals from Local Governments and Administrations, you were precluded from adopting this course; and, therefore, you set tentatively before them the lines on which, first, the Legislative Council of the Governor-General, and thereafter those of Governors and Lieutenant-Governors, might be constituted.

7. In your present letter you have followed the same order. But with the full materials before me, such as are now supplied by local opinions, it appears to be both more convenient and, as you said, more logical, to begin with the Provincial Councils, and afterwards to consider the constitution of the Legislative Council of the Governor-General.

8. The first question that arises touches the principle of representation. This is fully discussed in paragraphs 18 to 20, 26 to 31, and 34 of your letter. Citing previous discussions of the subject, and referring to the precedent of the measures taken to give effect to the Statute of 1892, you adhere to the opinion that in the circumstances of India "representation by classes and interests is the only practicable "method of embodying the elective principle in the constitution of the Indian Legis- "lative Councils" (paragraph 18). You justly observe that "the principle to be "borne in mind is that election by the wishes of the people is the ultimate object to "be secured, whatever may be the actual machinery adopted for giving effect to it" (paragraph 29). You consider that for certain limited interests (the Corporations of Presidency towns, Universities, Chambers of Commerce, Planting Communities, and the like) limited electorates must exist as at present; and you foresee no serious obstacle in carrying out arrangements for that purpose. Difficulties come into view, when you go beyond these limited electorates, and have to deal with large and widespread interests or communities, such as the land-holding and professional classes; or with important minorities, such as Muhammadans in most provinces in India, and Sikhs in the Punjab. You dwell upon the great variety of conditions in the various

provinces of the Indian Empire, and the impossibility of applying any uniform system throughout ; and your conclusion generally appears to be that class electorates should be framed where this is practicable and likely to lead to good results, and in their failure or defect it will be necessary to have recourse to nomination.

9. With the general principles advanced by Your Excellency in this chapter of our discussion, I am in entire accord. I agree that, to some extent, class representation must be maintained in the limited electorates to which you refer ; and here, as you point out, no serious obstacle is to be anticipated. I agree, also, that the Legislative Councils should reflect the leading elements of the population at large, and that no system of representation would be satisfactory, if it did not provide for the presence in the Councils of sufficient representatives of communities so important as are the Muhammadans and the landed classes. But in examining your plans for obtaining their representation, I am struck with the difficulty of securing satisfactory electoral bodies under them, and, with the extent to which, as you expect, nomination will be demanded to supply the deficiencies of election. The same awkwardness and perplexity appear in obtaining satisfactory representation of the Indian commercial classes, where, as is found generally throughout India with very few exceptions, they have not established Associations or Chambers to represent their interests.

10. The case of landholders is discussed in paragraphs 27 to 29 of your letter, with immediate reference to the Imperial Legislative Council, and the situation is just the same—if separate representation is to be secured—for local Councils. You “find it impossible to make any definite proposal which would admit of general application” (para. 27) ; you see difficulties in devising a constituency that should consist only of landholders deriving a certain income from land (para. 28) ; and you point out with much force the objections to election by voluntary associations. In these observations I agree, and especially in your remark that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until some regular electorate can be formed.

11. The same difficulties, as you observe in paragraph 30, encounter the proposal to have a special electorate for Muhammadans. In some provinces, as in Bombay, the Muhammadans are so scattered, that common organisation for electoral purposes is thought impracticable. In other provinces it is proposed to found a scheme partly on a property qualification and partly on literary attainments. In others, again, it is suggested that recourse might be had to voluntary associations. One difficulty in regard to Muhammadans is not mentioned in your letter ; for the provision in any province of a special electorate giving them a definite proportion of the seats on the Councils might involve the refusal to them in that province of a right to vote in the territorial electorates of which rural and municipal Boards will afford the basis. If that were not done, they would evidently have a double vote, and this would probably be resented by other classes of the population.

12. Without rejecting the various expedients suggested by Your Excellency for adoption, in order to secure the adequate representation of these important classes on the Councils, I suggest for your consideration that the object in view might be better secured, at any rate in the more advanced provinces in India, by a modification of the system of a popular electorate, founded upon the principle of electoral colleges. The use of this method is not in itself novel ; it already exists in the groups of District Boards and of municipalities which, in several provinces, return members to the Provincial Councils. The election is not committed to the Boards or Municipalities directly ; these bodies choose electors, who then proceed to elect the representative of the group. I will briefly describe the scheme that at present commends itself to me, and in order to make the method of working clear, I will assume hypothetical figures for a given province. Let it be supposed that the total population of the Province is 20 millions, of whom 15 millions are Hindus and 5 millions Muhammadans, and the number of members to be elected 12. Then, since the Hindus are to Muhammadans as three to one, nine Hindus should be elected to three Muhammadans. In order to obtain these members, divide the Province into three electoral areas, in each of which three Hindus and one Muhammadan are to be returned. Then, in each of these areas, constitute an electoral college, consisting of, let us say, a hundred members. In order to preserve the proportion between the two religions, 75 of these should be Hindus and 25 Muhammadans. This electoral college

should be obtained by calling upon the various electorates, which might be (a) substantial landowners paying not less than a fixed amount of land revenue; (b) the members of rural or sub-divisional Boards; (c) the members of District Boards; and (d) the members of municipal corporations, to return to it such candidates as they desired, a definite number being allotted to each electorate. Out of those offering themselves and obtaining votes, the 75 Hindus who obtained the majority of votes should be declared members of the College, and the 25 Musalmans who obtained the majority should similarly be declared elected. If the Musalmans returned did not provide 25 members for the Electoral College, the deficiency would be made good by nomination. Having thus obtained an Electoral College containing 75 Hindus and 25 Musalmans, that body would be called upon to elect three representatives for the Hindus and one for the Muhammadans; each member of the College would have only one vote, and could vote for only one candidate. In this way it is evident that it would be in the power of each section of the population to return a member in the proportion corresponding to its own proportion to the total population.

In the same way the desired proportion could be obtained of representatives of any particular interest, as, for instance, of landowners. All that is necessary would be to constitute the electoral college in such a way that the number of electors representing the land-owning interest should bear to the total number the same proportion as the members of Council representing that interest to be elected bear to the total number to be elected.

13. In this manner minorities would be protected against exclusion by majorities, and all large and important sections of the population would have the opportunity of returning members in proportion to their ratio to the total population. Their choice could in that event be exercised in the best possible way, that, namely, of popular election, instead of requiring Government to supply deficiencies by the dubious method of nomination.

14. I do not wish definitely to prescribe such a scheme for adoption whether locally or universally, but I commend it to your consideration. It appears to offer an expedient by which the objections against a system of nomination may be avoided, and it would work through a choice freely exercised by the electorate at large, instead of by artificial electorates specially constituted for the purpose. No doubt, it removes the primary voter by more than one stage from the ultimate choice; and it does not profess to be simple. I can only say that it is quite as simple as any scheme for representation of minorities can ever be. The system of a single vote, which is an essential part of it, is said to work satisfactorily in places where it is already in existence, and it is easy of apprehension by the electors. It would have several great advantages. It would bring the classes specially concerned within the popular electorate, and so meet the criticisms of the Hindus, to which you refer in paragraph 30; second, it establishes a principle that would be an answer to further claims for representation by special classes or associations; third, it would ensure the persons chosen being actually drawn from the locality that the electoral college represents; fourth, it would provide a healthy stimulus to interest in local self-government by linking up local bodies (Rural and Municipal Boards) more closely with the Provincial Legislative Councils. To this end it might be provided that the candidate for election to the Provincial Council must himself have taken part in local administration.

15. The due representation of the Indian mercantile community, on which you touch in paragraph 31 of your letter, might be included in the scheme, if the commercial classes fail to organise themselves, as you suggest that they may arrange to do, in associations similar to the European Chamber of Commerce.

16. To meet possible objections founded on the difficulty of bringing together electoral colleges to vote in one place, I may add that this is not contemplated in the scheme. You refer, at the close of paragraph 28, to the success of the Calcutta University in organising the election of Fellows by a large number of graduates scattered all over India. The votes of the electors in each college could, I imagine, be collected in the same manner without requiring them to assemble at a common centre.

17. From the electoral structure, I now turn to the official element in the constitution of Provincial Legislative Councils, dealt with in paragraphs 33 to 56 of

your letter. I first observe that in all of them you provide for a bare official majority, but you contemplate that in ordinary circumstances only the number of official members necessary for the transaction of business shall be summoned to attend. The first question, therefore, is the necessity of maintaining in these Councils the majority of officials.

18. We have before us, to begin with, the leading fact that in the important Province of Bombay there is in the Council, as at present composed, no official majority, and that the Bombay Government, even in the smaller of its alternative schemes presented to Your Excellency in Council, is willing to dispense with such a majority. Considering the character of the legislation ordinarily coming before a Provincial Council, is it not possible, with due representation given to the various classes and interests in the community, to do without a majority of officials? After careful consideration, I have come to the conclusion that in Provincial Councils such a majority may be dispensed with, provided that a substantial official majority is permanently maintained in the Imperial Legislative Council.

19. I do not conceal from myself the risks in such an arrangement. The non-official majority may press legislation of a character disapproved by the executive Government. This should be met by the exercise of the power to withhold assent, possessed by the head of the Government. Then, although the Local Legislature is vested with power to make laws for the peace and good government of the territories constituting the province, still the range of subjects is considerably narrowed by the statutory exclusions now in force. Thus, for example, the Local Legislature may not, without the previous sanction of the Governor-General, make or take into consideration any law—

affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force, and imposed by the authority of the Governor-General in Council for the general purposes of the government of India; or regulating currency or postal or telegraph business; or altering in any way the Indian Penal Code; or affecting religion or religious rites or usages; or affecting the discipline or maintenance of naval or military forces; or dealing with patents or copyright, or the relations of the Government with foreign princes or States.

It is difficult to see how any measure of such urgency, that delay might work serious mischief, can come before a Provincial Council; for mere opposition to a useful and beneficial project would not come within this description. On the other hand, and perhaps more often, there may be opposition on the part of the non-official members to legislation that the Government desires. With a Council, however, representing divergent interests, and realising together with its increased powers, its greater responsibility, a combination of all the non-official members to resist a measure proposed by the Government would be unlikely, and some non-officials at least would probably cast their votes on the side of the Government. If, however, a combination of all the non-official members against the Government were to occur, that might be a very good reason for thinking that the proposed measure was really open to objection, and should not be proceeded with.

20. Your Excellency will recall, since you came into the authority of Governor-General, an Act proposed by a Local Government which a representative Legislative Council would almost certainly have rejected. Your Excellency's action in withholding assent from the Act shows that, in your judgment, it would have been an advantage if the Local Government had been induced by a hostile vote to reconsider their Bill. If, in spite of such hostile vote the comparatively rare case should arise where immediate legislation were still thought absolutely necessary, then the Constitution as it at present stands provides an adequate remedy. The Governor-General in Council to-day possesses a concurrent power to legislate for any province, and though I strongly favour a policy that would leave to each Local Legislature the duty of providing for its own requirements, still I recognize in this power an ample safeguard, should under exceptional circumstances a real demand for its exercise arise.

21. This decision will make it necessary to modify to some extent the constitution of the several Provincial Councils proposed by you, and will enable you to secure a

wider representation. Subject to consideration of these details (which will not involve the postponement of the proposed parliamentary legislation for the amendment of the Indian Councils Act, 1892, and for other purposes), I am ready to accept generally the proposals for numbers and the constitution of the Councils set forth in your letter.

22. Your proposals in relation to the Imperial Legislative Council are necessarily entitled to the greatest weight. I am glad to find myself able to accept them practically in their entirety. While I desire to liberalize as far as possible the Provincial Councils, I recognise that it is an essential condition of this policy that the Imperial supremacy shall be in no degree compromised. I must therefore regard it as essential that Your Excellency's Council in its legislative, as well as its executive, character should continue to be so constituted, as to ensure its constant and uninterrupted power to fulfil the constitutional obligations that it owes, and must always owe, to His Majesty's Government and to the Imperial Parliament. I see formidable drawbacks, that have certainly not escaped Your Excellency, to the expedient which you propose, and I cannot regard with favour the power of calling into play an official majority, while seeming to dispense with it. I am unable to persuade myself that to import a number of gentlemen, to vote down something upon which they may or may not have heard the arguments, will prove satisfactory. To secure the required relations I am convinced that a permanent official majority in the Imperial Legislative Council is absolutely necessary, and this must outweigh the grave disadvantages that induce us to dispense with it in the Provincial Legislatures. It need not be in any sense an overwhelming majority, and this Your Excellency does not seek; but it must be substantial, as it is certainly desirable that the Governor-General should be removed from the conflict of the division list, and that the fate of any measure or resolution should not rest on his vote alone.

23. I have already dealt in the earlier paragraphs of this Despatch with the elective principle, and it will be for Your Excellency to consider how far the popular electorate can be utilized for the return to your Legislative Council of landholders and Muhammadans. Some modification of the scheme suggested for the Provinces will, no doubt, be necessary, and the electoral colleges would probably have to be on the basis of Province and not of Division, and the case of the Central Provinces would probably (in view of the disappearance of Advisory Councils) have to be met by nomination until a Local Legislature is provided.

24. I accept your proposals for securing the representation of Commerce both European and Indian.

25. I also agree to your proposals as to nomination, but it will be a matter for your consideration whether, to meet the requirement of a substantial official majority, the number of nominated officials should not be raised.

26. Your plan for securing occasional representation for the interest of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, meets with my entire approval, and I am in complete sympathy with your intention sometimes to appoint one or two experts in connection with legislation pending before Council.

27. I turn to the proposals contained in paragraphs 57-59 of your despatch, affording further facilities for debate. This subject, as Your Excellency remarks, was not dealt with in the earlier correspondence out of which your present proposals arise; but I am entirely in accord with Your Excellency's Government in regarding it as of cardinal importance.

28. The existing law, which confines discussion, except on the occasion of the annual financial statement, to legislative proposals actually before the Council, imposes a restriction, that I am convinced is no longer either desirable or necessary. The plan of Your Excellency's Government contemplates a wide relaxation of this restriction, and, in sanctioning it generally, I am confident that these increased facilities judiciously used will be pronounced of the greatest advantage, not only by Councils and those whom they represent, but also by Government, who will gain additional opportunities both of becoming acquainted with the drift of public opinion, and of explaining their own actions.

29. Taking the proposals in detail, I agree that resolutions to be moved should take the form of recommendations to Government, having only such force and effect as Government after consideration shall deem due to them. The introduction and discussion of resolutions should not extend to subjects removed from the cognisance of the Legislative Councils by Statute, and must obviously be subject to rules and restrictions. These, as Your Excellency observes, may best be laid down in the first place when the rules of business are drawn up, and developed thereafter as experience may show to be desirable. Meanwhile, I agree generally with the conditions suggested in paragraph 59 of your Despatch. I must, however, remark upon the first of the suggested conditions, that isolated incidents of administration, or personal questions, may be, and often are, at the same time matters of public and general importance. It would in my opinion be sufficient to lay down that resolutions must relate to matters of public and general importance, inasmuch as the President of the Council will have the power of deciding finally whether any proposed resolution does or does not satisfy this condition.

30. In respect of rules on the asking of questions, I have come to the conclusion that, subject to such restrictions as may be found requisite in practice, and to the existing general powers of the President, the asking of supplementary questions should be allowed. Without these, a system of formal questions met by formal replies must inevitably tend to become unreal and ineffective, and, in an assembly in which, under proper safeguards, free discussion and debate is permitted and encouraged, there can be no sufficient reason for prohibiting that method of eliciting information and expressing indirectly the opinions and wishes of the questioners.

31. Special importance attaches to rules as to the discussion of the Imperial Budget, and I recognise with much satisfaction the liberality of the proposals that you have placed before me. The changes under this head constitute a notable step, in the direction of giving to the representatives of Indian opinion a part in the most important administrative operation of the political year. I approve the dates suggested for the promulgation of the financial statement, and for the beginning and ending of its discussion in Committee; and I anticipate valuable results from the knowledge which your Government will acquire, in these debates, of the views of those whom the proposed measures will chiefly and directly affect; and which it will be able to utilise in shaping its final financial proposals for the year. Generally, also, I approve the rules sketched in paragraph 64, for the regulation of discussions in Committee, and of the moving of resolutions; and I concur in your opinion that the form of procedure should be such as to show clearly that the power of executive action resides exclusively in Government, who, while inviting the free expression of opinion in the form of resolutions, do not thereby forego any part of the power and responsibility which has been, and must continue to be, in their hands.

32. Your proposals for the discussion of the Provincial Budgets seem entirely sound. As in the case of the Imperial Budget, so with respect to the Provincial finances, I observe with satisfaction that provision is made for full and free discussion, and for the consideration by Government of the results of such discussion before the final proposals for the year are framed; and I believe that, under the system suggested by you, the Local Governments will retain that ultimate control over the financial policy of their Provinces, without which not only the authority of the Government of India, but also that of the Secretary of State in Council and of Parliament, would inevitably disappear.

33. Your Excellency claims for your scheme as a whole, "that it will really and effectively associate the people of India in the work, not only of occasional legislation, but of actual everyday administration." The claim is abundantly justified; yet the scheme is not, and hardly pretends to be, a complete representation of the entire body of changes and improvements in the existing system, that are evidently present to the minds of some of those whom your Government has consulted, and that, to the best of my judgment, are now demanded by the situation described in the opening words of the Despatch. It is evidently desirable, Your Excellency will agree, to present our reformed constitutional system as a whole. From this point of view, it seems necessary to attempt without delay an effectual advance in the direction of local self-government. The principles that should inspire and regulate measures with this aim, can hardly be laid down in sounder or clearer terms than in the Resolution

published by the Government of India on the 18th May 1882. I do not know where to look for a better expression of the views that should govern our policy under this important head, and I will venture to quote some passages in this memorable deliverance. Explaining the proposal for local self-government of that date, the Government of India place themselves on ground which may well be our ground also. "It is not primarily," they say, "with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education." And again, "there appears to be great force in the argument that, so long as the chief executive officers are, as a matter of course, Chairmen of the Municipal and District Committees, there is little chance of these committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge." This anticipation has been to some extent warranted by experience. Funds have not existed for an efficient executive staff. The official element within the local bodies has been in many places predominant. Non-official members have not been induced, to such an extent as was hoped, to take real interest in local business, because their powers and their responsibilities were not real. If local self-government has so far been no marked success as a training ground, it is mainly for the reason that the constitution of the local bodies departed from what was affirmed in the Resolution to be "the true principle," that "the control should be exercised from without rather than from within, the Government should revise and check the acts of local bodies, but not dictate them." I make no doubt that the Government of India to-day will affirm, and actively shape their policy upon, the principle authoritatively set forth by their predecessors in 1882 :—

"It would be hopeless to expect any real development of self-government if the local bodies were subject to check and interference in matters of detail; and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor General in Council is anxious that the fullest possible liberty of action should be given to local bodies."

Your Excellency will recall that the Resolution from which I have quoted, treats the Sub-division, Taluqa, or the Tahsil, as the smallest administrative unit. It is a question whether it would not be wise policy to go further. The village in India (generally) has been the fundamental and indestructible unit of the social system, surviving the downfall of dynasty after dynasty. I desire Your Excellency in Council to consider the best way of carrying out a policy that would make the village a starting point of public life.

34. The encouragement of local self-government being an object of this high importance in the better organisation of our Indian system, it remains to be considered how far in each province it would be desirable to create a department for dealing exclusively with these local bodies, guiding and instructing them, and correcting abuses, in a form analogous to the operations of the Local Government Board in this country. That, however, is a detail, though a weighty one, in a question on which, as a whole, I confidently expect that Your Excellency will find much light in the forthcoming report of the Royal Commission on Decentralisation.

35. In the closing page of your letter, Your Excellency raises a question of a high order of importance. You recognise, as you inform me, that "the effect of our proposals will be to throw a greater burden on the heads of local governments, not only by reason of the actual increase of work caused by the long sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils." You then suggest the possibility that experience may show it to be desirable to strengthen the hands of the Lieutenant-Governors in the large provinces by the creation of Executive Councils, and of assisting the Governors of Madras and Bombay by enlarging the Executive Councils that now exist in these Presidencies.

36. I have to observe, with respect to Bombay and Madras, that the original scheme under the Act of 1833 provided for the appointment of three members to each of the Executive Councils in those Presidencies. It seems conformable to the policy of this

Despatch to take power to raise to four the number of members of each of these Executive Councils, of whom one at least should be an Indian. I would not, however, propose to make this a provision of a statute, but would leave it to practice and usage growing into confirmed rule.

37. As to the creation of Executive Councils in the larger provinces, I am much impressed by both of the considerations that weigh with Your Excellency in throwing out the suggestion, and more especially by the second of them. All will depend, for the wise and efficient despatch of public business, upon right relations between the supreme head of executive power in the province and the Legislative Council. The question is whether these relations will be the more likely to adjust themselves effectively, if the judgment of the Lieutenant-Governor is fortified and enlarged by two or more competent advisers, with an official and responsible share in his deliberations.

38. Your Excellency anticipates longer sittings of the Legislative Council, with increased activity of discussion, and the effectual representation of provincial opinion and feeling, as a guide to executive authority, is the central object of the policy of Your Excellency's despatch. The aim of that policy is two-fold; at once to enable Government the better to realise the wants, interests, and sentiment of the governed, and, on the other hand, to give the governed a better chance of understanding, as occasion arises, the case for the Government, against the misrepresentations of ignorance and malice. That double object, as Your Excellency fully appreciates, is the foundation of the whole system in India, and all over the world, of administration and legislation either through, or subject to, the criticism of deliberative bodies whether great or small.

39. The suggestion for the establishment of Executive Councils for Lieutenant-Governors, as Your Excellency is aware, is not new. A really new problem or new solution, is, in truth, surprisingly uncommon in the history of British rule in India, and of the political or administrative controversies connected with it. Indeed, without for an instant undervaluing the supreme necessity for caution and circumspection at every step and motion in Indian Government, it may be open to some question whether in some of these controversies before now, even an erroneous conclusion would not have been better than no conclusion at all. The issue we are now considering was much discussed in obedience to the orders of the Secretary of State in 1868, by men of the highest authority on Indian questions, and I do not conceive that after all the consideration given to the subject then and since, further consultations could be expected to bring any new arguments of weight and substance into view.

40. It has sometimes been argued that the creation of Executive Councils in the major provinces would necessarily carry with it, as in Bombay and Madras, the appointment in each case of a Governor from home. This would indeed be a "large departure from the present system of administration," almost amounting to the confusion and overthrow of that system, reposing as it does upon the presence at the head of the highest administrative posts, of officers trained and experienced in the complex requirements and diversified duties of Indian government. I take for granted, therefore, that the head of the Province will be, as now, a member of the Indian Civil Service appointed in such mode as the law prescribes.

41. I propose, therefore, to ask for power to create Executive Councils from time to time as may be found expedient. In this connection we cannot ignore the necessity of securing that a constitutional change, designed both to strengthen the authority and to lighten the labours of the head of the Province, shall not impair the prompt exercise of executive power. It will, therefore, be necessary to consider most carefully what degree of authority over the members of his Council in case of dissent, should be vested in the head of a Province in which an Executive Council may be called into being. It was recognised by Parliament more than a century ago that the Governors of Madras and Bombay should be vested with a discretionary power of over-ruling these Councils "in cases of high importance, and essentially affecting the public interest and welfare." A power no less than this will obviously be required in the provinces in which a Council may come to be associated with the head of the executive, and I shall be glad if you will favour me with your views upon its definition. Your Excellency will readily understand that the use of such a power, while not to be

evaded in the special cases for which it is designed, is not intended for part of the ordinary mechanism of Government. Rather, in the language of the historical despatch of 1834, it is my belief that, "in a punctual, constant, and even fastidious adherence to your ordinary rules of practice, you will find the best security, not only for the efficiency, but also for the dispatch of your legislative proceedings."

I have, &c.,
(Signed) MORLEY OF BLACKBURN.
